

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Matthew A. Willhite

Case No.: FEC 14-044

TO: Mark Herron, Esquire
Messer Caparello PA
P.O. Box 15579
Tallahassee, FL 32317

Jack Mancini
1372 Waterway Cove Drive
Wellington, FL 33414

NOTICE OF HEARING (CONSENT ORDER)

A hearing will be held in this case before the Florida Elections Commission on, **February 17, 2016 at 9:00 am, or as soon thereafter as the parties can be heard**, at the following location: **Florida State Conference Center, 555 West Pensacola Street, Room #108, Tallahassee, Florida 32306.**

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

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

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

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

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

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

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

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

See further instructions on the reverse side.

Amy McKeever Toman
Executive Director
Florida Elections Commission
February 2, 2016

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.

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,
Petitioner,**

v.

**Agency Case No.: FEC 14-044
F.O. No.: FOFEC <#>**

**Matthew A. Willhite,
Respondent.**

CONSENT ORDER

Respondent, Matthew A. Willhite, and the Florida Elections Commission (Commission) agree that this Consent Order resolves all of the issues between the parties in this case. The parties jointly stipulate to the following facts, conclusions of law, and order.

FINDINGS OF FACT

1. On April 17, 2015, the staff of the Commission issued a Staff Recommendation, recommending to the Commission that there was probable cause to believe that Respondent violated Chapter 106, Florida Statutes.
2. On November 17, 2015, the Commission entered an Order of Probable Cause finding that there was probable cause to charge the Respondent with the following violations:

Count 1:

On or about March 9, 2012, Matthew A. Willhite violated Section 106.07(5), Florida Statutes, when he certified that the campaign's February 18, 2012 – March 8, 2012 campaign treasurer's report was true, correct, and complete when it was not.

Count 2:

On or about June 11, 2012, Matthew A. Willhite violated Section 106.07(5), Florida Statutes, when he certified that the campaign's March 9, 2012 – June 11, 2012 campaign treasurer's report was true, correct, and complete when it was not.

Count 16:

On or about May 2, 2012, Matthew A. Willhite violated Section 106.19(1)(a), Florida Statutes, when he accepted a contribution in excess of the limits prescribed by Section 106.08(3)(b), Florida Statutes, by accepting a contribution after being elected to office.

3. Respondent expressed a desire to enter into negotiations directed toward reaching a consent agreement.
4. Respondent and staff stipulate to the following facts:
 - A. Respondent was a 2012 candidate for the Wellington City Council, Seat 4.
 - B. Respondent certified that two of his campaign treasurer's reports were true, correct, and complete when they were not.
 - C. Respondent accepted a contribution in excess of the limits prescribed by Section 106.08(3)(b), Florida Statutes.

CONCLUSIONS OF LAW

5. The Commission has jurisdiction over the parties to and subject matter of this cause, pursuant to Section 106.26, Florida Statutes.
6. The Commission staff and the Respondent stipulate that staff can prove the facts in paragraph four above by clear and convincing evidence and to the Commission's ability to impose a civil penalty against Respondent in this case.

ORDER

7. Respondent and the staff of the Commission have entered into this Consent Order voluntarily and upon advice of counsel.
8. The parties shall each bear their own attorney's fees and costs that are in any way

associated with this case.

9. The Commission will consider the Consent Order at its next available meeting.

10. Respondent voluntarily waives the right to any further proceedings under Chapters 104, 106, and 120, Florida Statutes, and the right to appeal the Consent Order.

11. This Consent Order is enforceable under Sections 106.265 and 120.69, Florida Statutes. Respondent expressly waives any venue privileges and agrees that if enforcement of this Consent Order is necessary, venue shall be in Leon County, Florida, and Respondent shall be responsible for all fees and costs associated with enforcement.

12. If the Commission does not receive the signed Consent Order by January 8, 2016, the staff withdraws this offer of settlement and will proceed with the case.

13. Payment of the civil penalty by cashier's check, or money order, good for at least 120 days, or attorney trust account check, is a condition precedent to the Commission's consideration of the Consent Order.

PENALTY

WHEREFORE, based upon the foregoing facts and conclusions of law, the Commission finds that the Respondent has violated the following provisions of Chapter 106, Florida Statutes, and imposes the following fines:

A. Respondent has violated Section 106.07(5), Florida Statutes, on 2 occasions for certifying that his campaign treasurer's reports were true, correct, and complete when they were not. Respondent is fined \$50 for each of the 2 counts for a total of \$100.

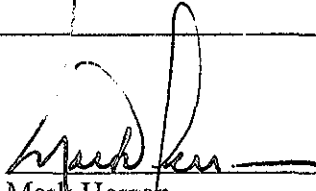
B. Respondent has violated Section 106.19(1)(a), Florida Statutes, on 1 occasion for accepting a contribution in excess of the limits prescribed by Section

106.08(3)(b), Florida Statutes. Respondent is fined \$200 for each count for a total of \$200.


Therefore it is

ORDERED that the Respondent shall remit to the Commission a civil penalty in the amount of \$300, inclusive of fees and costs. The civil penalty shall be paid cashier's check or money order, good for at least 120 days, or attorney trust account check. The civil penalty shall be payable to the Florida Elections Commission, 107 West Gaines Street, Collins Building, Suite 224, Tallahassee, Florida, 32399-1050.

Respondent hereby agrees and consents to the terms of this Consent Order on



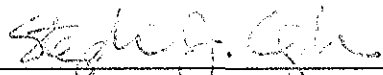
Mark Herron
Messer Caparello, P.A.
2618 Centennial Place
Tallahassee, FL 32308



Matthew A. Willhite
8263 Cozumel Lane
Wellington, FL 33414

Commission staff hereby agrees and consents to the terms of this Consent Order on

January 7, 2016



Stephanie J. Cunningham
Assistant General Counsel
Florida Elections Commission
107 West Gaines Street
The Collins Building, Suite 224
Tallahassee, FL 32399-1050

Approved by the Florida Elections Commission at its regularly scheduled meeting held on February 17 & 18, 2016 in Tallahassee, Florida.

M. Scott Thomas, Chairman
Florida Elections Commission

Copies furnished to:
Stephanie J. Cunningham, Assistant General Counsel
Mark Herron, Attorney for Respondent
Jack Mancini, Complainant

ORIGINAL DOCUMENT PRINTED ON CHEMICAL REACTIVE PAPER WITH MICROPRINTED BORDER

MESSER CAPARELLO, P.A.
TRUST ACCOUNT
P.O. BOX 15579
TALLAHASSEE, FL 32317
(850) 222-0720

CENTENNIAL BANK
TALLAHASSEE FL 32301

14213

81-275/829

| DATE | NUMBER | AMOUNT |
|------------|--------|--------------|
| 01/06/2016 | 14213 | ****\$300.00 |

PAY

*** THREE HUNDRED & 00/100 DOLLARS

Florida Elections Commission


MESSER CAPARELLO, P.A.

TO THE
ORDER OF

Handwritten Signature

SAFEGUARD




MESSER CAPARELLO
Attorneys At Law
Strategically Positioned in Florida's Capital

Mark Herron
Also Admitted in Georgia
Email: mherron@lawfla.com

January 6, 2016

Stephanie J. Cunningham
Assistant General Counsel
Florida Elections Commission
107 West Gaines Street
Collins Building, Suite 224
Tallahassee, FL 32399-1050

Re: Matthew Willhite FEC 14-044

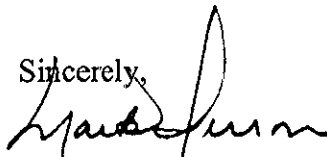
RECEIVED
2016 JAN - 6 P 4: 36

Dear Ms. Cunningham:

The purpose of this correspondence is to forward to you a trust account check in the amount of \$300.00 for the civil penalty imposed on Mr. Willhite by the Florida Elections Commission in the above-referenced complaint.

If you have any additional questions or concerns, please let me know.

Sincerely,


Mark Herron

Enclosure

FILED

15 DEC -4 AM 11:40

FLORIDA
ELECTIONS COMMISSION

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,
Petitioner,**

Case No.: FEC 14-044

v.

**Matthew A. Willhite,
Respondent.**

_____ /

ORDER OF PROBABLE CAUSE

THIS MATTER was heard by the Florida Elections Commission (Commission) at its regularly scheduled meeting on November 17, 2015, in Tallahassee, Florida.

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 March 9, 2012, Matthew A. Willhite violated Section 106.07(5), Florida Statutes, when he certified that the campaign's February 18, 2012 – March 8, 2012 campaign treasurer's report was true, correct, and complete when it was not.

Count 2:

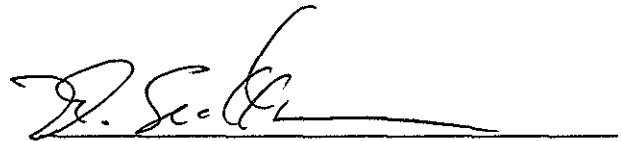
On or about June 11, 2012, Matthew A. Willhite violated Section 106.07(5), Florida Statutes, when he certified that the campaign's March 9, 2012 – June 11, 2012 campaign treasurer's report was true, correct, and complete when it was not.

Count 16:

On or about May 2, 2012, Matthew A. Willhite violated Section 106.19(1)(a), Florida Statutes, when he accepted a contribution in excess of the limits prescribed by Section 106.08(3)(b), Florida Statutes, by accepting a contribution after being elected to office.

The Commission finds that there is **no probable cause** to charge Respondent with violating Section 106.19(1)(a), Florida Statutes, with regard to Counts 3-15 referenced in Staff's Recommendation.

DONE AND ORDERED by the Florida Elections Commission on November 17, 2015.



M Scott Thomas, Chairman
Florida Elections Commission

Copies furnished to:
Stephanie J. Cunningham, Assistant General Counsel
Mark Herron, Attorney for Respondent
Jack Mancini, 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: Matthew A. Willhite

Case No.: FEC 14-044

TO: Mark Herron, Esquire
Messer Caparello PA
P.O. Box 15579
Tallahassee, FL 32317

Jack Mancini
1372 Waterway Cove Drive
Wellington, FL 33414

NOTICE OF HEARING (PROBABLE CAUSE DETERMINATION)

A hearing will be held in this case before the Florida Elections Commission on, **November 17, 2015 at 10:30 AM, or as soon thereafter as the parties can be heard**, at the following location: **Department of Business and Professional Regulation, 1940 North 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 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
November 2, 2015

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

107 W. Gaines Street, Suite 224
Collins Building
Tallahassee, Florida 32399-1050
(850) 922-4539

September 9, 2015

Mark Herron
Messer Caparello PA
Post Office Box 15579
Tallahassee, FL 32317

RE: Case No.: FEC 14-044; Respondent: Matthew A. Willhite

Dear Mr Herron:

The Florida Elections Commission at its last regularly scheduled meeting was unable to hear this case. Therefore, this case has been rescheduled for its next meeting, which is scheduled for November 17-18, 2015 in Tallahassee. A notice of hearing will be mailed approximately 14 days before the hearing.

If you have any questions, please contact us at the number listed above or at fec@myfloridalegal.com.

Sincerely,

/s/Amy McKeever Toman
Executive Director

AMI/dam
cc: Jack Mancini, Complainant

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: **Matthew A. Willhite**

Case No.: **FEC 14-044**

TO: Mark Herron, Esquire
Messer Caparello, PA
P.O. Box 15579
Tallahassee, FL 32317

Jack Mancini
1372 Waterway Cove Drive
Wellington, FL 33414

NOTICE OF HEARING (PROBABLE CAUSE DETERMINATION)

A hearing will be held in this case before the Florida Elections Commission on **August 26, 2015, at 11:00 am, or as soon thereafter as the parties can be heard**, at the following location: **Senate Office Building, Room 110-S, 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 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
August 11, 2015



FLORIDA ELECTIONS COMMISSION

107 W. Gaines Street, Suite 224
Collins Building
Tallahassee, Florida 32399-1050
(850) 922-4539

May 29, 2015

Mark Herron
Messer Caparello PA
Post Office Box 15579
Tallahassee, FL 32317

RE: Case No.: FEC 14-044; Respondent: Matthew A. Willhite

Dear Mr. Herron:

The Florida Elections Commission at its last regularly scheduled meeting was unable to hear this case. Therefore, this case has been rescheduled for its next meeting, which is scheduled for August 18-19, 2015 in Tallahassee. A notice of hearing will be mailed approximately 14 days before the hearing.

If you have any questions, please contact us at the number listed above or at fec@myfloridalegal.com

Sincerely,

/s/ Amy McKeever Toman
Executive Director

AMT/dam
cc: Jack Mancini, Complainant

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: **Matthew A. Willhite**

Case No.: **FEC 14-044**

TO: Mark Herron, Esquire
Messer Caparelo, PA
P.O. Box 15579
Tallahassee, FL 32317

Jack Mancini
1372 Waterway Cove Drive
Wellington, FL 33414

NOTICE OF HEARING (PROBABLE CAUSE DETERMINATION)

A hearing will be held in this case before the Florida Elections Commission on **May 20, 2015, at 11:00 am, or as soon thereafter as the parties can be heard**, at the following location: **Department of Business and Professional Regulation, 1940 North 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 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 5, 2015

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.

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: Matthew A. Willhite /

Case No.: FEC 14-044

STAFF RECOMMENDATION FOLLOWING INVESTIGATION

Pursuant to Section 106.25(4)(c), Florida Statutes, undersigned staff counsel files this written recommendation for disposition of the sworn complaint in this case recommending that there is **probable cause** to charge Respondent with violating **Sections 106.07(5), and 106.19(1)(a), Florida Statutes**. Based upon a thorough review of the Report of Investigation submitted on March 18, 2015, the following facts and law support this staff recommendation:

1. On February 18, 2014, the Florida Elections Commission ("Commission") received a sworn complaint from Jack Mancini ("Complainant"), alleging that Matthew A. Willhite ("Respondent") violated Chapter 106, Florida Statutes
2. Respondent was a 2012 candidate for Wellington Village Council, Seat 4. (ROI Exhibit 1)¹
3. By letter dated April 22, 2014, the Executive Director notified Respondent that Commission staff would investigate the following statutory provisions:

Section 106.07(5), Florida Statutes: Respondent, a candidate for the Wellington City Council, Seat 4 in the March 13, 2012 election, certified that one or more of his campaign treasurer reports was true, correct, and complete when it was not, as alleged in the complaint.

Section 106.19(1)(a), Florida Statutes: Respondent, a candidate for the Wellington City Council, Seat 4 in the March 13, 2012 election, accepted a contribution in excess of the limits prescribed by Section 106.08(1)(a), Florida Statutes, as alleged in the complaint

Section 106.19(1)(a), Florida Statutes: Respondent, a candidate for the Wellington City Council, Seat 4 in the March 13, 2012 election, accepted contributions in excess of the limits prescribed by Section 106.08(3)(b), Florida Statutes, as alleged in the complaint

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

Alleged Violations: Section 106.07(5), Florida Statutes

4. Complainant alleged that Respondent violated Florida's election laws by certifying that the campaign's February 18, 2012 – March 8, 2012, and March 9, 2012 – June 11, 2012 reports were true, correct, and complete when they were not.

Report: February 18, 2012 – March 8, 2012

5. The campaign's February 18, 2012 – March 8, 2012 report reflects an in-kind contribution from Marcia Radosevich on February 21, 2012 in the amount of \$485.00. The report fails to state a description for the in-kind contribution. The report also reflects a check contribution from Karin Flint on February 24, 2012 in the amount of \$500. (ROI Exhibit 6, pages 4 & 6)

6. Respondent stated that the reporting of the \$485 in-kind contribution from Marcia Radosevich was an error as the contribution was received from Ms. Radosevich's company, Unicorn Landing, Inc. (ROI Exhibit 10, page 1)

7. Marcia Radosevich, Managing Member, NCC1701, LLC d/b/a Unicorn Landing, and President, Unicorn Landing, Inc., stated that her company gave an in-kind contribution in the amount of \$485 to Respondent's campaign on February 21, 2012. (ROI Exhibit 11, page 1)

8. On June 11, 2012, the campaign's February 18, 2012 – March 8, 2012 report was amended to delete the contribution from Karin Flint and add a similar contribution in the amount of \$100. (ROI Exhibit 7, pages 4 & 8) On March 10, 2014, two years after the original filing of the report, the campaign's February 18, 2012 – March 8, 2012 report was amended to delete the contribution from Marcia Radosevich and add a similar contribution from Unicorn Landing, Inc. (ROI Exhibit 8, page 2)

9. It appears that Respondent certified that the campaign's February 18, 2012 – March 8, 2012 report was true, correct, and complete when it was not. Respondent incorrectly disclosed a \$485 in-kind contribution from Unicorn Landing, Inc. as being from Marcia Radosevich. Respondent also incorrectly disclosed the amount of a contribution from Karin Flint.

Report: March 9, 2012 – June 11, 2012

10. The campaign's March 9, 2012 – June 11, 2012 report reflects a check contribution from Nan Paternini on April 4, 2012 in the amount of \$500 (ROI Exhibit 9, page 2) The report also reflects an expenditure in the amount of \$94.80 to Matt Willhite on June 7, 2012 for the purpose of a refund. (ROI Exhibit 9, page 5) The report does not reflect any contributions from or expenditures to John Darrah (ROI Exhibit 9)

11. The \$500 check contribution shows the correct spelling of the contributor's name as "NAN PATERNINI" (ROI Exhibit 13, page 5) The campaign's June 2012 bank records show a transfer in the amount of \$87.04 on June 28, 2012 to a separate bank account in Respondent's

name. (ROI Exhibit 18, page 2) The campaign's bank records also show the deposit of a check contribution from John K. Darrah in the amount of \$500 dated April 6, 2012 (posted April 16, 2012) and a check expenditure to John Darrah in the amount of \$500 dated June 1, 2012 (posted June 18, 2012) with the memo "Campaign refund." (ROI Exhibit 13, page 6; ROI Exhibit 14, page 8; ROI Exhibit 16, page 2; ROI Exhibit 18, page 2)

12 Respondent did not provide a response regarding the discrepancy between the report and the campaign's bank records. (ROI Exhibit 21, page 13) A review of the report does not reflect any contributions from or expenditures to John Darrah nor was the report amended to correct any of the incorrect information referenced above.

13. It appears that Respondent certified that the campaign's March 9, 2012 – June 11, 2012 report was true, correct, and complete when it was not. Respondent incorrectly identified the name of a contributor (likely a scrivener's error), incorrectly disclosed the amount of an expenditure to himself, and failed to disclose a \$500 contribution from and a \$500 expenditure to John Darrah.

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

14 Complainant alleged that Respondent violated Florida's election laws by accepting contributions in excess of the limits prescribed by Sections 106.08(1)(a), and 106.08(3)(b), Florida Statutes.

Section 106.08(1)(a): Contribution Limits

15 Complainant alleged that Respondent accepted an excessive contribution from Marcia Radosevich by accepting a \$500 check contribution and a \$485 in-kind contribution during the same election.

16. Under Section 106.19(1)(a), Florida Statutes (2011), a candidate who knowingly and willfully accepts a contribution in excess of \$500 commits a violation of Florida's election laws.

17. The campaign's February 18, 2012 – March 8, 2012 report reflects an in-kind contribution from Marcia Radosevich on February 21, 2012 in the amount of \$485.00. (ROI Exhibit 6, page 4) Respondent also accepted a check contribution from Marcia Radosevich in the amount of \$500 on or around January 19, 2012. (ROI Exhibit 12)

18 Respondent stated that the reporting of the \$485 in-kind contribution from Marcia Radosevich was an error as the contribution was received from Ms. Radosevich's company, Unicorn Landing, Inc. (ROI Exhibit 10, page 1)

19 Marcia Radosevich, Managing Member, NCC1701, LLC d/b/a Unicorn Landing, and President, Unicorn Landing, Inc., stated that her company gave an in-kind contribution in the amount of \$485 to Respondent's campaign on February 21, 2012. Ms. Radosevich stated that she

did not personally make any additional contributions to Respondent's campaign beyond the \$500 check contribution made on January 19, 2012. (ROI Exhibit 11, page 1)

20. On March 10, 2014, two years after the original filing of the report, the campaign's February 18, 2012 – March 8, 2012 report was amended to delete the contribution from Marcia Radosevich and add a similar contribution from Unicorn Landing, Inc. (ROI Exhibit 8, page 2)

21. It appears that Respondent did not accept a contribution in excess of the limits prescribed by Section 106.08(1)(a), Florida Statutes.

Section 106.08(3)(b): Contribution Limits

22. Complainant alleged that Respondent accepted contributions in violation of the contribution limits set forth under Section 106.08(3)(b), Florida Statutes.

23. Under Section 106.08(3)(b), Florida Statutes (2011), any contribution received by a candidate after the date the candidate withdraws his or her candidacy, is defeated, becomes unopposed, or is elected to office must be returned to the person or committee contributing it and may not be used or expended by or on behalf of the candidate.

24. The Division of Elections issued opinion DE 02-15 on October 14, 2002 regarding contests of election. The Division opined that after the filing of the contest but before the outcome of the contest is determined a candidate may accept contributions but only for the very narrow purpose of paying legal fees and costs associated with the contest of the election results. (ROI Exhibit 5, page 3)

25. On March 13, 2012, a Uniform Municipal Election was held and Respondent was defeated in his candidacy for Wellington Village Council, Seat 4. (Attachment A) On March 20, 2012, Respondent filed an action contesting the election pursuant to Section 102.168, Florida Statutes. *Willhite v. Village of Wellington*, 50-2012-CA-005284XXXXMB. At least four other actions were filed in Florida contesting the Wellington Village Council, Seat 4 election results *Bowen v. Village of Wellington*, 50-2012-CA-005699XXXXMB; *Burch v. Bucher*, 50-2012-CA-005381XXXXMB; *Greene v. Village of Wellington Canvassing Board*, 50-2012-CA-005721XXXXMB; *Scarpa v. Village of Wellington*, 50-2012-CA-005576XXXXMB

26. On March 29, 2012, Judge Rosenberg ordered a manual recount of the ballots cast in the Wellington Village Council, Seat 4 race. *Burch v. Bucher*, 50-2012-CA-005381XXXXMB On March 31, 2012, the Village of Wellington Canvassing Board certified the results of the election. (Attachment B)

27. Between March 13, 2012, and March 19, 2012, Respondent was a defeated candidate who was prohibited from accepting contributions for any purpose. Between March 20, 2012, and March 30, 2012, Respondent was a candidate contesting the results of the election, and therefore, could accept contributions for the sole purpose of paying legal fees and costs associated with the contest. On March 31, 2012, the Village of Wellington Canvassing Board

certified the results reflecting that Respondent was elected to the office of the Wellington City Council, Seat 4.

28 Section 102.151, Florida Statutes, commands the county canvassing board to make and sign certificates of election for each person elected. Section 102.155, Florida Statutes, states that the certificate of election shall be prima facie evidence of the election of such person. Therefore, with regard to Respondent, any contribution received on March 31, 2012 or later must be returned to the contributor; otherwise it is an excessive contribution.

29. Respondent reported receiving or received the following contributions during the March 9, 2012 – June 11, 2012 reporting period, as set forth in the table below. (ROI Exhibit 9, pages 2-3)

| TABLE: CONTRIBUTIONS (MARCH 9, 2012 – JUNE 11, 2012 REPORTING PERIOD) | | | | | | |
|---|---|----------------|----------|-----------------|-----------------------------|--|
| CHECK OR TRANSACTION AUTHORIZED | CONTRIBUTOR | Date Reported | AMOUNT | DATE OF DEPOSIT | DATE CONTRIBUTION DELIVERED | ROI EXHIBIT(S) |
| | | Seq. # | | | | |
| 04/05/12 | Sara Gehrke | 04/05/12 1 | \$500 00 | 04/16/12 | Unknown; did not respond | 13 (page 4) |
| 04/06/12 | Daniele Gilbert | 04/06/12 2 | \$500 00 | 04/16/12 | Hand delivered on 04/06/12 | 13 (page 8); 23 |
| 04/04/12 | Nan Paterni[t]i | 04/04/12 3 | \$500 00 | 04/16/12 | Unknown; unable to reach | 13 (page 5); 24 |
| 04/03/12 | Cherry Communications Co | 04/03/12 4 | \$129 75 | 04/16/12 | Unknown | 13 (page 9); 21 (page 12); 25 (page 1) |
| 04/04/12 | Oz Farm LLC | 04/04/12 5 | \$500 00 | 04/16/12 | Unknown | 13 (page 7) |
| 04/04/12 | John VanDell | 04/04/12 6 | \$250 00 | 04/16/12 | Hand delivered on 04/04/12 | Attachment C; 26 |
| 04/09/12 | Timber Structure | 04/09/12 7 | \$200 00 | 04/16/12 | Unknown | 13 (page 3) |
| 04/04/12 | Dan Robinson | 04/04/12 8 | \$30 00 | 04/30/12 | 04/04/12 | 20 (pages 1 & 3); 16 (page 2) |
| 04/05/12 | Unknown Contributor – Western Union Money Order | 04/06/12 9 | \$25 00 | 04/16/12 | Unknown | 13 (page 2) |
| 04/18/12 | Regis Wenham | 04/18/12 10 | \$200 00 | 05/02/12 | Hand delivered on 04/20/12 | 13 (page 11); 19 |

| | | | | | | |
|--------------|--------------------|----------------|-------------------|----------|----------|-------------------------------|
| 04/05/12 | Barbara Richardson | 04/05/12 11 | \$100.00 | 04/30/12 | 04/05/12 | 20 (pages 1-2); 16 (page 2) |
| 04/04/12 | Michael Smith | 04/04/12 12 | \$10.00 | 04/30/12 | 04/04/12 | 20 (pages 1-2); 16 (page 2) |
| 04/04/12 | Marysue Jacobs | 04/04/12 13 | \$50.00 | 04/30/12 | 04/04/12 | 20 (pages 1 & 3); 16 (page 2) |
| 04/06/12 | John K. Darrah | Unreported | \$500.00 | 04/16/12 | Unknown | 13 (page 6) |
| TOTAL | | | \$3,494.75 | | | |

30. The above table reflects that Respondent did not accept any contributions after he was defeated or before the outcome of the election contest was determined. Respondent did, however, accept 14 contributions totaling \$3,494.75 after the election results were certified and he was elected to office. It should be noted that all 14 contributions were deposited into Respondent's campaign account after he took his Oath of Office. (Attachment D)

31. Respondent stated that Complainant's statement that the election contest concluded on March 29, 2012 is false because the contest in which Respondent was a defendant was not voluntarily dismissed until April 12, 2012. Respondent argues that the contributions were received during the pendency of the election contest action, with the exception of one contribution reflected on his campaign treasurer's report as being received on April 18, 2012. (ROI Exhibit 10, page 2)

32. Under Sections 106.19(1)(a), and 106.08(3)(b), Florida Statutes (2011), a candidate who knowingly and willfully accepts a contribution after being elected to office commits a violation of Florida's election laws. It appears that Respondent accepted 14 contributions after being elected to office.

33. "Probable Cause" is defined as reasonable grounds of suspicion supported by circumstances sufficiently strong to warrant a cautious person in the belief that the person has committed the offense charged. *Schmitt v State*, 590 So. 2d 404, 409 (Fla. 1991). Probable cause exists where the facts and circumstances, of which an [investigator] has reasonably trustworthy information, are sufficient in themselves for a reasonable man to reach the conclusion that an offense has been committed. *Department of Highway Safety and Motor Vehicles v Favino*, 667 So. 2d 305, 309 (Fla. 1st DCA 1995).

34. The facts set forth above show that Respondent was a 2012 candidate for Wellington Village Council, Seat 4. It appears that Respondent certified that the campaign's February 18, 2012 – March 8, 2012 report was true, correct, and complete when it was not, as Respondent incorrectly identified the name of a contributor and incorrectly disclosed the amount of a contribution. It appears that Respondent certified that the campaign's March 9, 2012 – June

11, 2012 report was true, correct, and complete when it was not, as Respondent incorrectly identified the name of a contributor (likely a scrivener's error), incorrectly disclosed the amount of an expenditure to himself, and failed to disclose a \$500 contribution from and a \$500 expenditure to John Darrah. Respondent also accepted contributions in excess of the contribution limits prescribed by Section 106.08(3)(b), Florida Statutes, when he accepted 14 contributions after being elected to office.

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

Count 1:

On or about March 9, 2012, Matthew A. Willhite violated Section 106.07(5), Florida Statutes, when he certified that the campaign's February 18, 2012 – March 8, 2012 campaign treasurer's report was true, correct, and complete when it was not.

Count 2:

On or about June 11, 2012, Matthew A. Willhite violated Section 106.07(5), Florida Statutes, when he certified that the campaign's March 9, 2012 – June 11, 2012 campaign treasurer's report was true, correct, and complete when it was not.

Counts 3-11:

On or about April 16, 2012, Matthew A. Willhite violated Section 106.19(1)(a), Florida Statutes, when he accepted contributions in excess of the limits prescribed by Section 106.08(3)(b), Florida Statutes, by accepting contributions after being elected to office.

Counts 12-15:

On or about April 30, 2012, Matthew A. Willhite violated Section 106.19(1)(a), Florida Statutes, when he accepted contributions in excess of the limits prescribed by Section 106.08(3)(b), Florida Statutes, by accepting contributions after being elected to office.

Count 16:

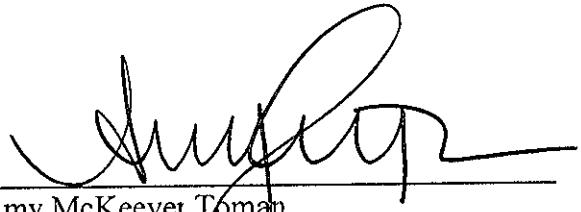
On or about May 2, 2012, Matthew A. Willhite violated Section 106.19(1)(a), Florida Statutes, when he accepted a contribution in excess of the limits prescribed by Section 106.08(3)(b), Florida Statutes, by accepting a contribution after being elected to office.

Respectfully submitted on April 17, 2015.



Stephanie J. Cunningham
Assistant General Counsel

I reviewed this Staff Recommendation this 17th day of April 2015.



Amy McKeever Toman
Executive Director

En Español Printer Friendly

Registered Voters as of 04/15/2016 REP:238,802 DEM:370,177 Other:260,565 Total:859,544

Search

Submit

- [Home](#)
- [Your Election Office](#)
- [Voter Information](#)
- [Register to Vote](#)
- [Election Information](#)
- [Candidate Information](#)
- [Party and Committee Info](#)
- [Poll Worker Information](#)
- [Other](#)



Uniform Municipal Election 3/13/2012

Results last updated: 4/6/2012 12:40:14 PM

Documents

| Document Name | Document Description |
|-----------------------------|--|
| 120313.Precinct.Canvass.xls | RESULTS BY PRECINCT |
| UNIFORMMUNI_AUDIT2012.pdf | VOTING SYSTEM POST ELECTION AUDIT REPORT |

Results

BELLE GLADE - SEAT C

| Vote for 1 | | Percent | Votes |
|--------------------|--|---------|-------|
| William Grear, Jr. | | 37.82% | 385 |
| Larry Underwood | | 62.18% | 633 |
| | | | 1,018 |

BELLE GLADE - SEAT E

| Vote for 1 | | Percent | Votes |
|-----------------------|--|---------|-------|
| Johnny Burroughs, Jr. | | 75.05% | 764 |
| Ralph Walker | | 24.95% | 254 |
| | | | 1,018 |

BOCA RATON - CITY COUNCIL SEAT D

| Vote for 1 | | Percent | Votes |
|-----------------|--|---------|-------|
| Anthony Majhess | | 56.30% | 3,857 |
| Frank Chapman | | 43.70% | 2,994 |
| | | | 6,851 |

DELRAY BEACH - COMMISSION SEAT 2

| Vote for 1 | | Percent | Votes |
|----------------------|--|---------|-------|
| Pat Archer | | 29.13% | 1,156 |
| David John Armstrong | | 3.40% | 135 |
| Al Jacquet | | 49.26% | 1,955 |
| Christina Morrison | | 18.22% | 723 |
| | | | 3,969 |

DELRAY BEACH - COMMISSION SEAT 4

| Vote for 1 | | Percent | Votes |
|---------------|--|---------|-------|
| Angie Gray | | 62.25% | 2,261 |
| Victor Kirson | | 37.75% | 1,371 |
| | | | 3,632 |

DELRAY BEACH QUESTION

| Vote for 1 | | Percent | Votes |
|-----------------------|--|---------|-------|
| YES (for approval) | | 37.27% | 1,236 |
| NO (against approval) | | 62.73% | 2,080 |
| | | | 3,316 |

GREENACRES - COUNCIL DISTRICT II

| Vote for 1 | | Percent | Votes |
|--------------|--|---------|-------|
| LaVern Beres | | 23.87% | 179 |
| Peter Noble | | 76.13% | 571 |

Attachment A

750

GREENACRES - COUNCIL DISTRICT III

Vote for 1

| | <u>Percent</u> | <u>Votes</u> |
|------------------|----------------|--------------|
| Lawrence Bram | 41.99% | 304 |
| Rochelle Gaenger | 58.01% | 420 |
| | | 724 |

HIGHLAND BEACH - VICE MAYOR/COMMISSIONER

Vote for 1

| | <u>Percent</u> | <u>Votes</u> |
|-----------------|----------------|--------------|
| Ron Brown | 62.27% | 548 |
| Miriam S. Zwick | 37.73% | 332 |
| | | 880 |

HIGHLAND BEACH - COMMISSIONER

Vote for 1

| | <u>Percent</u> | <u>Votes</u> |
|----------------|----------------|--------------|
| George Kelvin | 28.98% | 255 |
| Louis P. Stern | 71.02% | 625 |
| | | 880 |

JUNO BEACH - SEAT TWO

Vote for 1

| | <u>Percent</u> | <u>Votes</u> |
|--------------|----------------|--------------|
| Bill Greene | 79.50% | 190 |
| Nick Webster | 20.50% | 49 |
| | | 239 |

LOXAHATCHEE GROVES - COUNCIL SEAT 3

Vote for 1

| | <u>Percent</u> | <u>Votes</u> |
|------------------|----------------|--------------|
| Byrnes Guillaume | 40.22% | 183 |
| Ryan Liang | 59.78% | 272 |
| | | 455 |

MANGONIA PARK - SEAT 1

Vote for 1

| | <u>Percent</u> | <u>Votes</u> |
|-----------------------|----------------|--------------|
| William H. Albury III | 77.53% | 138 |
| Jerome F. Norton | 22.47% | 40 |
| | | 178 |

MANGONIA PARK - SEAT 5

Vote for 1

| | <u>Percent</u> | <u>Votes</u> |
|-------------------|----------------|--------------|
| Peggy H. Cook | 48.55% | 81 |
| Mark K. Trueblood | 53.45% | 93 |
| | | 174 |

NORTH PALM BEACH - GROUP 2

Vote for 1

| | <u>Percent</u> | <u>Votes</u> |
|------------------------|----------------|--------------|
| Susan Tiedemann Bickel | 24.44% | 348 |
| Doug Bush | 44.24% | 630 |
| Aimee Mangold | 3.23% | 46 |
| Mark Mullinix | 19.45% | 277 |
| Joseph A. Tringali | 8.64% | 123 |
| | | 1,424 |

OCEAN RIDGE - TOWN COMMISSIONER

Vote for 2

| | <u>Percent</u> | <u>Votes</u> |
|-------------------|----------------|--------------|
| Gail Adams Aaskov | 33.38% | 240 |
| Hans C. Kahlert | 26.70% | 192 |
| Geoff Pugh | 39.92% | 287 |
| | | 719 |

PAHOKEE - COMMISSION GROUP I

Vote for 1

| | <u>Percent</u> | <u>Votes</u> |
|-------------------|----------------|--------------|
| Henry Crawford Jr | 37.85% | 204 |
| Felisia Hill | 62.15% | 335 |
| | | 539 |

PALM BEACH SHORES - COMMISSIONER

Vote for 2

| | <u>Percent</u> | <u>Votes</u> |
|------------------|----------------|--------------|
| Alan D. Fiers | 32.45% | 209 |
| Janet Kortenhaus | 15.84% | 102 |
| Cindy Larcher | 19.72% | 127 |
| Lisa A. Tropepe | 31.99% | 206 |
| | | 644 |

RIVIERA BEACH - COUNCIL DISTRICT 2

Vote for 1

| | <u>Percent</u> | <u>Votes</u> |
|------------|----------------|--------------|
| Judy Davis | 59.26% | 1,693 |

Terence "TD" Davis  40.74% 1,164
2,857

RIVIERA BEACH QUESTION

Vote for 1

| | Percent | Votes |
|--|---------|--------------|
| YES  | 64.01% | 1,713 |
| NO  | 35.99% | 963 |
| | | <u>2,676</u> |

ROYAL PALM BEACH - MAYOR

Vote for 1

| | Percent | Votes |
|---|---------|--------------|
| Matty Mattioli  | 59.74% | 997 |
| Felicia Matula  | 40.26% | 672 |
| | | <u>1,669</u> |

ROYAL PALM BEACH - GROUP 1

Vote for 1

| | Percent | Votes |
|--|---------|--------------|
| Ken DeLaTorre  | 4.76% | 77 |
| Jeff Hmara  | 64.79% | 1,049 |
| Selena Smith  | 30.45% | 493 |
| | | <u>1,619</u> |

WELLINGTON - MAYOR

Vote for 1

| | Percent | Votes |
|---|---------|--------------|
| Darell Bowen  | 41.92% | 2,411 |
| Bob Margolis  | 58.08% | 3,341 |
| | | <u>5,752</u> |

WELLINGTON - COUNCIL SEAT 1

Vote for 1

| | Percent | Votes |
|---|---------|--------------|
| John Greene  | 49.41% | 2,877 |
| Shauna Hostetler  | 50.59% | 2,946 |
| | | <u>5,823</u> |

WELLINGTON - COUNCIL SEAT 4

Vote for 1

| | Percent | Votes |
|---|---------|--------------|
| Al Paglia  | 51.85% | 2,956 |
| Matt Wilhite  | 48.15% | 2,745 |
| | | <u>5,701</u> |



WEST PALM BEACH - COMMISSION DIST 1

Vote for 1

| | Percent | Votes |
|---|---------|--------------|
| Sean P. Jackson  | 31.17% | 1,531 |
| Sylvia Moffett  | 65.81% | 3,232 |
| Write-in Candidate  | 3.01% | 148 |
| | | <u>4,911</u> |

WEST PALM BEACH - COMMISSION DIST 5

Vote for 1

| | Percent | Votes |
|--|---------|--------------|
| Dodger Arp  | 40.34% | 2,175 |
| William "Bill" Moss  | 54.62% | 2,945 |
| David L. Smith  | 5.04% | 272 |
| | | <u>5,392</u> |

WEST PALM BEACH QUESTION 1

Vote for 1

| | Percent | Votes |
|--|---------|--------------|
| YES  | 84.86% | 4,197 |
| NO  | 15.14% | 749 |
| | | <u>4,946</u> |

WEST PALM BEACH QUESTION 2

Vote for 1

| | Percent | Votes |
|--|---------|--------------|
| YES  | 68.19% | 3,436 |
| NO  | 31.81% | 1,603 |
| | | <u>5,039</u> |

WEST PALM BEACH QUESTION 3

Vote for 1

| | Percent | Votes |
|--|---------|--------------|
| YES  | 43.36% | 2,187 |
| NO  | 56.64% | 2,857 |
| | | <u>5,044</u> |

WEST PALM BEACH QUESTION 4


Vote for 1

| | Percent | Votes |
|--|---------|--------------|
| YES  | 73.45% | 3,658 |
| NO  | 26.55% | 1,322 |
| | | <u>4,980</u> |

WEST PALM BEACH QUESTION 5

| | | | | |
|------------|--|--------|----------------|--------------|
| Vote for 1 | | | <u>Percent</u> | <u>Votes</u> |
| YES |  | 48.65% | 2,393 | |
| NO |  | 51.35% | 2,526 | |
| | | | <hr/> | 4,919 |

WEST PALM BEACH QUESTION 6

| | | | | |
|------------|--|--------|----------------|--------------|
| Vote for 1 | | | <u>Percent</u> | <u>Votes</u> |
| YES |  | 75.71% | 3,715 | |
| NO |  | 24.29% | 1,192 | |
| | | | <hr/> | 4,907 |



WEST PALM BEACH QUESTION 7

| | | | | |
|------------|--|--------|----------------|--------------|
| Vote for 1 | | | <u>Percent</u> | <u>Votes</u> |
| YES |  | 76.77% | 3,735 | |
| NO |  | 23.23% | 1,130 | |
| | | | <hr/> | 4,865 |

WEST PALM BEACH QUESTION 8

| | | | | |
|------------|--|--------|----------------|--------------|
| Vote for 1 | | | <u>Percent</u> | <u>Votes</u> |
| YES |  | 80.97% | 3,970 | |
| NO |  | 19.03% | 933 | |
| | | | <hr/> | 4,903 |

WELLINGTON - MAYOR (RECOUNT)

| | | | | |
|--------------|--|--------|----------------|--------------|
| Vote for 1 | | | <u>Percent</u> | <u>Votes</u> |
| Darell Bowen |  | 49.40% | 2,877 | |
| Bob Margolis |  | 50.60% | 2,947 | |
| | | | <hr/> | 5,824 |

WELLINGTON - COUNCIL SEAT 1 (RECOUNT)

| | | | | |
|-------------------|--|--------|----------------|--------------|
| Vote for 1 | | | <u>Percent</u> | <u>Votes</u> |
| John Greene |  | 51.85% | 2,956 | |
| Shauna Hostettler |  | 48.15% | 2,745 | |
| | | | <hr/> | 5,701 |

WELLINGTON - COUNCIL SEAT 4 (RECOUNT)

| | | | | |
|---------------|--|--------|----------------|--------------|
| Vote for 1 | | | <u>Percent</u> | <u>Votes</u> |
| Al Paglia |  | 41.93% | 2,412 | |
| Matt Willhite |  | 58.07% | 3,341 | |
| | | | <hr/> | 5,753 |

OFFICE HOURS:
Monday - Friday
8:30 AM - 5:00 PM

EMAIL CONTACTS
Candidate Issues - candidates@pbcelections.org
Absentee Requests - absentee@pbcelections.org
General Information - mailbox@pbcelections.org

SUPERVISOR OF ELECTIONS SUSAN BUCHER
240 South Military Trail
West Palm Beach, FL 33415
Phone: (561) 656-6200
Fax: (561) 656-6237

OFFICE HOURS:
Monday - Friday
8:30 AM - 5:00 PM

****OFFICIAL****
CERTIFICATE OF THE VILLAGE OF WELLINGTON CANVASSING BOARD
WELLINGTON, FLORIDA

STATE OF FLORIDA
COUNTY OF PALM BEACH
VILLAGE OF WELLINGTON

Pursuant to Section 8G of the Village of Wellington Charter, we, the undersigned, Dr. Carmine A. Priore, Mayor pro tem, Howard K. Coates, Jr, Councilman, Anne Gerwig, Councilwoman, and Awilda Rodriguez, Village Clerk, serving as Chairperson, constituting the Canvassing Board in and for said Village of Wellington, do hereby certify that we met on the 31st day of March, A.D., 2012, and proceeded publicly to canvass the votes given for the office and persons herein specified at the **Municipal Election held on the 13th day of March, A.D., 2012** as shown by the return on file in the Office of the Supervisor of Elections. We do hereby certify from said returns as follows:

For VILLAGE OF WELLINGTON – COUNCIL - MAYOR SEAT (NON PARTISAN) the whole number of ballots cast was 5,861 of which number

| | | | |
|---------------------|----------|--------------|-------|
| <u>DARELL BOWEN</u> | received | <u>2,877</u> | votes |
| <u>BOB MARGOLIS</u> | received | <u>2,947</u> | votes |

For VILLAGE OF WELLINGTON – COUNCIL – SEAT 1 (NON PARTISAN) the whole number of ballots cast was 5,861 of which number

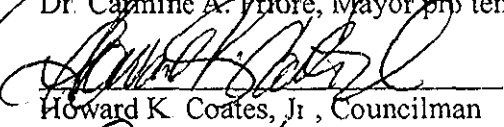
| | | | |
|-------------------------|----------|--------------|-------|
| <u>JOHN GREENE</u> | received | <u>2,957</u> | votes |
| <u>SHAUNA HOSTETLER</u> | received | <u>2,745</u> | votes |

For VILLAGE OF WELLINGTON - COUNCIL – SEAT 4 (NON PARTISAN) the whole number of ballots cast was 5,861 of which number

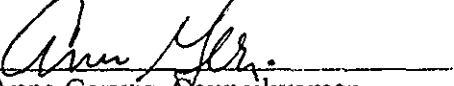
| | | | |
|----------------------|----------|--------------|-------|
| <u>AL PAGLIA</u> | received | <u>2,412</u> | votes |
| <u>MATT WILLHITE</u> | received | <u>3,342</u> | votes |




Dr. Carmine A. Priore, Mayor pro tem



Howard K. Coates, Jr, Councilman



Anne Gerwig, Councilwoman



Awilda Rodriguez, Village Clerk

Total ballots cast in the Village of Wellington cast was 5,861 for a 16.16 percent turnout.

Attachment B

Village of Wellington - Manual Recount 3/31/2012 (Total Count: Polls, Absentee, Provisionals)

| Precinct | Mayor | | | | Seat #1 | | | | Seat #4 | | | |
|----------|--------------|--------------|----------|-----------|-------------|------------------|----------|-----------|-----------|---------------|----------|-----------|
| | Darell Bowen | Bob Margolis | OverVote | Undervote | John Greene | Shauna Hostetter | Overvote | Undervote | Al Paglia | Matt Willhite | OverVote | Undervote |
| 3082 | 3 | 7 | 0 | 0 | 7 | 3 | 0 | 0 | 3 | 7 | 0 | 0 |
| 6132 | 166 | 160 | 0 | 0 | 159 | 158 | 0 | 9 | 104 | 221 | 0 | 1 |
| 6133 | 150 | 114 | 0 | 1 | 104 | 158 | 0 | 3 | 120 | 142 | 0 | 3 |
| 6134 | 9 | 6 | 0 | 0 | 7 | 8 | 0 | 0 | 8 | 7 | 0 | 0 |
| 6136 | 180 | 141 | 0 | 3 | 152 | 166 | 0 | 6 | 145 | 172 | 0 | 7 |
| 6138 | 227 | 228 | 0 | 3 | 225 | 220 | 0 | 13 | 162 | 287 | 0 | 9 |
| 6140 | 149 | 229 | 0 | 3 | 225 | 149 | 1 | 6 | 151 | 228 | 0 | 2 |
| 6141 | 115 | 97 | 0 | 0 | 96 | 112 | 0 | 4 | 100 | 103 | 0 | 9 |
| 6142 | 80 | 106 | 0 | 2 | 105 | 78 | 0 | 5 | 71 | 117 | 0 | 0 |
| 6143 | 121 | 100 | 0 | 2 | 109 | 110 | 0 | 4 | 94 | 121 | 0 | 8 |
| 6144 | 117 | 127 | 0 | 2 | 103 | 136 | 0 | 7 | 94 | 148 | 0 | 4 |
| 6146 | 222 | 219 | 0 | 2 | 218 | 209 | 0 | 16 | 184 | 253 | 0 | 6 |
| 6148 | 191 | 168 | 0 | 2 | 180 | 169 | 0 | 12 | 162 | 194 | 0 | 5 |
| 6150 | 25 | 7 | 0 | 0 | 11 | 21 | 0 | 0 | 23 | 9 | 0 | 0 |
| 6152 | 171 | 202 | 0 | 1 | 199 | 172 | 0 | 3 | 165 | 204 | 0 | 5 |
| 6154 | 133 | 234 | 0 | 5 | 224 | 139 | 0 | 9 | 123 | 243 | 0 | 6 |
| 6156 | 99 | 177 | 0 | 1 | 159 | 114 | 0 | 4 | 103 | 174 | 0 | 0 |
| 6161 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 6162 | 13 | 36 | 0 | 0 | 36 | 12 | 0 | 1 | 17 | 32 | 0 | 0 |
| 6163 | 38 | 41 | 0 | 1 | 42 | 36 | 0 | 2 | 35 | 43 | 0 | 2 |
| 6166 | 107 | 57 | 0 | 0 | 77 | 77 | 0 | 10 | 78 | 80 | 0 | 6 |
| 6176 | 81 | 67 | 0 | 0 | 71 | 75 | 0 | 2 | 74 | 71 | 0 | 3 |

| | | | | | | | | | | | | |
|-------|--------------|--------------|----------|-----------|-------------|------------------|----------|-----------|-----------|---------------|----------|-----------|
| 6177 | 105 | 115 | 0 | 2 | 124 | 89 | 0 | 9 | 91 | 126 | 0 | 5 |
| 6178 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 6179 | 130 | 100 | 0 | 3 | 109 | 121 | 0 | 3 | 124 | 102 | 0 | 7 |
| 6180 | 5 | 8 | 0 | 0 | 4 | 8 | 0 | 1 | 2 | 11 | 0 | 0 |
| 6182 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 6186 | 137 | 135 | 0 | 1 | 148 | 111 | 0 | 14 | 89 | 176 | 0 | 8 |
| 6187 | 103 | 66 | 0 | 3 | 63 | 94 | 0 | 15 | 90 | 71 | 0 | 11 |
| | | | | | | | | | | | | |
| Total | 2877 | 2947 | 0 | 37 | 2957 | 2745 | 1 | 158 | 2412 | 3342 | 0 | 107 |
| | Darell Bowen | Bob Margolis | OverVote | Undervote | John Greene | Shauna Hostetler | Overvote | Undervote | Al Paglia | Matt Willhite | OverVote | Undervote |

JOHN A VANDELL
13860 WELLINGTON TRACE SUITE B20
WELLINGTON, FL 33414

53-1531/670 220

DATE 4/4/12

PAY TO THE ORDER OF Campaign Activity, Matt Wilchite \$ 250 ¹⁰⁰/₁₀₀

Two Hundred Fifty ¹⁰⁰/₁₀₀ DOLLARS

FLORIDIAN COMMUNITY BANK
1314 Oceanway Street Blvd., Wellington, FL 33414

[Signature]

MP



██████████ 04/16/12 1 ██████████

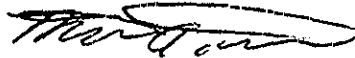
Deposit only

Posting Date 2012 Apr 16
Account Number █

Attachment C

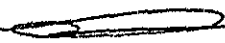
**VILLAGE OF WELLINGTON
OATH OF OFFICE**

I, Matt Willhite, DO HEREBY SOLEMNLY SWEAR OR AFFIRM that I will support, protect and defend the Constitution and Government of the United States and the State of Florida; that I am duly qualified to hold office under the Constitution of the State; and that I will well and faithfully perform the duties of Councilmember of the Village of Wellington



Matt Willhite

SWORN, SUBSCRIBED AND ACKNOWLEDGED to before me this 10th
day of April, 2012, who is personally known to me or who has produced
_____ as identification.



Notary Public: Joselyn A. Margolis
Printed Name: _____
Commission No: EE79989
My Commission Expires: 31301205

Attachment D

FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Case No.: FEC 14-044

Respondent: Matthew A. Willhite
Counsel for Respondent: Mark Herron
Complainant: Jack Mancini
Counsel for Complainant: None

On February 18, 2014, 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(5), Florida Statutes, prohibiting a candidate from certifying to the correctness of a campaign treasurer's report that is incorrect, false, or incomplete;

Section 106.19(1)(a), Florida Statutes, prohibiting a person or organization from accepting a contribution in excess of the legal limits; and

Section 106.19(1)(a), Florida Statutes, prohibiting a person or organization from accepting a contribution in excess of the legal limits as prescribed by Section 106.08(3)(b), Florida Statutes.

I. Preliminary Information:

1 Respondent is not a first-time candidate. He was first elected to office in 2008. Respondent was a 2012 candidate for re-election to the Village of Wellington Council, Seat 4. The election was March 13, 2012. Respondent is also a firefighter and station Captain in Palm Beach County, Florida.

2 Respondent signed his Statement of Candidate and Form DS-DE 9, Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates on April 4, 2011, and became a candidate. Respondent's campaign treasurer was his wife, Alexis T. Willhite. To review Respondent's Statement of Candidate, refer to Exhibit 1. To review his Form DS-DE 9, refer to Exhibit 2.

3 Respondent's filing officer is Ms. Awilda Rodriguez, Clerk, Village of Wellington, in Palm Beach County, Florida.

4 Respondent is represented by attorney Mark Herron of Messer Caparello, P.A., in Tallahassee, Florida.

5 Complainant is a resident of Wellington, Florida, and an equestrian photographer. (Note the complaint was received on February 18, 2014—three days before the statute of limitations ended.)

6 According to the Palm Beach County Supervisor of Elections website, the tally of votes for the March 13, 2012 election shows Respondent received 48.15% of the vote and the challenger, Al Paglia, received 51.85% of the vote.

7 On March 20, 2012, Respondent raised a legal challenge to the results of the 2012 municipal election in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida. He was represented by the law firm of Weiss, Handler, Angelos & Cornwell, P.A., in Boca Raton, Florida. To review the retainer letter, refer to Exhibit 3.

8 On April 1, 2012, a *Palm Beach Post* news article states, "a routine audit showed a big problem.... Vote tallies were assigned to the wrong candidates." According to the article, "it wasn't clear if the original election results had actually been certified, which is what state law calls for before an audit.... Wellington was the only municipality among 16 holding elections that had a problem." The article also states that two candidates challenged the elections results and Circuit Judge Rosenberg granted a recount by hand.

9. The result of the March 31, 2012 recount shows Respondent received 58.07% of the vote and Mr. Paglia, Respondent's opponent, received 41.93% of the vote. The *Post* article also states that the results of the election were certified on March 31, 2012.

10. However, a legal challenge continued after the March 31, 2012 recount in which Respondent was named a party, in *Scarpa v Village of Wellington*, in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida; the case against Respondent and other defendants was voluntarily dismissed on April 12, 2012. To review the Notice of Voluntary Dismissal, refer to Exhibit 4.

11 As expressed by the Division of Elections ("DOE") in the DOE Opinion (DE) 02-15 (October 14, 2002), regarding "**Use of Campaign Funds for Legal Expenses Associated with Contesting an Election § 102.168, 106.011(3)(a), 106.011(4), 106.11(5), Florida Statutes.**" The Division opined,

"In general, a candidate can only expend funds from their campaign account after election day for the type of expenditures permitted under section 106.11(5), Florida Statutes. However, a candidate who timely files a contest of the election pursuant to section 102.168, Florida Statutes, is also permitted to expend funds from the campaign account for legal fees and costs associated with litigating the contest of the election. During the period of the legal contest, a candidate may also accept contributions to their campaign account for the sole purpose of paying for the legal fees and costs associated with that litigation."

To review a copy of DE 02-15 (October 14, 2002), refer to Exhibit 5.

12. Also, according to section 106.11(5), Florida Statutes, "A candidate who withdraws his or her candidacy, becomes an unopposed candidate, or is eliminated as a candidate or elected to office may expend funds from the campaign account to:

- (a) Purchase "thank you" advertising for up to 75 days after he or she withdraws, becomes unopposed, or is eliminated or elected.
- (b) Pay for items which were obligated before he or she withdrew, became unopposed, or was eliminated or elected.
- (c) Pay for expenditures necessary to close down the campaign office and to prepare final campaign reports.
- (d) Dispose of surplus funds as provided in s. 106.141."

II. Alleged Violation of Section 106.07(5), Florida Statutes:

13. I investigated whether Respondent violated this section of the election laws by certifying that one or more of his campaign treasurer reports was true, correct, and complete when it was not, as alleged in the complaint.

14. Complainant alleges that Respondent certified to the correctness of a report that was incorrect.

15. Specific issues of concern to Complainant are found in Respondent's report that contains an alleged excessive contribution¹ from Marcia Radosevich, the report that covers the reporting period from February 18, 2012 through March 8, 2012, and Respondent's termination report ("TR") that contains alleged contributions received after the conclusion of the contest, the report that covers the reporting period from March 9, 2012 through June 11, 2012. Therefore, my review of Respondent's CTRs is inclusive of only these two reports. Complainant submitted copies of relevant documents for our review. Each of Complainant's concerns will be addressed in the paragraphs that follow. To review Respondent's report original covering the period from February 18, 2012 through March 8, 2012, refer to Exhibit 6. To review Respondent's report first amendment covering the period from February 18, 2012 through March 8, 2012, refer to Exhibit 7. To review Respondent's report second amendment and Mr. Herron's cover letter filed with Respondent's filing officer, refer to Exhibit 8. To review Respondent's report covering the period from March 9, 2012 through June 11, 2012, refer to Exhibit 9.

A. Reporting Period of February 18, 2012 through March 8, 2012

16. Respondent filed his report original with his filing officer on March 9, 2012; he disclosed 46 contributions totaling \$16,958.00, and 13 expenditures totaling \$28,921.71. Respondent certified that his report was true, correct and complete. To review his report original, refer to Exhibit 6.

17. Respondent filed his report first amendment with his filing officer on June 11, 2012; however, Respondent made no changes to the entry of concern to Complainant. Respondent disclosed 47 contributions totaling \$16,558.00, and 13 expenditures totaling \$28,921.71. Respondent certified that his report was true, correct and complete. To review his report first amendment, refer to Exhibit 7.

18. Respondent filed his report second amendment with his filing officer on March 10, 2014, via Counsel by mail after Mr. Herron filed a response to the instant complaint with Commission staff on March 7, 2014. Respondent certified that his report was true, correct and complete. To review his report second amendment and Mr. Herron's cover letter filed to his filing officer, refer to Exhibit 8. To review Mr. Herron's response to the complaint, refer to Exhibit 10.

19. Table 1 shows how Respondent reported information regarding an alleged in-kind contribution from Marcia Radosevich.

¹ Note Respondent's CTR covering the period of January 20, 2012 through February 3, 2012 shows that he received a \$500 monetary contribution from Ms. Radosevich disclosed dated January 21, 2012, sequence number 52. However, this report is outside the campaign treasurer's reports ("CTR's") under our review.

TABLE 1: RESPONDENT'S 2012 CTRs – ITEMIZED CONTRIBUTIONS

| Date Sequence # | Full Name Street Address & City, State, Zip Code | Contributor | | Contribution Type | In-Kind Descrip- tion | Amount | Date Filed |
|--------------------|---|-------------|------------|----------------------|-----------------------------|----------|--|
| | | Type | Occupation | | | | |
| 02/21/2012 1 | Marcia Radosevich 5221 Las Palmas Ave, Wellington, FL 33449 | I | Retired | INK | | \$485.00 | 03/09/12 (Original) |
| 02/21/2012 1 | Marcia Radosevich 5221 Las Palmas Ave, Wellington, FL 33449 | I | Retired | INK | | \$485.00 | 06/11/12 (First Amend- ment) |
| 02/21/12 1 | Unicorn Landing, Inc. 5221 Las Palmas Ave. Wellington, FL 33449 | B | Equestrian | INK | Food & Bev. | \$485.00 | 03/10/14 (Second Amend- ment) |

20. By sworn affidavit-questionnaire dated October 7, 2014, Marcia J. Radosevich, confirmed that NCC1701, LLC d/b/a Unicorn Landing, Inc.² made one in-kind contribution to Respondent's 2012 re-election campaign in the amount of \$485.00; she affirmed it made no additional contributions to Respondent's campaign. Ms Radosevich also confirmed that she (personally) made one contribution to Respondent's 2012 re-election campaign in the amount of \$500.00 by check (disclosed dated January 21, 2012, sequence number 52). To review her sworn affidavit-questionnaire, refer to Exhibit 11, questions 4 through 7, and 9 through 11. To review her campaign contribution check, refer to Exhibit 12.

21. Table 2 summarizes the errors Respondent made on his campaign treasurer's report for the reporting period of February 18, 2012 through March 8, 2012.

(This space intentionally left blank)

² Note that Ms Radosevich is managing member of NCC1701, L.L.C, and president and director of Unicorn Landing, Inc., located in Wellington, Palm Beach County, Florida

| TABLE 2: MISSING AND INCORRECT INFORMATION ON RESPONDENT'S CTR | | | |
|---|---------------------------------------|----------------------------|---|
| Date Filed | Reporting Period | Missing Information | Incorrect Information |
| 02/21/12 | 02/18 to 03/08/12 Original | • None | <ul style="list-style-type: none"> • Reported \$485.00 in-kind contribution from Marcia Radosevich rather than from NCC1701, LLC d/b/a Unicorn Landing, Inc. • Reported \$500.00 rather than \$100.00 contribution from Katin Flint |
| 06/11/12 | 02/18 to 03/08/12 First Amendment | • None | <ul style="list-style-type: none"> • Reported \$485.00 in-kind contribution from Marcia Radosevich rather than from NCC1701, LLC d/b/a Unicorn Landing, Inc. |
| 03/10/14 | 02/18 to 03/08/12 Second Amendment | • None | • None |

22. Mr. Herron filed a response to the instant complaint with Commission staff on March 7, 2014. Mr. Herron said, "With respect to the allegation that Mr Willhite [Respondent] violated Section 106.08(1)(a), Florida Statutes, by accepting contributions from Marcia Radosevich in excess of the statutory limit of \$500 per election, the listing of the in-kind contribution on February 21, 2012 from Ms Radosevich personally is in error. Upon review, the contribution should have been listed as an in-kind contribution from Ms. Radosevich's business entity: Unicorn Landing, Inc, having the same address" To review Mr. Herron's response to the complaint, refer to Exhibit 10.

23. Mr Herron continued, "Mr Willhite is amending his campaign treasurer's report for the February 18, 2012 - March 7, 2012 reporting period to reflect that the in-kind [contribution] was from Unicorn Landing, Inc., rather than Ms Radosevich personally. To review Mr Herron's response to the complaint and attachment, refer to Exhibit 10. To review Respondent's report second amendment filed with Respondent's filing officer on March 10, 2014, by Mr Herron via mail-delivery, refer to Exhibit 8

B. 2012 TR -- Reporting Period of March 9, 2012 through June 11, 2012

24. Respondent filed his report original with his filing officer on June 11, 2012; he disclosed 13 contributions totaling \$2,994.75, and 10 expenditures totaling \$13,587.29. Respondent certified that his report was true, correct and complete. To review his 2012 TR, refer to Exhibit 9. To review relevant campaign contributions, refer to Exhibit 13. To review the relevant campaign expenditures, refer to Exhibit 14. To review the monthly Bank Statement for March 1 through 30, 2012, refer to Exhibit 15. To review the Monthly Bank Statement for March 31 through April 30, 2012, refer to Exhibit 16. To review the monthly Bank Statement

for May 1 through 31, 2012, refer to Exhibit 17. To review the Monthly Bank Statement for June 1 through June 29, 2012, refer to Exhibit 18.

25. It appears Respondent's 2012 re-election campaign accepted a campaign contribution check dated April 18, 2012 from Ms. Regis K. Wenham in the amount of \$200.00 after the case against Respondent and other defendants was voluntarily dismissed on April 12, 2012. By sworn affidavit-questionnaire, Ms. Wenham confirmed making the contribution via hand-delivery about April 20, 2012. Ms. Wenham's campaign contribution check was deposited in the campaign depository on May 2, 2012. To review Ms. Wenham's campaign contribution check and deposit information, refer to Exhibit 13, pages 11 and 10, respectively. To review Ms. Wenham's sworn affidavit-questionnaire, refer to Exhibit 19. To review the monthly Bank Statement for May 1 through 31, 2012, refer to Exhibit 17.

26. I secured Bank records from PNC Bank, N.A. A review of the bank records revealed that the information on the campaign treasurer's report does not agree with the bank records. According to bank records, Respondent's campaign failed to report a \$500.00 (*excessive*) contribution from John K. Darrah dated April 6, 2012, and a campaign expenditure in the amount of \$500.00 to "John Darrah" on June 1, 2012, apparently to refund the excessive contribution. Respondent's campaign depository had a balance of \$87.04 that was transferred electronically to Respondent's personal account rather than \$94.80 as disclosed dated June 7, 2012, sequence number 8, as a "refund." To review his 2012 TR, refer to Exhibit 9. To review the monthly Bank Statement for March 1 through 30, 2012, refer to Exhibit 15. To review the Monthly Bank Statement for March 31 through April 30, 2012, refer to Exhibit 16. To review the monthly Bank Statement for May 1 through 31, 2012, refer to Exhibit 17. To review the Monthly Bank Statement for June 1 through June 29, 2012, refer to Exhibit 18. To review relevant campaign contributions by check, refer to Exhibit 13. To review the relevant expenditures, refer to Exhibit 14. To review the PayPal contributions and relevant information, refer to Exhibit 20.

27. Table 3 summarizes the errors Respondent made on his 2012 TR. To review relevant campaign contributions by check, refer to Exhibit 13. To review the relevant expenditures, refer to Exhibit 14. To review the monthly Bank Statement for March 1 through 30, 2012, refer to Exhibit 15. To review the Monthly Bank Statement for March 31 through April 30, 2012, refer to Exhibit 16. To review the monthly Bank Statement for May 1 through 31, 2012, refer to Exhibit 17. To review the Monthly Bank Statement for June 1 through June 29, 2012, refer to Exhibit 18.

(This space intentionally left blank)

| TABLE 3: MISSING AND INCORRECT INFORMATION ON RESPONDENT'S 2012 TR | | | |
|--|-------------------------------|--|---|
| Date Filed | Reporting Period | Missing Information | Incorrect Information |
| 06/11/12 | 03/09 to 06/11/12 Original | <ul style="list-style-type: none"> Failed to report \$500.00 (excessive) contribution from John K. Darrah dated April 6, 2012 Failed to report expenditure to John K. Darrah on June 1, 2012 | <ul style="list-style-type: none"> Reported \$94.80 rather than \$87.04 expenditure (refund) to Respondent Reported \$500.00 contribution from Nan Paternini rather than from Nan Paterniti |

28. On March 9, 2015, I reviewed my findings with Mr. Herron by telephone and gave him an opportunity to respond to the information gathered during the course of the investigation concerning the allegations made in the complaint against his client. Mr. Herron had no comment regarding the items identified in Respondent's 2012 TR. Mr. Herron thanked me and acknowledged our procedure to send a written copy of the Report of Investigation to him for his review and comment at some time later. To review the phone log, refer to Exhibit 21, entry number 46.

29. According to the Affidavit of Filing Officer completed by Awilda Rodriguez, Clerk, Village of Wellington, dated June 12, 2014, Respondent was provided copies of the following: on February 7, 2008, Chapters 104 and 106, *Florida Statutes*, and the *2008 Candidate and Campaign Treasurer Handbook*, and on June 20, 2011, the Calendar of Election dates. (Note it appears the contribution limit for a candidate was the same in 2008 and 2012, at \$500.00. Also, note it appears the requirements were the same in 2008 and 2012 for accepting a campaign contribution after the conclusion of the contest and or in excess of the limits prescribed by Section 106.08(3)(b), *Florida Statutes*.) To review the clerk's affidavit of filing officer, refer to Exhibit 22.

30. Ms. Rodriguez affirmed that 2012 candidates were given a candidate information CD, and candidates who received the CD signed an acknowledgement form; however, there is no documentation to indicate that Respondent received a CD for his 2012 candidacy for re-election. To review the clerk's affidavit of filing officer, refer to Exhibit 21. To review Ms. Rodriguez's affidavit of filing officer, refer to Exhibit 22.

31. I found no record of previous complaints to indicate that Respondent has violated this section of Florida's election laws.

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

32. I investigated whether Respondent violated this section of the election laws by accepting an in-kind contribution in the amount of \$485.00 from Marcia Radosevich after accepting her monetary contribution in the amount of \$500.00. (Note at the time of Respondent's 2012 campaign, the contribution limit to candidates was \$500 per election.)

33. Complainant alleges that Respondent accepted an excessive contribution from Marcia Radosevich. Respondent's CTR shows that he accepted a \$500.00 monetary contribution from Ms. Radosevich on January 21, 2012. Campaign reports also show an in-kind contribution from Ms. Radosevich on February 21, 2012 for \$485.00.

34. To review information regarding this section of the election laws, refer to paragraphs 19 through 23 in this report.

35. As previously discussed in paragraph 29 in this report of investigation, according to the Affidavit of Filing Officer completed by Awilda Rodriguez, Clerk, Village of Wellington, dated June 12, 2014, Respondent was provided copies of the following: on February 7, 2008, Chapters 104 and 106, *Florida Statutes*, and the *2008 Candidate and Campaign Treasurer Handbook*, and on June 20, 2011, the Calendar of Election dates. (Note it appears the contribution limit for a candidate was the same in 2008 and 2012, at \$500 00 per election. Also, note it appears the requirements were the same in 2008 and 2012 for accepting a campaign contribution after the conclusion of the contest and or in excess of the limits prescribed by Section 106.08(3)(b), Florida Statutes.) To review the clerk's affidavit of filing officer, refer to Exhibit 22.

36. As previously discussed in paragraph 30 in this report of investigation, Ms Rodriguez affirmed that 2012 candidates were given a candidate information CD, and candidates who received the CD signed an acknowledgement form; however, there is no documentation to indicate that Respondent received a CD for his 2012 candidacy for re-election. To review the clerk's affidavit of filing officer, refer to Exhibit 22.

37. I found no record of previous complaints to indicate that Respondent has violated this section of Florida's election laws

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

38. I investigated whether the Respondent violated this section of the election laws by accepting a campaign contribution after the conclusion of the contest and or in excess of the limits prescribed by Section 106.08(3)(b), Florida Statutes

39. Complainant alleges that Respondent accepted 13 contributions (sequence numbers 1 through 13) after the March 13, 2012 municipal election and after the March 31, 2012 recount and election certification. Complainant argued that the contributions received in April were "after the conclusion of the legal contest" and expenditures were "for the sole purpose of paying for the legal fees and costs associated with the litigation." To review Respondent's TR, refer to Exhibit 9.

40. Each of Complainant's concerns will be addressed in the paragraphs that follow

Contributions

41. Contrary to Complainant's belief, as previously discussed in this report of investigation in paragraph 10, a legal challenge continued after the March 31, 2012 recount in which Respondent was named a party, in *Scarpa v Village of Wellington*, in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida. The case against Respondent and other defendants was voluntarily dismissed on April 12, 2012. To review the Notice of Voluntary Dismissal, refer to Exhibit 4.

42. As discussed in this report of investigation in paragraph 11, a candidate who timely files a contest of the election pursuant to section 102.168, Florida Statutes, is also permitted to expend funds from the campaign account for legal fees and costs associated with litigating the contest of the election. During the period of the legal contest, a candidate may also

accept contributions to their campaign account for the sole purpose of paying for the legal fees and costs associated with that litigation.

43. Therefore, it appears the last date Respondent's 2012 re-election campaign may accept a campaign contribution was April 12, 2012.

44. It appears Respondent's campaign accepted campaign contributions totaling \$2,665.00 plus a refund in the amount of \$129.75 by April 12, 2012. And his campaign accepted one contribution in the amount of \$200.00 after the end of the legal contest. The individual campaign contributions will be discussed in greater detail in the paragraphs that follow and in Table 4.

45. The PayPal transaction history of contributions during this period indicates four contributors made contributions to Respondent's campaign via PayPal prior to April 12, 2012. It appears no contributions were made and/or received by Respondent's campaign via PayPal after April 12, 2012. The individual contributions made via PayPal are discussed in Table 4 and marked by an asterisk; it appears the campaign contributions made via PayPal were disclosed by Respondent's campaign on the dates the contributions were processed by each contributor via PayPal. (Note a total of \$207.26 was transferred to Respondent's campaign depository and indicated as "ACH Credit Transfer PayPal..." on the monthly bank statement for the period of March 31 to April 30, 2012; processing fees for the contributions processed via PayPal were charged by PayPal to Respondent's campaign on April 30, 2012, in the amount of \$6.71; and disclosed by Respondent's campaign dated June 6, 2012, sequence number 9.) To review the PayPal transaction history, refer to Exhibit 20. To review the Monthly Bank Statement for March 31 through April 30, 2012, refer to Exhibit 16. To review the monthly Bank Statement for May 1 through 31, 2012, refer to Exhibit 17. To review the Monthly Bank Statement for June 1 through June 29, 2012, refer to Exhibit 18.

46. Table 4 shows a comparison of the contribution (check) information disclosed on Respondent's 2012 TR (March 9, 2012 through June 11, 2012), the information from bank records and the PayPal transaction history. (Note a contribution check, number 1104, in the amount of \$500.00 from John K. Darrah dated April 6, 2012 was found in the bank records during Respondent's 2012 TR cover period. It appears an earlier \$500.00 contribution from Mr. Darrah was disclosed dated May 26, 2011, sequence number 16, within the same election cycle. Respondent's campaign made an expenditure, check number 1151 dated June 1, 2012, to Mr. Darrah. However, neither the contribution dated April 6, 2012 nor the refund dated June 1, 2012 was disclosed by Respondent's campaign.)

(This space intentionally left blank.)

TABLE 4: 13 CONTRIBUTIONS OF CONCERN TO COMPLAINANT

| DATE ON CHECK | NAME OF CONTRIBUTOR | Date | AMOUNT | DATE OF DEPOSIT, ETC. |
|---------------|---|---------------|----------|--------------------------------|
| | | Sequence # | | |
| 04/05/12 | Sara R. Gehrke ³ | 04/05/12 1 | \$500.00 | 04/16/12 |
| 04/04/12 | Daniele Gilbert ⁴ | 04/06/12 2 | \$500.00 | 04/16/12 |
| 04/04/12 | Nan Paterniti ⁵ | 4/04/12 3 | \$500.00 | 04/16/12 |
| 04/03/12 | Cherry Communications Company, LLC ⁶ | 04/03/12 4 | \$129.75 | 04/16/12 |
| 04/04/12 | OZ Farm LLC Jennifer O. Leroy | 04/04/12 5 | \$500.00 | 04/16/12 |
| 04/04/12 | John A. VanDell ⁷ | 04/04/12 6 | \$250.00 | 04/16/12 |
| 04/09/12 | Timber Structure Inc | 04/09/12 7 | \$200.00 | 04/16/12 |
| 04/04/12* | Dan Robinson | 04/04/12 8 | \$30.00 | PayPal transaction on 04/04/12 |
| 04/05/12 | Anonymous Money Order ⁸ | 04/06/12 9 | \$25.00 | 04/16/12 |

³ Note an affidavit-questionnaire was mailed to Ms. Gehrke; however, it was not completed by her or returned by the USPS. To review her campaign contribution check, refer to Exhibit 13, page 4.

⁴ Note by sworn affidavit-questionnaire, Daniele Gilbert confirmed making the contribution to Respondent's 2012 re-election campaign via hand-delivery on April 6, 2012. To review Ms. Gilbert's responses, refer to Exhibit 23.

⁵ Note based upon the contribution check the contributor was identified in error as Nan Paternini on Respondent's 2012 TR; an affidavit-questionnaire was mailed via USPS; however, it was returned by the USPS and marked "RETURN TO SENDER NOT DELIVERABLE AS ADDRESSED UNABLE TO FORWARD." To review the envelope, refer to Exhibit 24. To review her campaign contribution check, refer to Exhibit 13, page 5.

⁶ Note on March 6, 2015, I interviewed Jim Cherry, Managing Director, by telephone; on March 10, 2015, by email, he confirmed the check was a "refund" to Respondent's campaign and not a campaign contribution. To review the phone log, refer to Exhibit 21, entry number 45. To review Mr. Cherry's email, refer to Exhibit 25.

⁷ Note by sworn affidavit-questionnaire, John Van Dell confirmed making the contribution to Respondent's 2012 re-election campaign via hand-delivery on April 4, 2012. To review his sworn affidavit, refer to Exhibit 26.

⁸ Note the contributor is unknown. To review a copy of the money order, refer to Exhibit 13, page 2.

| | | | | |
|--------------|-----------------------------|----------------|------------------|--------------------------------------|
| 04/18/12 | Regis R Wenham ⁹ | 04/18/12 10 | \$200.00 | 05/02/12 |
| 04/05/12* | Barbara Richardson | 04/05/12 11 | \$100 00 | PayPal transaction on 04/05/12 |
| 04/04/12* | Michael Smith | 04/04/12 12 | \$10.00 | PayPal transaction on 04/04/12 |
| 04/04/12* | Marysue Jacobs | 04/04/12 13 | \$50 00 | PayPal transaction on 04/04/12 |
| TOTAL | | | \$2994.75 | |

To review the Monthly Bank Statement for March 31 through April 30, 2012, refer to Exhibit 16. To review the monthly Bank Statement for May 1 through 31, 2012, refer to Exhibit 17. To review the Monthly Bank Statement for June 1 through June 29, 2012, refer to Exhibit 18. To review relevant campaign contributions, refer to Exhibit 13. To review relevant campaign expenditures, refer to Exhibit 14. To review relevant records for the contributions via PayPal, refer to Exhibit 20.

Expenditures

47 Complainant also expressed concern regarding four expenditures disclosed by Respondent and Respondent's use of campaign funds received after the conclusion of the legal contest: 1.) an expenditure dated June 7, 2012, sequence number 8, in the amount of \$94 80, for a "Refund" to Respondent; 2) an expenditure dated June 6, 2012, sequence number 9, in the amount of \$6.71, for "Processing Fees" to PayPal; 3) an expenditure dated June 6, 2012, sequence number 5, in the amount of \$500.00 for "Recount Advisement" to Armand Nault; and 4.) an expenditure dated June 5, 2012, sequence number 1, in the amount of \$5,334 18, for "Legal Fees" to "Weiss Handler PA"¹⁰.

48. As previously discussed in this report of investigation in paragraph 11, Respondent could "expend funds from the campaign account for legal fees and costs associated with litigating the contest of the election" in addition to the "type of expenditures permitted under section 106 11(5), Florida Statutes." To review DE 02-15 (October 15, 2002), refer to Exhibit 5.

⁹ Note as previously discussed in this report of investigation in paragraph 25, it appears Respondent's 2012 re-election campaign accepted this campaign contribution check after the case against Respondent and other defendants was voluntarily dismissed on April 12, 2012. By sworn affidavit-questionnaire, Ms Wenham confirmed making the contribution via hand-delivery about April 20, 2012. To review Ms. Wenham's campaign contribution check, refer to Exhibit 13, page 11. To review Ms. Wenham's sworn affidavit-questionnaire, refer to Exhibit 19.

¹⁰ Note as previously discussed in the report of investigation in paragraph 7, the law firm's name is Weiss, Handler, Angelos & Cornwell, P A., in Boca Raton, Florida. To review their retainer letter, refer to Exhibit 4.

49. In addition to expending funds for legal fees and costs associated with litigating the contest of the election, as discussed in this report of investigation in paragraph 12, pursuant to section 106.11(5), Florida Statutes, Respondent may expend funds from the campaign account to purchase "thank you" advertising...; pay for items obligated before he was eliminated or elected; pay for expenditures necessary to close down the campaign office and prepare final campaign reports; and dispose of surplus funds as provided in section 106.141, Florida Statutes.

50. I secured records from Respondent and his campaign treasurer for most of the expenditures disclosed by Respondent's 2012 re-election campaign via their attorney Mr. Herron. To review Mr. Herron's response dated October 10, 2014 and relevant records, refer to Exhibit 27. To review Mr. Herron's response dated December 1, 2014 and relevant records, refer to Exhibit 28. To review the phone log, refer to Exhibit 21, entry numbers 41 through 44, 46, 49 and 50.

51. With respect to an expenditure dated June 7, 2012, sequence number 8, in the amount of \$94.80, for a "Refund" to Respondent, as previously discussed in this report of investigation in paragraph 25 through 27, the correct amount transferred to Respondent as a refund was \$87.04. Pursuant to section 106.141, Florida Statutes, it appears Respondent may be reimbursed by the campaign, in full or in part, for any contributions made by the candidate to his campaign (Note it appears Respondent made a campaign contribution by check, in the amount of \$500.00 disclosed dated April 5, 2011, sequence number 1.)

52. In regards to the expenditure dated June 6, 2012, sequence number 9, in the amount of \$6.71: on April 30, 2012, PayPal charged Respondent's campaign processing fees totaling \$6.71 for the contributions made via PayPal, as previously discussed in this report of investigation in paragraph 47. Because the campaign contributions made via PayPal were prior to the end of the legal contest on April 12, 2012, it appears the expenditure is authorized pursuant to DOE Opinion (DE) 02-15 (October 14, 2007). To review relevant PayPal transaction history, refer to Exhibit 20. To review the Monthly Bank Statement for March 31 through April 30, 2012, refer to Exhibit 16.

53. An expenditure item dated June 6, 2012, sequence number 5, in the amount of \$500.00 for "Recount Advisement" to Armand Nault was disclosed by Respondent's campaign. However, there was no documentation, explanation or additional information provided by Respondent or the campaign treasurer regarding this expenditure to Armand Nault dated June 6, 2012, sequence number 5, in the amount of \$500.00; and my attempts to reach the payee by telephone were unsuccessful. Therefore, it is unknown if this expenditure was authorized pursuant to section 106.11(5), Florida Statutes, or another section of the Florida Statutes. (Note Mr. Nault is a former paramedic, firefighter and union official with Palm Beach County Fire Rescue.) To review the Monthly Bank Statement for June 1 through June 29, 2012, refer to Exhibit 18. To review relevant expenditures, refer to Exhibit 14.

54. Regarding the expenditure dated June 5, 2012, sequence number 1, in the amount of \$5,334.18, for "Legal Fees" to Weiss, Handler, Angelos & Cornwall, P.A. that was of concern to Complainant: a retainer letter dated March 20, 2012 indicates the law firm will represent Respondent in challenging the 2012 Village of Wellington election results. Therefore, it appears the expenditure was authorized pursuant to the DOE Opinion (DE) 02-15 (October 14, 2002). To review the retainer letter, refer to Exhibit 4. To review the Monthly Bank Statement for June

1 through June 29, 2012, refer to Exhibit 18. To review relevant expenditures, refer to Exhibit 14.

55. Mr. Herron filed a response to the instant complaint with Commission staff on March 7, 2014. He said, "With respect to the allegation that Mr Willhite [Respondent] violated Section 106.08(3)(b), Florida Statutes, by accepting contributions for the defense of an election contest after the date the candidate is defeated, becomes unopposed, or is elected to office, the complaint falsely states or implies that the election contest was concluded on March 29, 2012." Mr. Herron identified three election contest actions heard by Judge Robin Rosenberg following the March 2012 municipal election. He noted the contest action in which Respondent was a defendant was not dismissed until April 12, 2012. To review his response, refer to Exhibit 10. To review the Notice of Voluntary Dismissal, refer to Exhibit 4.

56. Mr. Herron explained that in accordance with Judge Rosenberg's directive, a hand recount of the ballots was conducted on Saturday, March 31, 2012, and confirmed that Respondent was the winner. Mr. Herron continued, "Thus, consistent with Division of Elections Opinion 02-15, [Respondent], received the contributions during the pendency of the election contest action, with the exception of one contribution which shows on the campaign treasurer's report that it was received on April 18, 2012." To review Mr. Herron's response, refer to Exhibit 10. To review the Notice of Voluntary Dismissal, refer to Exhibit 4.

57. As previously discussed in this report of investigation in paragraphs 29 and 35, according to the Affidavit of Filing Officer completed by Awilda Rodriguez, Clerk, Village of Wellington, dated June 12, 2014, Respondent was provided copies of the following: on February 7, 2008, Chapters 104 and 106, *Florida Statutes*, and the *2008 Candidate and Campaign Treasurer Handbook*, and on June 20, 2011, the Calendar of Election dates. (Note it appears the contribution limit for a candidate was the same in 2008 and 2012, at \$500.00. Also, note it appears the requirements were the same in 2008 and 2012 for accepting a campaign contribution after the conclusion of the contest and or in excess of the limits prescribed by Section 106.08(3)(b), Florida Statutes.) To review the clerk's affidavit of filing officer, refer to Exhibit 22.

58. As previously discussed in this report of investigation in paragraphs 30 and 36, Ms. Rodriguez affirmed that 2012 candidates were given a candidate information CD, and candidates who received the CD signed an acknowledgement form; however, there is no documentation to indicate that Respondent received a CD for his 2012 candidacy for re-election. To review the clerk's affidavit of filing officer, refer to Exhibit 22.

59. I found no record of previous complaints to indicate that Respondent has violated this section of Florida's election laws.

V. FEC History:

60. Respondent has no history of additional complaints filed against him with the Commission at the time of this complaint.

Conclusion:

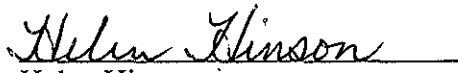
61. On March 9, 2015, I reviewed my findings with Mr. Herron by telephone and gave him an opportunity to respond to the information gathered during the course of the investigation concerning the allegations made in the complaint against his client. Mr. Herron thanked me and acknowledged our procedure to send a written copy of the Report of

Investigation to him for his review and comment at some time later. (Note on October 21, 2014, by telephone, Mr. Herron expressed his desire to me to enter into negotiations for a pre-probable cause consent order and the case was referred to Commission legal staff. However, on January 4, 2015, Mr. Williams received an email from Mr. Herron declaring, "My client has opted for a pre-probable cause hearing on the allegations set forth in the complaint." The case was returned to me on January 5, 2015 for investigation) To review the phone log, refer to Exhibit 21, entry numbers 46, and 36.

62. Respondent signed his Statement of Candidate on April 4, 2011. To review his Statement of Candidate, refer to Exhibit 1

63 During my investigation of the allegations contained in the sworn complaint, it appears Respondent signed campaign expenditures (checks) although he was not the duly authorized campaign treasurer or deputy treasurer. It also appears Respondent accepted an unauthorized campaign contribution, an anonymous \$25.00 money order, and was required to donate it to an appropriate entity pursuant to section 106.141, Florida Statutes, and DOE Opinion 89-02 (April 5, 1982), but was included in the amount refunded to Respondent. Also, it appears Respondent's campaign depository would have had insufficient funds on deposit without Ms. Wenham's late campaign contribution if the campaign made the same expenditures to Armand Nault (\$500.00), and Respondent (\$87.04). However, because these potential violations were not alleged in the complaint, I did not investigate this information. (Note it appears Respondent made a \$500.00 campaign contribution (check) and funds remaining in the campaign depository, in the amount of \$87.04, were transferred to his personal account)

Respectfully submitted on March 18, 2015


Helen Hinson
Investigation Specialist

Current address of Respondent

The Honorable Matthew A. Willhite
15895 Weatherly Road
Wellington, Florida 33414

Current address of Complainant

Mr. Jack Mancini
1372 Waterway Cove Drive
Wellington, Florida 33414

Current Address of Respondent's Atty.:

Mr. Mark Herron
Messer Caparello, PA
Post Office Box 15579
Tallahassee, Florida 32317

Name and Address of Filing Officer:

Ms. Awilda Rodriguez
Clerk, Village of Wellington
123 Forest Hill Boulevard
Wellington, Florida 33414

Copy furnished to: Ms. Margie B. Wade, Investigation Specialist

FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Matthew A. Willhite -- FEC 14-044

| LIST OF EXHIBITS | |
|-------------------------|--|
| Exhibits #s | Description of Exhibits |
| Exhibit 1 | Respondent's Statement of Candidate |
| Exhibit 2 | Respondent's Form DS-DE 9, Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates |
| Exhibit 3 | The law firms retainer letter |
| Exhibit 4 | Notice of Voluntary Dismissal |
| Exhibit 5 | The DOE Opinion (DE) 02-15 (October 14, 2002) |
| Exhibit 6 | Respondent's report original covering the period of February 18, 2012 through March 8, 2012 |
| Exhibit 7 | Respondent's report first amendment covering the period of February 18, 2012 through March 8, 2012 |
| Exhibit 8 | Respondent's report second amendment covering the period of February 18, 2012 through March 8, 2012 and cover letter filed with Respondent's filing officer on March 10, 2014 by Mr Herron via mail-delivery |
| Exhibit 9 | Respondent's 2012 TR covering the period of March 9, 2012 through June 11, 2012 |
| Exhibit 10 | Mr. Herron's response to the complaint and attachment |
| Exhibit 11 | Sworn affidavit-questionnaire dated October 7, 2014 from Ms Marcia J Radosevich |
| Exhibit 12 | Campaign contribution check from Ms Radosevich |
| Exhibit 13 | Relevant campaign contributions |
| Exhibit 14 | Relevant campaign expenditures |
| Exhibit 15 | Monthly Bank Statement for March 1 through 30, 2012 |
| Exhibit 16 | Monthly Bank Statement for March 31 through April 30, 2012 |
| Exhibit 17 | Monthly Bank Statement for May 1 through 31, 2012 |
| Exhibit 18 | Monthly Bank Statement for June 1 through 29, 2012 |
| Exhibit 19 | Sworn affidavit-questionnaire from Ms. Regis R. Wenham dated June 30, 2014 |
| Exhibit 20 | Campaign contributions made via PayPal and relevant information |

| | |
|------------|---|
| Exhibit 21 | Phone Log |
| Exhibit 22 | Affidavit of Filing Officer from Ms. Awilda Rodriguez, Clerk, Village of Wellington with relevant attachments |
| Exhibit 23 | Sworn affidavit-questionnaire of Daniele Gilbert |
| Exhibit 24 | Mailing envelope to Nan Paternini a/k/a Nan Paterniti |
| Exhibit 25 | Email dated March 10, 2015 from Jim Cherry of Cherry Communications Company, LLC |
| Exhibit 26 | Sworn affidavit-questionnaire of John Van Dell |
| Exhibit 27 | Records from Respondent provided by Mr. Herron on October 10, 2014 |
| Exhibit 28 | Records from campaign treasurer provided by Mr. Herron on December 1, 2014, in response to a subpoena |

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

(Section 106 021(1), F.S.)

(PLEASE PRINT OR TYPE)

04-04-11 P01:52 IN

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)

Matt Alan Willhite

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

15820 Rolling Meadows Circle
Wellington, FL 33414

4. Telephone

(561) 7935488

5. E-mail address

sparky1783@aol.com

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

Wellington Village Council, Seat 4

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 Municipal Non-Partisan Party candidate

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

10. Name of Treasurer or Deputy Treasurer

Alexis Willhite

11. Mailing Address

15820 Rolling Meadows Circle

12. Telephone

(561) 7935488

13. City

Wellington

14. County

Palm Beach

15. State

Florida

16. Zip Code

33414

17. E-mail address

Alex784@aol.com

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

19. Name of Bank

PNC Bank

20. Address

12850 Forest Hill Blvd

21. City

Wellington

22. County

Palm Beach

23. State

Florida

24. Zip Code

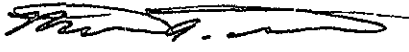
33414

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

04/04/2011

26. Signature of Candidate



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

I, Alexis Willhite, do hereby accept the appointment
(Please Print or Type Name)

designated above as: Campaign Treasurer Deputy Treasurer

04/04/2011

Date



Signature of Campaign Treasurer or Deputy Treasurer

WEISS, HANDLER,
ANGELOS & CORNWELL, P.A.

ATTORNEYS AT LAW

ONE BOCA PLACE

SUITE 218A

2255 GLADES ROAD

BOCA RATON FLORIDA 33431-7392

BOCA RATON (561) 997-9995

BROWARD (954) 421-5101

PALM BEACH (561) 734-8008

PORT ST. LUCIE (772) 345-LAWS

TELECOPIER (561) 997-5280

www.weissahandler.com

PORT ST. LUCIE OFFICE
10521 SW VILLAGE CENTER DRIVE
SUITE 101
PORT ST. LUCIE, FLORIDA 34967
(772) 345-LAWS

OF COUNSEL

ELLYN SETNOR BOGDANOFF⁹

RADUL LIONEL FELDER⁹

WILLIAM M. FRANZ

PETER P. LINDLEY

HARRY WINDERMAN

JOSEPH ABRUZZO

GOVERNMENT RELATIONS

& PUBLIC POLICY

NOT ADMITTED TO FL BAR

CYNTHIA G. ANGELOS¹
WILLIAM J. BERGER
WILLIAM J. CORNWELL^{2*}
DAVID K. FRIEDMAN
HENRY B. HANDLER
CAROL A. KARTAGENER⁹
SETH A. KOLTON
TRAVIS R. WALKER
HOWARD I. WEISS^{3**}

¹ FL VA BARS

^{2*} FL, GA BARS

^{3**} FL, NY BARS

⁹ BOARD CERTIFIED

MARITAL & FAMILY LAW

⁹ CERTIFIED CIRCUIT CIVIL MEDIATOR

¹ NY BAR, NOT ADMITTED IN FL

March 20, 2012

Mr. Matthew A. Willhite
15820 Rolling Meadows Circle
Wellington, Florida 33414

**Re: Representation by Weiss, Handler, Angelos & Cornwell, P.A. (the "Firm")
re: Challenge to Certified 2012 Village of Wellington Election Results
(the "Certified Election Results")**

Dear Mr. Willhite:

The Firm would be pleased to represent you in challenging the Certified Election Results. Please understand that assignments may be delegated to any attorney or paralegal in the Firm in order to attempt to retain the best possible result for you.

Our services will be compensated on the basis of \$375 per hour for partners' time, \$350 per hour for senior attorneys' time and for of counsel's time, \$325 per hour for associates' time, and \$125 per hour for paralegals' time. We request the payment of a retainer of \$3,500. If said sum is expended by hours of service, we would request its replenishment thereafter.

In addition to the foregoing fees, the Firm will be reimbursed for all costs and expenses incurred on your behalf or to be incurred on your behalf. Such costs include, but are not limited to, property searches, courier charges, express deliveries, facsimile charges, postage, copies, long distance telephone charges, legal computer time, transcription costs, filing fees, process server charges, outside consultant fees and expert witnesses. We request the payment of a cost deposit of \$1,000. Before any one significant cost or expenses is incurred, we will obtain your consent.

The Firm will send periodic invoices showing hours expended and costs incurred. Payment of invoices will be due within twenty (20) days of mailing. If you have any question concerning an entry on any invoice, please advise the Firm within ten (10) days after receipt. If there are no questions about any invoice, you will have been deemed to have approved said invoice for payment.

While the Firm may offer an opinion about possible results in challenging the Certified Election

EXHIBIT 3(1 of 2)

Matthew A. Willhite
March 20, 2012
Page 2

Results, it cannot guarantee any particular outcome. Periodically, the Firm may provide you with an estimate of the anticipated costs and fees to complete our representation of you in challenging the Certified Election Results. Please bear in mind that this is an estimate only and no guarantee can be made as to the actual costs and fees that will be incurred. It is impossible to predict the time by which to reach final adjudication with certainty and to anticipate all activities that may take place during the course of the action. Tasks and time necessary required to complete phases of challenging the Certified Election Results are often beyond the Firm's control because of the involvement of other parties, witnesses, and requirements of the court.

If the terms of the foregoing meet with your approval, please have this letter executed where indicated below. Please return this letter with the retainer in the amount of \$3,500 and the cost retainer of \$1,000. For your convenience, we have enclosed wire instructions. If you have any question regarding these terms or our representation, please do not hesitate to contact us. We look forward to representing you and working with you. Thank you.

Very truly yours,

WEISS, HANDLER,
ANGELOS & CORNWELL, P.A.



HENRY B. HANDLER

Encl.

ACCEPTED and AGREED to
this 20 day of March, 2012



Matthew A. Willhite

EXHIBIT 3(2 of 2)

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

GAYE A. SCARPA and MARY K
("KATHY") FOSTER,

Plaintiffs,

v

Case No. 50-2012-CA-005576-AJ

The VILLAGE OF WELLINGTON
CANVASSING BOARD, AWILDA
RODRIGUEZ in her official capacity as
Village of Wellington Clerk and as a
Chairperson of the Village of Wellington
Canvassing Board, CARMINE PRIORE
in his official capacity as a member of the
Village of Wellington Canvassing Board
and Mayor Pro Tem, HOWARD COATES,
JR., in his official capacity as a member of
the Village of Wellington Canvassing Board
and City Council, ANNE GERWIG in her
official capacity as a member of the Village
of Wellington Canvassing Board and City
Council, SUSAN BUCHER in her
official capacity as Supervisor of Elections,
Palm Beach County, Florida; the VILLAGE
OF WELLINGTON CITY COUNCIL,
DARRELL BOWEN in his official capacity
as Mayor; MATT WILLHITE in his official
capacity as Vice Mayor and in his capacity as
candidate for Seat 4; JOHN GREENE in
his capacity as candidate for Seat 1; BOB
MARGOLIS in his capacity as mayoral candidate;

Defendants.

COPY
RECEIVED FOR FILING

APR 12 2012

SHARON R. BOCK
CLERK & COMPTROLLER
CIRCUIT CIVIL DIVISION

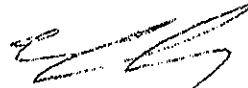
NOTICE OF VOLUNTARY DISMISSAL

GREENBERG TRAURIG, P.A.

EXHIBIT 4 (1 of 3)

Plaintiffs, Gaye A. Scarpa and Mary K. ("Kathy") Foster, pursuant to Rule 1.420(a), hereby voluntarily dismiss their Complaint in this proceeding. All parties have agreed to bear their own costs.

Respectfully submitted,



GLENN BURHANS, JR.
Florida Bar Number 605867
HAYDEN DEMPSEY
Florida Bar Number 14435
BRIDGET SMITHA
Florida Bar Number 070581
GREENBERG TRAUERIG, P.A.
101 East College Avenue
Tallahassee, FL 32301
Telephone (850) 222-6891
Facsimile (850) 681-0207
burhansg@gtlaw.com

and

MARK F. BIDEAU
Florida Bar Number 564044
GREENBERG TRAUERIG, P.A.
777 South Flagler Drive Suite 300 East,
West Palm Beach, FL 33401

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via U.S. Mail to the following individuals this 12 day of April, 2012.

Daniel Nordby
General Counsel
Florida Department of State
R.A. Gray Building

Jeffrey S. Kurtz
Glen J. Torcivia
Law Office of Glen J. Torcivia &
Associates, P.A.

2

GREENBERG TRAUERIG, P.A.

EXHIBIT 4 (2 of 3)

500 South Bronough Street
Tallahassee, FL 32399
Email: Daniel.Norby@dos.myflorida.com

William J. Cornwell
Seth A. Kolton
David K. Friedman
Weiss, Handler, Angelos & Cornwell, P A
One Boca Place- Suite 218-A
2255 Glades Road
Boca Raton, Florida 33431
Email: cicweissandhandlerpa.com
Email: hbh@weissandhandlerpa.com
Email: wjc@weissandhandlerpa.com

James M. McCann
Akerman Senterfitt
222 Lakeview Avenue, Suite 400
West Palm Beach, FL 33401
Email: jim.mccann@akerman.com

Alexander L. Domb
11199 Polo Club Road, Suite 1
Wellington, FL 33414
alecdomb@gmail.com
alex@aldlaw.org

John K. Shubin, Jeffrey S. Bass
Amy E. Huber, David R. Hazouri
Deana D. Falce
Shubin & Bass, P.A.
46 Southwest First Street, Third Floor
Boca Raton, FL 33432-6134
Email: jshubin@shubinbass.com
Email: jbass@shubinbass.com
Email: ahuber@shubinbass.com
Email: dfalce@shubinbass.com
Email: dhazouri@shubinbass.com

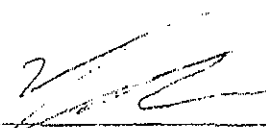
701 Northpoint Parkway, Suite 209
West Palm Beach, FL 33407
Email: glen@torcivialaw.com
Email: jeff@torcivialaw.com

Gerald F. Richman
RICHMAN GREER, P.A.
One Clearlake Centre - Suite 1504
250 Australian Avenue South
West Palm Beach, Florida 33401
Tel: (561) 803-3500
Fax: (561) 820-1608
Email: grichman@richmangreer.com
Email: jwhittles@richmangreer.com

Susan Bucher
Supervisor of Elections
240 South Military Trail
West Palm Beach, FL 32415
Email: SusanBucher@pbcelections.org

Kenneth G. Spillias
Lewis, Longman, & Walker, P.A.
515 North Flagler Drive, Suite 1500
West Palm Beach, FL 33401
Email: kspillias@llw-law.com

Mark Herron
Robert J. Telfer, III
Messer, Capareello & Self, P.A.
2618 Centennial Place
Tallahassee, FL 32308-0572
Email: rtelfer@lawfla.com
Email: mherron@lawfla.com



Attorney

TAL 451.680.527v1 4-3-12

DE 02-15 - October 14, 2002

**Use of Campaign Funds for Legal Expenses Associated with Contesting an Election
§ 102.168, 106.011(3)(a), 106.011(4), 106.11(5), Florida Statutes**

To: The Honorable Renier Diaz de la Portilla, State Representative, Post Office Box 3800, Miami, Florida 33245-3800

Prepared by: Division of Elections

Dear Representative Diaz de la Portilla:

This is in response to your request for an advisory opinion regarding the use of campaign funds to pay for legal expenses related to your legal contest of the September 10, 2002 Primary Election in which you were a Republican candidate for the office of State Representative, House District 115. You are a candidate and pursuant to section 106.23(2), Florida Statutes, the Division of Elections has authority to issue an opinion to you.

You state in your letter that on September 27, 2002 you filed a complaint in the 11th Judicial Circuit Court contesting the certified results of the September 10, 2002 Primary Election as they relate to your candidacy as a Republican candidate for State Representative, District 115. You ask several questions relating to the use of your campaign funds both during the period following the September 10, 2002 Primary Election but prior to filing your contest on September 27, 2002 and the period after the filing of the contest of the election.

A primary election for the office of State Representative, District 115 was held on September 10, 2002. You were a qualified candidate on that ballot. On September 17, 2002, pursuant to section 102.112(2), Florida Statutes, the local canvassing board through the Supervisor of Elections certified the results of the election to the Division of Elections. On September 18, 2002 the Election Canvassing Commission certified the results of the primary election. Mr. Juan-Carlos Planas was certified as the winner of the Republican Party primary race for State Representative, District 115. Pursuant to Section 102.168, Florida Statutes, as an unsuccessful candidate, you filed a contest of the election.

The Florida Legislature, through section 102.168, Florida Statutes, has devised a mechanism by which unsuccessful candidates for office may contest the certified outcome of their race. Such contests must be filed within 10 days of the certification of the election results. These cases are handled in an expeditious manner by the courts and the court, if the contesting party is successful, may fashion various remedies, including, but not limited to, ordering the holding of another election with regard to a particular race or declaring a different winner.

Chapter 106, Florida Statutes, through various sections, outlines the procedures under which a candidate for office can receive campaign contributions and make expenditures from their duly

EXHIBIT 5(1 of 4)

established campaign accounts. In addition, Chapter 106 also outlines the purposes for which campaign funds can be spent.

Section 106.11, Florida Statutes, allows candidates to deposit contributions received into and make expenditures from the campaign accounts. Pursuant to section 106.011(4), Florida Statutes, an "expenditure" is, "a purchase, payment, distribution, loan, advance, transfer of funds by a campaign treasurer or deputy campaign treasurer between a primary depository and a separate interest-bearing account or certificate of deposit, or gift of money or anything of value made for the purpose of influencing the results of an election."

A "contribution" is defined in section 106.011(3)(a), Florida Statutes, as, "a gift, subscription, conveyance, deposit, loan, payment, or distribution of money or anything of value, including contributions in kind having an attributable monetary value in any form, made for the purpose of influencing the results of an election."

Chapter 106, Florida Statutes, does not define an "eliminated candidate." However, section 106.11(5), Florida Statutes, provides that:

- (5) A candidate who withdraws his or her candidacy, becomes an unopposed candidate, or is eliminated as a candidate or elected to office may expend funds from the campaign account to:
 - (a) Purchase "thank you" advertising for up to 75 days after he or she withdraws, becomes unopposed, or is eliminated or elected.
 - (b) Pay for items which were obligated before he or she withdrew, became unopposed, or was eliminated or elected.
 - (c) Pay for expenditures necessary to close down the campaign office and to prepare final campaign reports.
 - (d) Dispose of surplus funds as provided in s 106.141.

The determination of the correct election results relating to your race goes to the very heart of your candidacy. Because section 102.168, Florida Statutes, provides a timely legal process by which an unsuccessful candidate for office can contest the certified results of their race, it was clearly contemplated by the Legislature that limited circumstances might occur, the types of which are specifically outlined in statute, which could cause certified election results as to a particular candidate's race to be called into question. The contest provision then allows the candidate to seek review of the election results by a court of law and obtain a final determination of the validity of those results. It seems logical then to conclude that the Legislature did not intend for a candidate to be considered to be "eliminated" for purposes of Chapter 106 until after the conclusion of any contest action that they were lawfully permitted to file under section 102.168, Florida Statutes.

With all of this in mind, let us now address your specific questions. They are as follows:

- 1) As a defeated candidate following the September 10th election, but prior to the filing of the September 27th complaint, what were my restrictions as to the use of my campaign funds?

EXHIBIT 5 (2 of 4)

2) As a losing candidate contesting the certified election results after September 27th, what are my restrictions as they pertain to the following:

- a) My ability to loan my campaign funds for the use of campaign activities?
- b) My ability to collect contributions for the use of campaign related activity?
- c) My ability to loan my campaign funds for the use of legal costs related to my election complaint?
- d) My ability to collect contributions for the use of legal costs related to my election contest?

As to question 1, normally election day marks the point after which campaign funds not spent or obligated may not be expended for purposes other than those specified in statute. Therefore, you would be limited during the period following the September 10, 2002 election through the actual filing of your contest of the election to those types of expenditures permitted under section 106.11(5), Florida Statutes.

As to question 2, by exercising your right as a candidate by filing the contest of election on September 27, 2002, you effectively removed your candidacy from the definition of "eliminated" for the purposes of Chapter 106, Florida Statutes, until the outcome of your contest of the election is determined. During the pendency of the contest of the election, you would be limited to expenditures from your campaign account solely for the purposes of that legal action and for paying for any items obligated on or before election day. As to contributions, you would be able to accept contributions, subject to the limitations contained in section 106.08, Florida Statutes, for the primary election, but only for the very narrow purpose of paying for the legal fees and costs associated with your contest of the election results. This would include contributions or loans made by you personally to your campaign during this time. You would also need to report any expenditures from or contributions to your campaign during that time.

SUMMARY

In general, a candidate can only expend funds from their campaign account after election day for the type of expenditures permitted under section 106.11(5), Florida Statutes. However, a candidate who timely files a contest of the election pursuant to section 102.168, Florida Statutes, is also permitted to expend funds from the campaign account for legal fees and costs associated with litigating the contest of the election. During the period of the legal contest, a candidate may also accept contributions to their campaign account for the sole purpose of paying for the legal fees and costs associated with that litigation.

Sincerely,

Edward C. Kast
Director, Division of Elections

Prepared by:
Sharon D. Larson
Assistant General Counsel

EK/SDL/ees

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

(1) Matt Willhite
Name

(2) 13833-E4 Wellington Trace PMB 107
Address (number and street)

Wellington, FL 33414

City, State, Zip Code

CHECK IF ADDRESS HAS CHANGED

(3) ID Number: _____

(4) Check appropriate box(es):

Candidate (office sought): Wellington Council Seat 4

Political Committee CHECK IF PC HAS DISBANDED

Committee of Continuous Existence CHECK IF CCE HAS DISBANDED

Party Executive Committee CHECK IF NO OTHER ELECTIONEERING

Electioneering Communication COMMUNICATION REPORTS WILL BE FILED

(5) REPORT IDENTIFIERS

Cover Period: From 02 / 18 / 12 To 03 / 08 / 12 Report Type _____

Original Amendment Special Election Report Independent Expenditure Report

(6) CONTRIBUTIONS THIS REPORT

Cash & Checks \$ 16,958.00

Loans \$ _____

Total Monetary \$ 16,958.00

In-Kind \$ 485.00

(7) EXPENDITURES THIS REPORT

Monetary Expenditures \$ 28,921.71

Transfers to Office Account \$ _____

Total Monetary \$ 28,921.71

(8) Other Distributions \$ _____

(9) TOTAL Monetary Contributions To Date

\$ 60,726.40

(10) TOTAL Monetary Expenditures To Date

\$ 49,325.46

(11) CERTIFICATION

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

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

(Type name) Alexis T. Willhite

Individual (only for electioneering commun.) Treasurer Deputy Treasurer

X *A Willhite*

Signature

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

(Type name) Matt Willhite

Candidate Chairperson (only for PC, PTY & electioneering commun organization)

X *M Willhite*

Signature

**CAMPAIGN TREASURER'S REPORT ITEMIZED
EXPENDITURES AND DISTRIBUTION**

(1) Name Matt Willhite (2) I.D. Number

(3) Cover Period 2 / 18 / 12 through 3 / 8 / 12 (4) Page 2 of 2

Expenditures (Use separate sheets for Expenditures and Distributions. Do not combine sequence numbers with Distributions.)

Distributions (Use separate sheets for Expenditures and Distributions. Do not combine sequence numbers with Expenditures.)

| (5) Date | (7) Full Name (L, Suffix, F, M) Full Street Address City, State, Zip Code | (8) Purpose (add office sought for candidate contributions) | (9) Expenditure Type | (10) Related Expenditures | (11) Amended | (12) Amount |
|-------------|---|--|----------------------------|---------------------------------|-----------------|----------------|
| 3/6/12 | Scott Siegel Amazing Images 21459 Juego Cir 30D, Boca Raton, FL 33433 | Commercial Shoot | MON | | | \$1,740 |
| 8 | | | | | | |
| 3/2/12 | United States Postal Service | Postage | MON | | | \$135.00 |
| 9 | | | | | | |
| 3/4/12 | Village Voice 1266 Beacon Cir Wellington, FL 33414 | Advertising | MON | | | \$375 |
| 10 | | | | | | |
| 3/6/12 | Community Proj Solutions 125 SW 1st Ave Boynton Beach, FL 33435 | Campaign Management | MON | | | \$3,976 |
| 11 | | | | | | |
| 3/7/12 | Supervisor of Elections 50 S Military Trail, West Palm Beach, FL | Absentee Addresses | MON | | | \$40.50 |
| 12 | | | | | | |
| 3/8/12 | Pay Pal PO Box 45950 Omaha, NE 68145-0950 | Processing Fees | MON | | | \$29.51 |
| 13 | | | | | | |
| / / | | | | | | |
| | | | | | | |

**CAMPAIGN TREASURER'S REPORT ITEMIZED
CONTRIBUTIONS AND FUND TRANSFERS**

(1) Name Matt Willhite (2) I.D. Number

(3) Cover Period 02 / 17 / 12 through 03 / 08 / 12 (4) Page 3 of 7

Contributions (Use separate sheets for Contributions and Fund Transfers. Do not combine sequence numbers with Fund Transfers)

Fund Transfers (Use separate sheets for Contributions and Fund Transfers. Do not combine sequence numbers with Contributions)

| (5) Date | (7) Full Name(L, Suffix, F. M) Full Street Address & City, State, Zip Code | (8) Contributor | | (9) | (10) | (11) | (12) |
|----------------|---|--------------------|-------------------|-------------------------------------|--|---------|----------|
| (6) Seq Num | | Type | Occupation | Contribution or Transfer Type | In-kind Descrip or Nature of Acct. | Amended | Amount |
| 2 / 21 / 2012 | Ellen Brockman 1120 5th Ave Apt C New York, NY 10128 | I | Lawyer | CHE | | | \$500.00 |
| 15 | | | | | | | |
| 2 / 21 / 2012 | Victoria McCullough 1365 Santa Barbara Dr, Wellington, FL 33414 | I | Busines swoman | CHE | | | \$500.00 |
| 16 | | | | | | | |
| 2 / 21 / 2012 | Efren Oliva 1365 Santa Barbara Dr, Wellington, FL 33414 | I | Retired | CHE | | | \$500.00 |
| 17 | | | | | | | |
| 2 / 24 / 2012 | West Memphis Foodservice, Inc 1550 N Ingram Blvd W Memphis, AR 72301 | B | Food Service | CHE | | | \$500.00 |
| 18 | | | | | | | |
| 2 / 24 / 2012 | WDRA Food Service, Inc 1 South Stone St Wheeling, WV 26003 | B | Food Service | CHE | | | \$500.00 |
| 19 | | | | | | | |
| 2 / 24 / 2012 | Robert Flug 1120 Fifth Ave, #5C, New York, NY 10128 | I | | CHE | | | \$500.00 |
| 20 | | | | | | | |
| 2 / 24 / 2012 | Karin Flint 2419 Windsor Way Ct, Wellington, FL 33414 | I | Busines swoman | CHE | | | \$500.00 |
| 21 | | | | | | | |

Campaign of Matt Wilhite

13833 E Wellington Trace

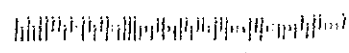
PMB 107

Wellington, FL 33414



U.S. POSTAGE
PAID
ROYAL PALM BEACH FL
33414
MAR 08 12
AMOUNT
\$1.30
00100099-11

City of Wellington
Clerk's Office
12300 Forest Hill Blvd
Wellington, FL 33414



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

(1) Matt Willhite
Name

(2) 13833-E4 Wellington Trace PMB 107
Address (number and street)

Wellington, FL 33414
City, State, Zip Code

OFFICE USE ONLY

06-11-12 P02:45 IN

CHECK IF ADDRESS HAS CHANGED

(3) ID Number: _____

(4) Check appropriate box(es):

Candidate (office sought): Wellington Council Seat 4

Political Committee

CHECK IF PC HAS DISBANDED

Committee of Continuous Existence

CHECK IF CCE HAS DISBANDED

Party Executive Committee

Electioneering Communication

CHECK IF NO OTHER ELECTIONEERING COMMUNICATION REPORTS WILL BE FILED

(5) REPORT IDENTIFIERS

Cover Period: From 02 / 18 / 12 To 03 / 08 / 12 Report Type _____

Original Amendment Special Election Report Independent Expenditure Report

(6) CONTRIBUTIONS THIS REPORT

Cash & Checks \$ 16,558.00

Loans \$ _____

Total Monetary \$ 16,558.00

In-Kind \$ 485.00

(7) EXPENDITURES THIS REPORT

Monetary Expenditures \$ 28,921.71

Transfers to Office Account \$ _____

Total Monetary \$ 28,921.71

(8) Other Distributions

\$ _____

(9) TOTAL Monetary Contributions To Date

\$ 59,918.00

(10) TOTAL Monetary Expenditures To Date

\$ 49,325.46

(11) CERTIFICATION

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

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

(Type name) Alexis T. Willhite

Individual (only for electioneering commun) Treasurer Deputy Treasurer

X *awillhite*
Signature

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

(Type name) Matt Willhite

Candidate Chairperson (only for PC, PTY & electioneering commun organization)

X *[Signature]*
Signature

**CAMPAIGN TREASURER'S REPORT ITEMIZED
CONTRIBUTIONS AND FUND TRANSFERS**

(1) Name Matt Willhite **(2) I.D. Number**

(3) Cover Period 02 / 17 / 12 through 03 / 08 / 12 **(4) Page** 4 of 7

Contributions (Use separate sheets for Contributions and Fund Transfers. Do not combine sequence numbers with Fund Transfers)

Fund Transfers (Use separate sheets for Contributions and Fund Transfers. Do not combine sequence numbers with Contributions)

| (5) Date | (7) Full Name(L, Suffix, F, M) Full Street Address & City, State, Zip Code | (8) Contributor | | (9) Contribution or Transfer Type | (10) In-kind Descrip or Nature of Acct. | (11) Amended | (12) Amount |
|---------------|---|--------------------|-----------------|--|--|-----------------|----------------|
| | | Type | Occupation | | | | |
| 2 / 24 / 2012 | Daytona Beach Foodservice, Inc 960 S Williamson Blvd, Daytona Beach, FL 32114 | B | Food Service | CHE | | | \$500.00 |
| 22 | | | | | | | |
| 2 / 24 / 2012 | Wheeling Island Gaming, Inc. 40 Fountain Plaza Buffalo, NY 14202 | B | Gaming | CHE | | | \$500.00 |
| 23 | | | | | | | |
| 2 / 21 / 2012 | Marcia Andrews 2919 Fontana Lane Royal Palm Beach, FL 33411 | I | | CHE | | | \$50.00 |
| 24 | | | | | | | |
| 2 / 21 / 2012 | Kevin Rao 901 SE 10th Terr Deerfield Beach, FL 33441 | I | | CHE | | | \$25.00 |
| 25 | | | | | | | |
| 2 / 21 / 2012 | James Steinhoff PO Box 15771 W Palm Beach, FL 33416 | I | | CHE | | | \$25.00 |
| 26 | | | | | | | |
| 2 / 23 / 2012 | International Assn of Firefighters Local 754 3116 N Blvd Tampa, FL 33603 | B | Fiefight ers | CHE | | | \$100.00 |
| 27 | | | | | | | |
| 2 / 23 / 2012 | John Shubin 444 Bargello Ave Coral Gables, FL 33146 | I | Attorne Y | CHE | | | \$500.00 |
| 28 | | | | | | | |

**CAMPAIGN TREASURER'S REPORT ITEMIZED
CONTRIBUTIONS AND FUND TRANSFERS**

(1) Name Matt Willhite (2) I.D. Number _____

(3) Cover Period 02 / 17 / 12 through 03 / 08 / 12 (4) Page 7 of 7

Contributions (Use separate sheets for Contributions and Fund Transfers. Do not combine sequence numbers with Fund Transfers)

Fund Transfers (Use separate sheets for Contributions and Fund Transfers. Do not combine sequence numbers with Contributions)

| (5) Date | (7) | (8) Contributor | | (9) | (10) | (11) | (12) |
|----------------|--|--------------------|---------------|-------------------------------------|--|---------|----------|
| (6) Seq Num | Full Name(L, Suffix, F, M) Full Street Address & City, State, Zip Code | Type | Occupation | Contribution or Transfer Type | In-kind Descrip or Nature of Acct. | Amended | Amount |
| 03 / 07 / 2012 | Olexa Mandelbaum 2905 Winding Oaks Lane Wellington, FL 33414 | I | Farm Owner | CHE | | | \$200.00 |
| 43 | | | | | | | |
| 2 / 26 / 2012 | Myles Iashman 2296 golf brook drive wellington, FL 33414 | I | Insuran ce | CHE | | | \$100.00 |
| 44 | | | | | | | |
| 2 / 24 / 2012 | Marilyn Smith 13833 Wellington Trace, Suite E-4 PMB 301 Wellington, FL | I | | CHE | | | \$50.00 |
| 45 | | | | | | | |
| 3 / 8 / 2012 | Michael Arena 197 Quercus CT Wellington, FL 33414 | I | | CHE | | | \$25.00 |
| 46 | | | | | | | |
| 2 / 24 / 2012 | Karin Flint 2419 Windsor Way Ct, Wellington, FL 33414 | I | | CHE | | ADD | \$100.00 |
| 47 | | | | | | | |
| / / | | | | | | | |
| / / | | | | | | | |

**CAMPAIGN TREASURER'S REPORT ITEMIZED
EXPENDITURES AND DISTRIBUTION**

(1) Name Matt Willhite (2) I.D. Number

(3) Cover Period 2 / 18 / 12 through 3 / 8 / 12 (4) Page 1 of 2

Expenditures (Use separate sheets for Expenditures and Distributions. Do not combine sequence numbers with Distributions.)

Distributions (Use separate sheets for Expenditures and Distributions. Do not combine sequence numbers with Expenditures.)

| (5) Date | (7) Full Name (L, Suffix, F, M) Full Street Address City, State, Zip Code | (8) Purpose (add office sought for candidate contributions) | (9) Expenditure Type | (10) Related Expenditures | (11) Amended | (12) Amount |
|-------------------|---|--|----------------------------|---------------------------------|-----------------|----------------|
| (6) Seq Num | | | | | | |
| 2/27/12 1 | Sign A Rama 1367 N Military Trail, West Palm Beach, FL 33409 | Signs | MON | | | \$1,931.85 |
| 2/22/12 2 | Carol Porter, Wellington, FL 33414 | Photography | MON | | | \$100.00 |
| 2/28/12 3 | The Mallard Group, 2861 Executive Drive #100, Clearwater, FL 33762 | Campaign Literature | MON | | | \$19,893.94 |
| 3/6/12 4 | Green Atom, Inc 4556 Concordia Lane Boynton Beach, FL 33435 | Web Design | MON | | | \$275 |
| 2/22/12 5 | Print it Plus 11420 Okeechobee Blvd, Royal Palm Beach, FL 33411 | Printing | MON | | | \$292.24 |
| 2/28/2012 6 | Lowe's 103 South SR7 Royal Palm Beach, FL 33411 | Supplies | MON | | | \$106.17 |
| 2/29/12 7 | Pak Mail 13833 Wellington Trace #E4, Wellington, FL 33414 | Mailbox | MON | | | \$26.50 |

**CAMPAIGN TREASURER'S REPORT ITEMIZED
EXPENDITURES AND DISTRIBUTION**

(1) Name Matt Willhite (2) I.D. Number

(3) Cover Period 2 / 18 / 12 through 3 / 8 / 12 (4) Page 2 of 2

Expenditures (Use separate sheets for Expenditures and Distributions. Do not combine sequence numbers with Distributions.)

Distributions (Use separate sheets for Expenditures and Distributions. Do not combine sequence numbers with Expenditures.)

| (5) Date | (7) Full Name (L, Suffix, F, M) Full Street Address City, State, Zip Code | (8) Purpose (add office sought for candidate contributions) | (9) Expenditure Type | (10) Related Expenditures | (11) Amended | (12) Amount |
|-------------------|---|--|----------------------------|---------------------------------|-----------------|----------------|
| (6) Seq Num | | | | | | |
| 3 / 6 / 12 | Scott Siegel Amazing Images 21459 Juego Cir 30D, Boca Raton, FL 33433 | Commercial Shoot | MON | | | \$1,740 |
| 8 | | | | | | |
| 3 / 2 / 12 | United States Postal Service | Postage | MON | | | \$135.00 |
| 9 | | | | | | |
| 3 / 4 / 12 | Village Voice 1266 Beacon Cir Wellington, FL 33414 | Advertising | MON | | | \$375 |
| 10 | | | | | | |
| 3 / 6 / 12 | Community Proj Solutions 125 SW 1st Ave Boynton Beach, FL 33435 | Campaign Management | MON | | | \$3,976 |
| 11 | | | | | | |
| 3 / 7 / 12 | Supervisor of Elections 50 S Military Trail, West Palm Beach, FL | Absentee Addresses | MON | | | \$40.50 |
| 12 | | | | | | |
| 3 / 8 / 12 | Pay Pal PO Box 45950 Omaha, NE 68145-0950 | Processing Fees | MON | | | \$29.51 |
| 13 | | | | | | |
| / / | | | | | | |
| | | | | | | |

CAMPAIGN TREASURER'S REPORT SUMMARY

(1) Matt Willhite
 Name
 (2) 15895 Weatherly
 Address (number and street)
Wellington, FL 33414
 City, State, Zip Code

OFFICE USE ONLY

RECEIVED MAR 10 2014

Mailed IN

Check here if address has changed

(3) ID Number: _____

(4) Check appropriate box(es):

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

(5) Report Identifiers

Cover Period: From 02 / 18 / 12 To 03 / 08 / 12 Report Type: _____

- Original Amendment Special Election Report

(6) Contributions This Report

| | | | | | | |
|----------------|----|-----|---|--------|---|-----|
| Cash & Checks | \$ | ___ | , | 16,958 | . | 00 |
| Loans | \$ | ___ | , | ___ | . | ___ |
| Total Monetary | \$ | ___ | , | 16,958 | . | 00 |
| In-Kind | \$ | ___ | , | 485 | . | 00 |

(7) Expenditures This Report

| | | | | | | |
|-----------------------------|----|-----|---|--------|---|-----|
| Monetary Expenditures | \$ | ___ | , | 28,921 | . | 71 |
| Transfers to Office Account | \$ | ___ | , | ___ | . | ___ |
| Total Monetary | \$ | ___ | , | 28,921 | . | 71 |

(8) Other Distributions
 \$ _____

(9) TOTAL Monetary Contributions To Date
 \$ _____, _____, _____ 60, 726 40

(10) TOTAL Monetary Expenditures To Date
 \$ _____, _____, _____ 49, 325 46

(11) Certification

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

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

(Type name) Alexis T. Willhite
 Individual (only for IE or electioneering comm) Treasurer Deputy Treasurer

X *Alexis T. Willhite*
 Signature

(Type name) Matt Willhite
 Candidate Chairperson (only for PC and PTY)

X *Matt Willhite*
 Signature

CAMPAIGN TREASURER'S REPORT - ITEMIZED CONTRIBUTIONS

(1) Name Matt Willhite (2) I.D. Number _____

(3) Cover Period 02 / 18 / 12 through 03 / 08 / 12 (4) Page 1 of 1

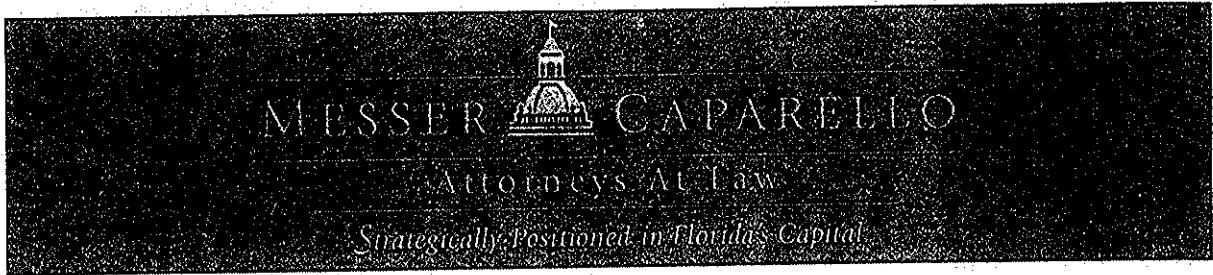
| (5) Date | (7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code | (8) Contributor Type Occupation | | (9) Contribution Type | (10) In-kind Description | (11) Amendment | (12) Amount |
|---------------------------|--|---|------------|-----------------------------|--------------------------------|-------------------|----------------|
| (6) Sequence Number | | | | | | | |
| 02 / 21 / 12 1 | Marcia Radosevich 5221 Las Palmas Ave. Wellington, FL 33449 | I | Retired | INK | Food & Bev | DEL | \$485.00 |
| 02 / 21 / 12 1 | Unicorn Landing, Inc. 5221 Las Palmas Ave. Wellington, FL 33449 | B | Equestrian | INK | Food & Bev | ADD | \$485.00 |
| / / | | | | | | | |
| / / | | | | | | | |
| / / | | | | | | | |
| / / | | | | | | | |
| / / | | | | | | | |
| / / | | | | | | | |
| / / | | | | | | | |

CAMPAIGN TREASURER'S REPORT - ITEMIZED CONTRIBUTIONS

(1) Name Matt Willhite (2) I.D. Number _____

(3) Cover Period 02 / 18 / 12 through 03 / 08 / 12 (4) Page 1 of 1

| (5) Date | (7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code | (8) Contributor Type Occupation | | (9) Contribution Type | (10) In-kind Description | (11) Amendment | (12) Amount |
|---------------------------|--|---|------------|-----------------------------|--------------------------------|-------------------|----------------|
| (6) Sequence Number | | Type | Occupation | Type | Description | Amendment | Amount |
| 02 / 21 / 12 1 | Marcia Radosevich 5221 Las Palmas Ave. Wellington, FL 33449 | I | Retired | INK | Food & Bev | DEL | \$485.00 |
| 02 / 21 / 12 1 | Unicorn Landing, Inc. 5221 Las Palmas Ave. Wellington, FL 33449 | B | Equestrian | INK | Food & Bev. | ADD | \$485.00 |
| / / | | | | | | | |
| / / | | | | | | | |
| / / | | | | | | | |
| / / | | | | | | | |
| / / | | | | | | | |
| / / | | | | | | | |



March 5, 2014

City Clerk
City of Wellington
12300 Forest Hill Boulevard
Wellington, FL 33414

Re: *In re Matt Willhite*

Dear Clerk:

On behalf of Matt Wilhite, we are serving this amendment to the campaign treasurer's report for the reporting period of 02/18/2012 to 03/08/2012.

If you have any questions, please do not hesitate to contact me.


Sincerely,

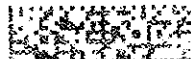
Mark Herron


Mark Herron

cc: Matt Willhite

EXHIBIT 8 (5 of 5)

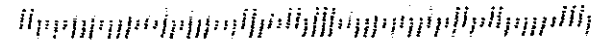

MESSER CAPARELLO
 Attorneys At Law
Strategically Positioned in Florida's Capital
 P.O. Box 15579
 Tallahassee, Florida 32317

Haster
 03/05/2014
US POSTAGE


S07 17


City of Wellington
 12300 Forest Hill Boulevard
 Wellington, FL 33414

3341437623



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

(1) Matt Willhite
Name

(2) 13833-E4 Wellington Trace PMB 107
Address (number and street)

Wellington, FL 33414
City, State, Zip Code

CHECK IF ADDRESS HAS CHANGED

(3) ID Number: _____

(4) Check appropriate box(es):

Candidate (office sought): Wellington Council Seat 4

Political Committee

CHECK IF PC HAS DISBANDED

Committee of Continuous Existence

CHECK IF CCE HAS DISBANDED

Party Executive Committee

Electioneering Communication

CHECK IF NO OTHER ELECTIONEERING COMMUNICATION REPORTS WILL BE FILED

(5) REPORT IDENTIFIERS

Cover Period: From 03 / 09 / 12 To 06 / 11 / 12 Report Type _____

Original Amendment Special Election Report Independent Expenditure Report

(6) CONTRIBUTIONS THIS REPORT

Cash & Checks \$ 2,994.75

Loans \$ _____

Total Monetary \$ 2,994.75

In-Kind \$ _____

(7) EXPENDITURES THIS REPORT

Monetary Expenditures \$ 13,587.29

Transfers to Office Account \$ _____

Total Monetary \$ 13,587.29

(8) Other Distributions \$ _____

(9) TOTAL Monetary Contributions To Date

\$ 62,912.75

(10) TOTAL Monetary Expenditures To Date

\$ 62,912.75

(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.

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

(Type name) Alexis T. Willhite

(Type name) Matt Willhite

Individual (only for electioneering commun.) Treasurer Deputy Treasurer

Candidate Chairperson (only for PC, PTY & electioneering commun organization)

X AWillhite

X Matt Willhite

Signature

Signature

**CAMPAIGN TREASURER'S REPORT ITEMIZED
CONTRIBUTIONS AND FUND TRANSFERS**

(1) Name Matt Willhite (2) I.D. Number _____

(3) Cover Period 03 / 09 / 12 through 06 / 11 / 12 (4) Page 1 of 2

Contributions (Use separate sheets for Contributions and Fund Transfers. Do not combine sequence numbers with Fund Transfers)

Fund Transfers (Use separate sheets for Contributions and Fund Transfers. Do not combine sequence numbers with Contributions)

| (5) Date | (7) | (8) | | (9) | (10) | (11) | (12) |
|----------------|--|------|-------------------------|-------------------------------------|--|---------|----------|
| (6) Seq Num | Full Name(L, Suffix, F, M) Full Street Address & City, State, Zip Code | Type | Occupation | Contribution or Transfer Type | In-kind Descrip or Nature of Acct. | Amended | Amount |
| 04 / 05 / 2012 | Sara Gehrke 2075 Hermitage Dr, Wellington, FL 33414 | I | Student | CHE | | | \$500.00 |
| 1 | | | | | | | |
| 4 / 6 / 2012 | Daniele Gilbert 1906 Derby Trail Wellington, FL 33414 | I | Homemak er | CHE | | | \$500.00 |
| 2 | | | | | | | |
| 4 / 4 / 2012 | Nan Paternini Box 711 Far Hills, NJ 07931 | I | Retired | CHE | | | \$500.00 |
| 3 | | | | | | | |
| 4 / 3 / 2012 | Cherry Communications Co 227 N. Bronough Street, Ste 4100 Tallahassee, FL 32301 | B | Communi cations | REF | | | \$129.75 |
| 4 | | | | | | | |
| 4 / 4 / 2012 | Oz Farm LLC 280 Malden Ipke Saugerties, NY 12477 | B | Farm | CHE | | | \$500.00 |
| 5 | | | | | | | |
| 4 / 4 / 2012 | John VanDell 13860 Wellington Irace Ste B20 Wellington, FL 33414 | I | Jeweler | CHE | | | \$250.00 |
| 6 | | | | | | | |
| 4 / 9 / 2012 | Imber Structure 781 Citrus Place Wellington, FL 33414 | B | Wood Restora tion | CHE | | | \$200.00 |
| 7 | | | | | | | |

**CAMPAIGN TREASURER'S REPORT ITEMIZED
CONTRIBUTIONS AND FUND TRANSFERS**

(1) Name Matt Willhite (2) I.D. Number _____

(3) Cover Period 03 / 09 / 12 through 06 / 11 / 12 (4) Page 2 of 2

Contributions (Use separate sheets for Contributions and Fund Transfers. Do not combine sequence numbers with Fund Transfers)

Fund Transfers (Use separate sheets for Contributions and Fund Transfers. Do not combine sequence numbers with Contributions)

| (5) Date | (7) Full Name(L, Suffix, F, M) Full Street Address & City, State, Zip Code | (8) Contributor | | (9) Contribution or Transfer Type | (10) In-kind Descrip or Nature of Acct. | (11) Amended | (12) Amount |
|----------------|---|--------------------|---------------|--|--|-----------------|----------------|
| (6) Seq Num | | Type | Occupation | | | | |
| 04 / 04 / 2012 | Dan Robinson 14652 Horseshoe Trace Wellington, FL 33414 | I | | CHE | | | \$30.00 |
| 8 | | | | | | | |
| 4 / 6 / 2012 | Unknown contributor - Western Union money order 14-468074553 | | | CHE | | | \$25.00 |
| 9 | | | | | | | |
| 4 / 18 / 2012 | Regis Wenham 1309 Pine Valley Dr, Wellington, FL 3414 | I | Homemak er | CHE | | | \$200.00 |
| 10 | | | | | | | |
| 4 / 5 / 2012 | Barbara Richardson 1335 Lake Breeze Dr, Wellington, FL 33414 | I | Attorne y | CHE | | | \$100.00 |
| 11 | | | | | | | |
| 4 / 4 / 2012 | Michael Smith 14295 Flora Lane Wellington, FL 33414 | I | | CHE | | | \$10.00 |
| 12 | | | | | | | |
| 4 / 4 / 2012 | Marysue Jacobs 1641 Clydesdale Ave Wellington, FL 33414 | I | | CHE | | | \$50.00 |
| 13 | | | | | | | |
| / / | | | | | | | |
| | | | | | | | |

**CAMPAIGN TREASURER'S REPORT ITEMIZED
EXPENDITURES AND DISTRIBUTION**

(1) Name Matt Willhite (2) I.D. Number _____

(3) Cover Period 3 / 9 / 12 through 6 / 11 / 12 (4) Page 2 of 2

Expenditures (Use separate sheets for Expenditures and Distributions. Do not combine sequence numbers with Distributions.)

Distributions (Use separate sheets for Expenditures and Distributions. Do not combine sequence numbers with Expenditures.)

| (5) Date | (7) Full Name (L, Suffix, F, M) Full Street Address City, State, Zip Code | (8) Purpose (add office sought for candidate contributions) | (9) Expenditure Type | (10) Related Expenditures | (11) Amended | (12) Amount |
|-------------------|---|--|----------------------------|---------------------------------|-----------------|----------------|
| 6 / 7 / 12 8 | Matt Willhite 15820 Rolling Meadows Cir Wellington, FL 33414 | Refund | REF | | | \$94.80 |
| 6 / 6 / 12 9 | Pay Pal PO Box 45950 Omaha, NE 68145-0950 | Processing Fees | MON | | | \$6.71 |
| 7 / 21 / 12 10 | Players Club Restaurant 13410 South Shore Blvd Wellington 33414 | Reception | MON | | | \$2,024 |
| / / | | | | | | |
| / / | | | | | | |
| / / | | | | | | |
| / / | | | | | | |

DM



March 5, 2014

Donna Ann Malphurs, Agency Clerk
 Florida Elections Commission
 107 West Gaines Street
 Collins Building, Suite 224
 Tallahassee, FL 32399-1050

RECEIVED
 2014 MAR -7 A 10:10
 STATE OF FLORIDA
 ELECTIONS COMMISSION

Re: *In re Matt Willhite, Case No. 14-044 (FEC)*

Dear Ms. Malphurs:

The purpose of this correspondence is to respond, on behalf of Matt Willhite, to the recent letter from the Florida Elections Commission (FEC) regarding the above-referenced complaint filed against him and giving him 14 days to file an initial response concerning legal sufficiency of the complaint.

As I understand the complaint, it specifically alleges that Mr. Willhite "willfully" violated three provisions of the Florida's elections laws: (i) Section 106.08(1)(a), Florida Statutes, by accepting contributions from Marcia Radosevich in excess of the statutory limit of \$500 per election in connection with the 2012 municipal election in the Village of Wellington; (2) Section 106.08(3)(b), Florida Statutes, by accepting contributions for the defense of an election contest after the date the candidate is defeated, becomes unopposed, or is elected to office; and (3) Section 106.07(5), Florida Statutes, by certifying to the correctness of a campaign treasurer's report that was incorrect, false, or incomplete.

With respect to the allegation that Mr. Willhite violated Section 106.08(1)(a), Florida Statutes, by accepting contributions from Marcia Radosevich in excess of the statutory limit of \$500 per election, the listing of the in-kind contribution on February 21, 2012 from Ms. Radosevich personally is in error. Upon review, the contribution should have been listed as an in-kind contribution from Ms. Radosevich's business entity: Unicorn Landing, Inc., having the same address. The in-kind contribution reflected the allocated costs of a joint fundraiser for Mr. Willhite, Bob Margolis, and John Greene in connection with the 2012 municipal election in the Village of Wellington. Each of these other candidates

Donna Ann Malphurs
March 5, 2014
Page 2 of 2


reflected the in-kind contribution from Ms. Radosevich's business entity on their campaign treasurer's reports.

Mr. Willhite is amending his campaign treasurer's report for the February 18, 2012 – March 7, 2012 reporting period to reflect that the in-kind was from Unicorn Landing, Inc., rather than Ms. Radosevich personally.

With respect to the allegation that Mr. Willhite violated Section 106.08(3)(b), Florida Statutes, by accepting contributions for the defense of an election contest after the date the candidate is defeated, becomes unopposed, or is elected to office, the complaint falsely states or implies that the election contest was concluded on March 29, 2012. Following the March 2012 municipal election in the Village of Wellington, three election contest actions were initiated.¹ The three actions were all heard by Judge Robin Rosenberg.

In accordance with Judge Rosenberg's directive, a hand recount of the ballots was conducted on Saturday, March 31, 2012. The hand recount confirmed that Matt Willhite was the winner in Village Council, Seat 4 election. However, the contest action in which Mr. Willhite was a defendant – *Scarpa v. Village of Wellington*, Case No. 50-2012-CA-005576XXXXMB (Fla. 15th Judicial Circuit) – was not dismissed until April 12, 2012. A copy of the Notice of Voluntary Dismissal filed by the plaintiffs in that action is attached hereto and is incorporated in this response by reference. Thus, consistent with Division of Elections Opinion 02-15, Mr. Willhite, received the contributions during the pendency of the election contest action, with the exception of one contribution which shows on the campaign treasurer's report that it was received on April 18, 2012.

I trust that the foregoing is responsive to the FEC's response on the issue of legal sufficiency. If you have any additional questions or concerns, please let me know.

Sincerely,


Mark Herron

cc: Matt Willhite

¹ *Burch v. Bucher*, Case No. 50-2012-CA-005381XXXXMB; *Scarpa v. Village of Wellington*, Case No. 50-2012-CA-005576XXXXMB; and *Bowen v. Village of Wellington*, Case No. 50-2012-CA-005699XXXXMB.

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

GAYE A. SCARPA and MARY K.
("KATHY") FOSTER,

Plaintiffs,

v.

Case No. 50-2012-CA-005576-AJ

The VILLAGE OF WELLINGTON
CANVASSING BOARD, AWILDA
RODRIGUEZ in her official capacity as
Village of Wellington Clerk and as a
Chairperson of the Village of Wellington
Canvassing Board, CARMINE PRIORE
in his official capacity as a member of the
Village of Wellington Canvassing Board
and Mayor Pro Tem, HOWARD COATES,
JR., in his official capacity as a member of
the Village of Wellington Canvassing Board
and City Council, ANNE GERWIG in her
official capacity as a member of the Village
of Wellington Canvassing Board and City
Council, SUSAN BUCHER in her
official capacity as Supervisor of Elections,
Palm Beach County, Florida; the VILLAGE
OF WELLINGTON CITY COUNCIL,
DARRELL BOWEN in his official capacity
as Mayor; MATT WILLHITE in his official
capacity as Vice Mayor and in his capacity as
candidate for Seat 4; JOHN GREENE in
his capacity as candidate for Seat 1; BOB
MARGOLIS in his capacity as mayoral candidate;

Defendants

COPY
RECEIVED FOR FILING

APR 12 2012

SHARON R. BOCK
CLERK & COMPTROLLER
CIRCUIT CIVIL DIVISION

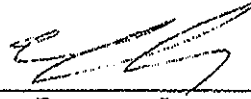
NOTICE OF VOLUNTARY DISMISSAL

GREENBERG TRAURIG, P.A.

EXHIBIT 10 (3 of 7)

Plaintiffs, Gaye A. Scarpa and Mary K. ("Kathy") Foster, pursuant to Rule 1.420(a), hereby voluntarily dismiss their Complaint in this proceeding. All parties have agreed to bear their own costs.

Respectfully submitted,



GLENN BURHANS, JR.
Florida Bar Number 605867
HAYDEN DEMPSEY
Florida Bar Number 14435
BRIDGET SMITHA
Florida Bar Number 070581
GREENBERG TRAUIG, P.A.
101 East College Avenue
Tallahassee, FL 32301
Telephone (850) 222-6891
Facsimile (850) 681-0207
burhansg@gtlaw.com

and

MARK F. BIDEAU
Florida Bar Number 564044
GREENBERG TRAUIG, P.A.
777 South Flagler Drive Suite 300 East,
West Palm Beach, FL 33401

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via U.S. Mail to the following individuals this 12 day of April, 2012.

Daniel Nordby
General Counsel
Florida Department of State
R.A. Gray Building

Jeffrey S. Kurtz
Glen J. Torcivia
Law Office of Glen J. Torcivia &
Associates, P.A.

2

GREENBERG TRAUIG, P.A.

EXHIBIT 10 (4 of 7)

500 South Bronough Street
Tallahassee, FL 32399
Email: Daniel.Norby@dos.myflorida.com

701 Northpoint Parkway, Suite 209
West Palm Beach, FL 33407
Email: glen@torcivialaw.com
Email: jeff@torcivialaw.com

William J. Cornwell
Seth A. Kolton
David K. Friedman
Weiss, Handler, Angelos & Cornwell, P.A.
One Boca Place- Suite 218-A
2255 Glades Road
Boca Raton, Florida 33431
Email: cioweissandhandlerpa.com
Email: hbh@weissandhandlerpa.com
Email: wjc@weissandhandlerpa.com

Gerald F. Richman
RICHMAN GREER, P.A.
One Clearlake Centre - Suite 1504
250 Australian Avenue South
West Palm Beach, Florida 33401
Tel: (561) 803-3500
Fax: (561) 820-1608
Email: grichman@richmangreer.com
Email: jwhittles@richmangreer.com

James M. McCann
Akerman Senterfitt
222 Lakeview Avenue, Suite 400
West Palm Beach, FL 33401
Email: jim.mccann@akerman.com

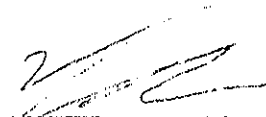
Susan Bucher
Supervisor of Elections
240 South Military Trail
West Palm Beach, FL 32415
Email: SusanBucher@pbcelections.org

Alexander L. Domb
11199 Polo Club Road, Suite 1
Wellington, FL 33414
alecdomb@gmail.com
alex@aldlaw.org

Kenneth G. Spillias
Lewis, Longman, & Walker, P.A.
515 North Flagler Drive, Suite 1500
West Palm Beach, FL 33401
Email: kspillias@llw-law.com

John K. Shubin, Jeffrey S. Bass
Amy E. Huber, David R. Hazouri
Deana D. Falce
Shubin & Bass, P.A.
46 Southwest First Street, Third Floor
Boca Raton, FL 33432-6134
Email: jshubin@shubinbass.com
Email: jbass@shubinbass.com
Email: ahuber@shubinbass.com
Email: dfalce@shubinbass.com
Email: dhazouri@shubinbass.com

Mark Herron
Robert J. Telfer, III
Messer, Caparello & Self, P.A.
2618 Centennial Place
Tallahassee, FL 32308-0572
Email: rtelfer@lawfla.com
Email: mherron@lawfla.com



Attorney

TAL 451,680,527v1 4-3-12

CAMPAIGN TREASURER'S REPORT SUMMARY

(1) Matt Willhite

Name

(2) 15895 Weatherly

Address (number and street)

Wellington, FL 33414

City, State, Zip Code

Check here if address has changed

(3) ID Number: _____

OFFICE USE ONLY

(4) Check appropriate box(es):

Candidate Office Sought: Wellington Council Seat 4

Political Committee (PC)

Electioneering Communications Org. (ECO)

Party Executive Committee (PTY)

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

Check here if PC or ECO has disbanded

Check here if PTY has disbanded

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

(5) Report Identifiers

Cover Period: From 02 / 18 / 12 To 03 / 08 / 12 Report Type: _____

Original

Amendment

Special Election Report

(6) Contributions This Report

Cash & Checks \$ 16,958.00

Loans \$ _____

Total Monetary \$ 16,958.00

In-Kind \$ 485.00

(7) Expenditures This Report

Monetary Expenditures \$ 28,921.71

Transfers to Office Account \$ _____

Total Monetary \$ 28,921.71

(8) Other Distributions

\$ _____

(9) TOTAL Monetary Contributions To Date

\$ 60,726.40

(10) TOTAL Monetary Expenditures To Date

\$ 49,325.46

(11) Certification

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

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

(Type name) Alexis T. Willhite

Individual (only for IE or electioneering comm.) Treasurer Deputy Treasurer

X *Alexis T. Willhite*

Signature

(Type name) Matt Willhite

Candidate Chairperson (only for PC and PTY)

X *Matt Willhite*

Signature

CAMPAIGN TREASURER'S REPORT - ITEMIZED CONTRIBUTIONS

(1) Name Matt Willhite (2) I.D. Number _____

(3) Cover Period 02 / 18 / 12 through 03 / 08 / 12 (4) Page 1 of 1

| (5) Date | (7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code | (8) Contributor | | (9) Contribution | (10) In-kind Description | (11) Amendment | (12) Amount |
|---------------------------|--|--------------------|------------|---------------------|--------------------------------|-------------------|----------------|
| (6) Sequence Number | | Type | Occupation | Type | | | |
| 02 / 21 / 12 1 | Marcia Radosevich 5221 Las Palmas Ave. Wellington, FL 33449 | I | Retired | INK | Food & Bev | DEL | \$485.00 |
| 02 / 21 / 12 1 | Unicorn Landing, Inc. 5221 Las Palmas Ave. Wellington, FL 33449 | B | Equestrian | INK | Food & Bev. | ADD | \$485.00 |
| / / | | | | | | | |
| / / | | | | | | | |
| / / | | | | | | | |
| / / | | | | | | | |
| / / | | | | | | | |
| / / | | | | | | | |
| / / | | | | | | | |

EXHIBIT 10 (7 of 7)

HA

AFFIDAVIT
Case Number: FEC 14-044

STATE OF FLORIDA
County of Palm Beach

Marcia J. Radosevich, being duly sworn, says:

1. This affidavit is made upon my personal knowledge.
2. I am of legal age and competent to testify to the matters stated herein. I am currently employed by retired as _____

3. *Records on file with the Clerk's office for the Village of Wellington indicate that Councilman Matthew A. Willhite identified you and "Unicorn Landing, Inc." as contributors to his 2012 re-election campaign. The questions that follow relate to the campaign contributions identified on his campaign treasurer reports covering the periods of January 20, 2012 through February 3, 2012, and February 18, 2012 through March 8, 2012.*

4. Did you make a \$500 (check) campaign contribution to Councilman Willhite's 2012 re-election campaign on or about January 21, 2012? Yes or No.

5. If you made a \$500 (check) campaign contribution to Councilman Willhite's 2012 re-election campaign on or about January 21, 2012, please identify how and when your campaign contribution was conveyed to Councilman Willhite. Via U.S. Mail; date: _____
 Via hand delivery; date: Jan. 19, 2012
Via campaign fundraising event; date: _____

6. If you made a \$500 (check) campaign contribution to Councilman Willhite's 2012 re-election campaign on or about January 21, 2012, please mark the appropriate box: The check cleared my bank promptly. OR The check did not clear my bank promptly; and indicate the amount of time that lapsed before your check cleared your bank: _____ days.

7. Did you make any *additional* campaign contributions to Councilman Willhite's 2012 re-election campaign during the entirety of his 2012 campaign, in *addition* to the \$500 (check) campaign contribution, identified in questions 4 through 6? Yes or No.

8. If yes, please provide the amounts, the dates, and identify the payment instruments (such as cash, check, money order, credit/debit card, in-kind, etc.) for each *additional* campaign contribution you made to Councilman Willhite's 2012 re-election campaign.

9. Did NCC1701, LLC d/b/a Unicorn Landing, Inc. make an in-kind campaign contribution totaling \$485.00 to Councilman Willhite's 2012 re-election campaign, on or about February 21, 2012? Yes or No.

10. If NCC1701, LLC d/b/a Unicorn Landing, Inc. made an in-kind campaign contribution totaling \$485.00 to Councilman Willhite's 2012 re-election campaign, please describe what was included, and explain how you determined the in-kind value of the campaign contribution.

NCC 1701, LLC d/b/a Unicorn Landing hosted an event to introduce Mr. Willhite to attendees. \$485 was the cost of food, drinks.

11. Did NCC1701, LLC d/b/a Unicorn Landing, Inc. make any *additional* campaign contributions to Councilman Willhite's 2012 re-election campaign during the entirety of his 2012 campaign, in *addition* to the in-kind campaign contribution totaling \$485.00, and identified in questions 9 and 10? Yes or No.

12. If yes, please provide the amounts, the dates, and identify the payment instruments (such as cash, check, money order, credit/debit card, in-kind, etc.) for each *additional* campaign contribution NCC1701, LLC d/b/a Unicorn Landing, Inc. made to Councilman Willhite's 2012 re-election campaign. If an additional in-kind contribution was made, please describe what was included, and explain how the contributor determined the in-kind value of the campaign contribution.

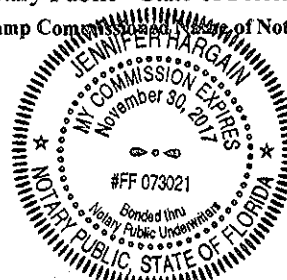
I HEREBY SWEAR OR AFFIRM THAT THE FORGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Signature of Affiant

Sworn to (or affirmed) and subscribed before me this _____ day of _____, 2014

Signature of Notary Public - State of Florida

Print, Type, or Stamp Commission and Name of Notary Public



Personally Known _____ or Produced Identification _____
Type of Identification Produced: _____

Case Investigator: HH

EXHIBIT 11(2 of 2)



MARCIA J RADOSEVICH
8121 LAS PALMAS AVE
WELLINGTON FL 33449-6087

2809

53-13/110 MA
80651

1/11/12
Date

Pay to the order of Campaign Acct Matt Whit \$ 500-
five Hundred Dollars

Method of Clearance

Bank of America

ACH R/T 011000138

Security Features
Details on
Back

Memo

M. Logan



DEPOSIT TICKET
PNC BANK

FOR CREDIT TO THE ACCOUNT NAMED HEREON

DATE 4/16/12

NAME Camp acct of Matt Willhite

FORM 10635-0507

ACCOUNT NUMBER [REDACTED]

REGIONAL ID [REDACTED]

THIS DEPOSIT IS ACCEPTED SUBJECT TO VERIFICATION AND TO THE RULES AND REGULATIONS OF THIS BANK DEPOSITS MAY NOT BE AVAILABLE FOR IMMEDIATE WITHDRAWAL

| CASH | | DOLLARS | CENTS |
|---|----------------|---------|-------|
| CHECKS PLEASE LIST SEPARATELY SHOWING BANK'S TRANSIT NUMBER | TRANSIT NUMBER | 3104 | 75 |
| TOTAL | | | |
| LESS CASH RECEIVED | | | |

IF MORE THAN 5 CHECKS LIST ON BACK AND ENTER TOTAL HERE ↓

- CHECKING
- CONSUMER

- SAVINGS
- BUSINESS # 257 OTC Deposit Multi

NET DEPOSIT \$

3104 . 75

#3,104.75

14:41 16APR2012

[REDACTED] 80000181

\$0.00

[REDACTED]

| TOTAL \$ | [REDACTED] | | | | | | | | | | | | | | | | DOLLARS | CENTS |
|----------|------------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|---------|-------|
| | [REDACTED] | | | | | | | | | | | | | | | | | |

TOTAL \$ (CARRY FORWARD TO NEXT PAGE)

PLEASE LIST EACH CHECK SEPARATELY

DOLLARS
CENTS

Posting Date 2012 Apr 16
Account Number [REDACTED]

EXHIBIT 13 (1 of 11)

THIS DOCUMENT CONTAINS A TRUE WATERMARK. HOLD UP TO LIGHT TO VIEW.

WESTERN UNION MONEY ORDER
WESTERN UNION FINANCIAL SERVICES INC. - ISSUER
 Englewood, Colorado

Payable at Wells Fargo Bank Grand Junction - Downtown, N.A., Grand Junction, Colorado

PURLIX #1107 **14-468074553**

A 324492 D 040512
 F 1627 07
 144680745533 L 001107 **\$ 25.00**

PAY EXACTLY TWENTY-FIVE DOLLARS AND NO CENTS

PAY TO THE ORDER OF *Campaign acct. of Matt Wilhite*

PURCHASER'S ADDRESS [REDACTED]

PURCHASER'S SIGNATURE *[Signature]*

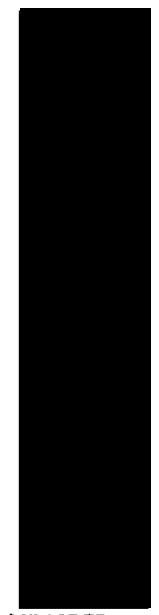
PAYMENT FOR/ACCT. #

NOTICE Do not cash this Money Order for any person from whom you are not able to recover your payment. Should this item bear any unauthorized signature, be stolen, improperly completed, or altered, issuer will either stop payment hereon or charge back against any endorsement. For customer service, call 1-800-999-9660. Intended for domestic use only. Western Union Money Order and Design is a service mark of Western Union Holdings, Inc.

Warning - do not cash check without noting true watermark. Hold up to light to verify presence of watermark.

REPOST ONLY

ENDORSE ABOVE THIS LINE



SERVICE CHARGE

If this Money Order is not used or cashed (presented for payment) within one (1) year of the purchase date, there will be a non-refundable service charge applied (where permitted by law). This service charge will be deducted from the amount shown on the Money Order. The service charge is fifty cents (50c) per month from the date of purchase, not to exceed forty-two dollars (\$42) (or where such charge exceeds the maximum amount permitted by law, the maximum amount permitted by law).

Posting Date 2012 Apr 16
 Account Number 0

EXHIBIT 13 (2 of 1)

TIMBER STRUCTURE INC
781 CITRUS PL
WELLINGTON FL 33414

105

63-8376/2670
166

4-9-2012
Date

Pay to the Order of MAT WILKINSON COMPANY \$ 200

TWO HUNDRED Dollars

BankAtlantic
Florida's Most Convenient Bank

Palm Beach Gardens #166
9600 N. Alternate A1A
Palm Beach Gardens, FL 33410
1-888-7-DAY-BANK

[Signature]

For _____



deposit only

Posting Date 2012 Apr 16

Account Number


EXHIBIT 13 (3 of 11)

SARA R. GEHRKE
 2075 HERMITAGE DR
 WELLINGTON, FL 33414


266
 63-27/631 FL
 1540

April 5, 2012
 Date


Pay to the Order of Matt Hillhite Campaign \$ 500.00
Five hundred exactly Dollars

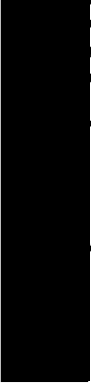
Bank of America  **Bank of America Advantage**[®]

ACH R/T 063100277

For Sara Gehrke  MF

Security Features. Details on back.
 GUARDIAN SAFETY # YELLOW



 *deposit only*


Posting Date 2012 Apr 16
 Account Number 

EXHIBIT 13 (4 of 11)

NAN PATERNITI
BOX 711
FAR HILLS, NJ 07931-0711

824

4-4-12 Date

55-760/0312
925

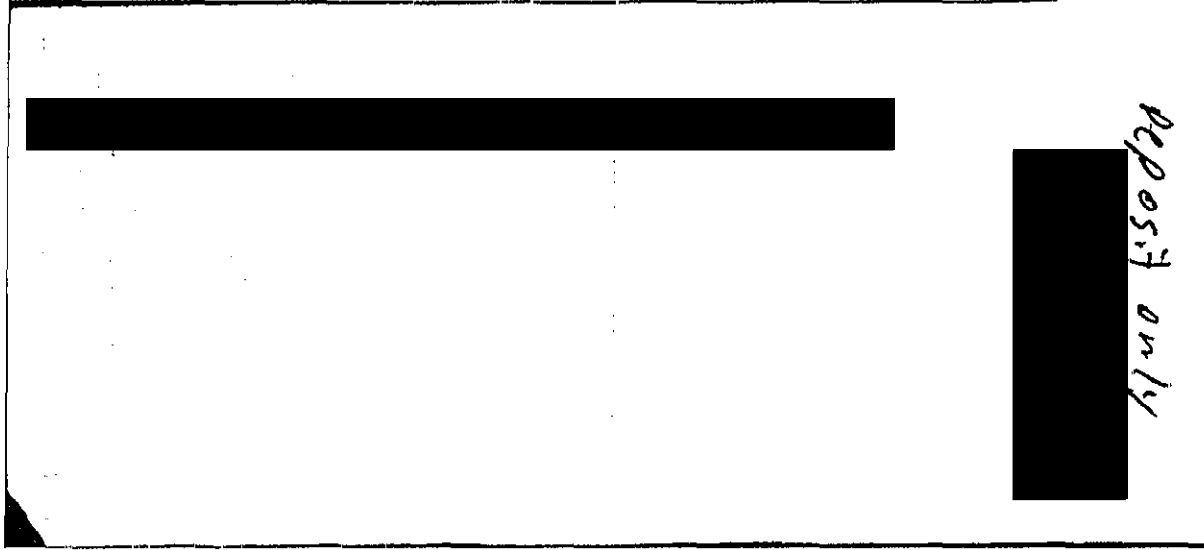
Pay to the Order of Campaign Account of Matt White \$ 500 ~~00~~
Five Hundred Dollars

PNC BANK

PNC Bank, N.A. 060
New Jersey

Nan Paterniti

For _____



Posting Date 2012 Apr 16

Account Number

EXHIBIT 13 (5 of 11)

JOHN K DARRAH
1906 Derby Trail
Wellington, FL 33414

1104

63-643/670
BRANCH 00624

4/6/12 Date

Pay to the order of MATT WILLHITE CAMPAIGN

\$ 500.00

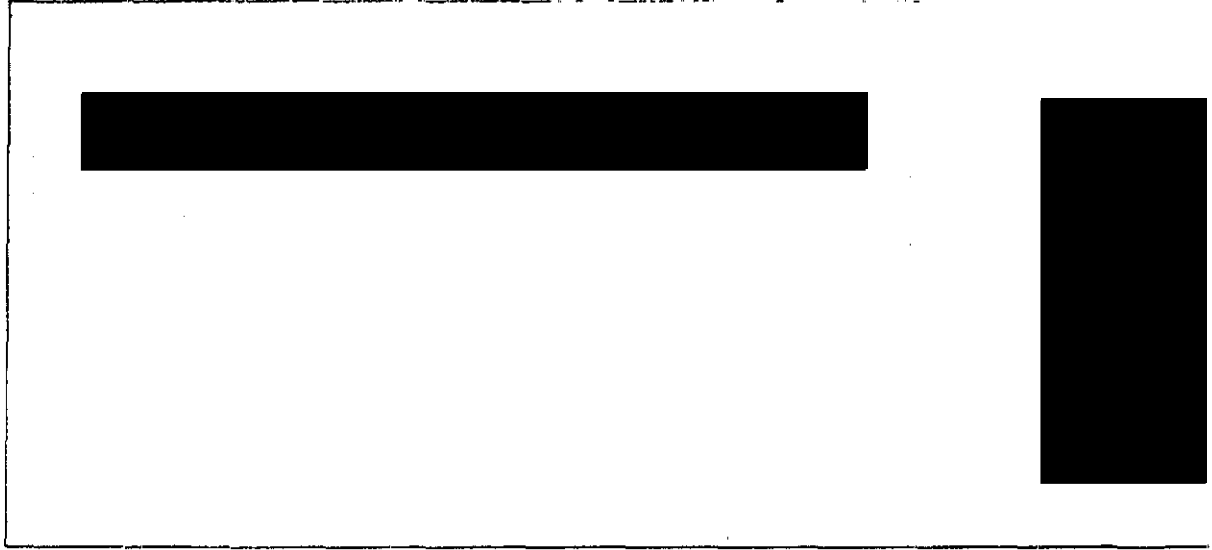
FIVE HUNDRED AND NO/100 Dollars



WACHOVIA
Wachovia Bank N.A.
wachovia.com

For CAMPAIGN

[Signature]



Posting Date 2012 Apr 16

Account Number

EXHIBIT 13 (6 of 11)

OZ FARM LLC
JENNIFER O LEROY
280 MALDEN TPKE
SAUGERTIES NY 12477-5045

1156
1-32/210 NY
19249

Apr. 14th 2012

Pay To The
Order of

Matt Willhite campaign
five hundred dollars

\$ 500.00

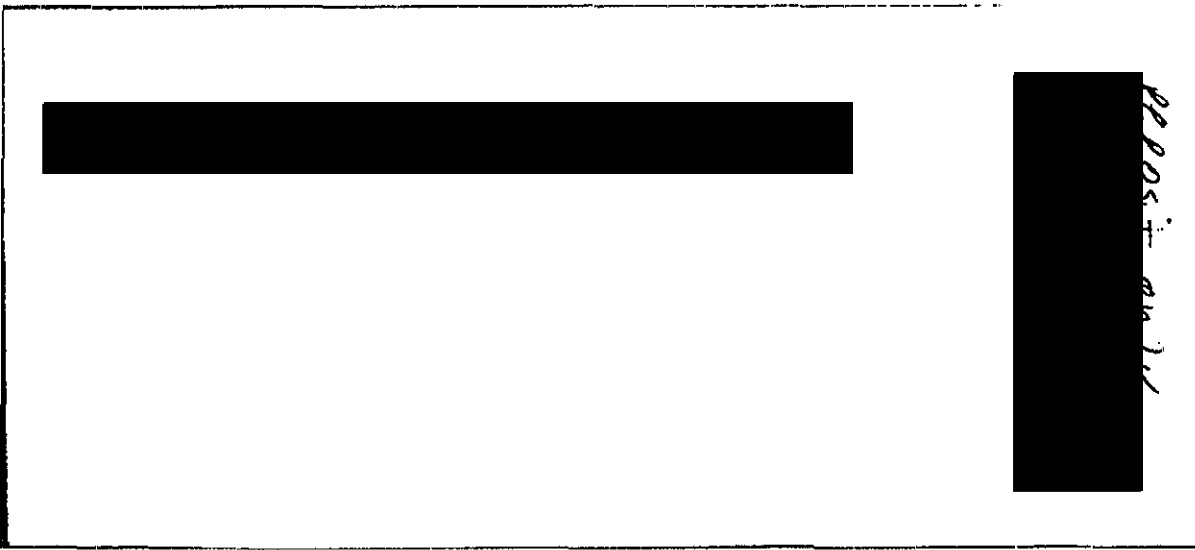
Security
Features
Detailed on
Back.

Bank of America

ACH R/T 021000322

[Signature]

MP



Posting Date 2012 Apr 16

Account Number ■

EXHIBIT 13 (7 of 11)

DANIELE GILBERT
1906 Derby Trail
Wellington, FL 33414

1592
63-643/670
BRANCH 77026

April 06/12
Date

PAY to the order of Matt Willhite Campaign \$ 500.00
Five hundred ~~XX~~ Dollars ~~XX~~

 **WACHOVIA**
Wachovia Bank, a division of Wells Fargo Bank, N.A.

For CAMPAIGN

Daniele Gilbert MP

Security Features Details on Back.

COLONIAL CLASSIC

[Redacted]

[Redacted] *POST*

Posting Date 2012 Apr 16

Account Number [Redacted]

EXHIBIT 13 (8 of 11)

CHERRY COMMUNICATIONS COMPANY
 227 N. BRONOUGH STREET, SUITE #4100
 TALLAHASSEE, FL 32301
 PH. 850-561-3600

8883
 63-68/631

DATE 4/3/12

PAY TO THE ORDER OF Matt Willhite Campaign \$ 129.75

One hundred twenty nine + 75/100 DOLLARS

CAPITAL CITY BANK
 217 N. MONROE STREET
 TALLAHASSEE, FLORIDA 32301

FOR _____



[REDACTED]

[REDACTED]

[REDACTED]

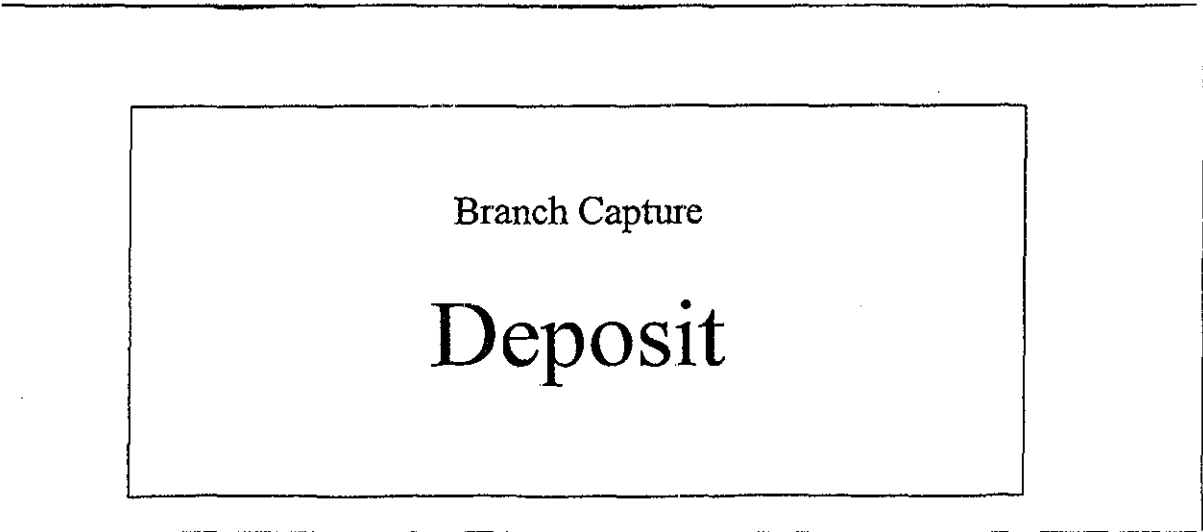
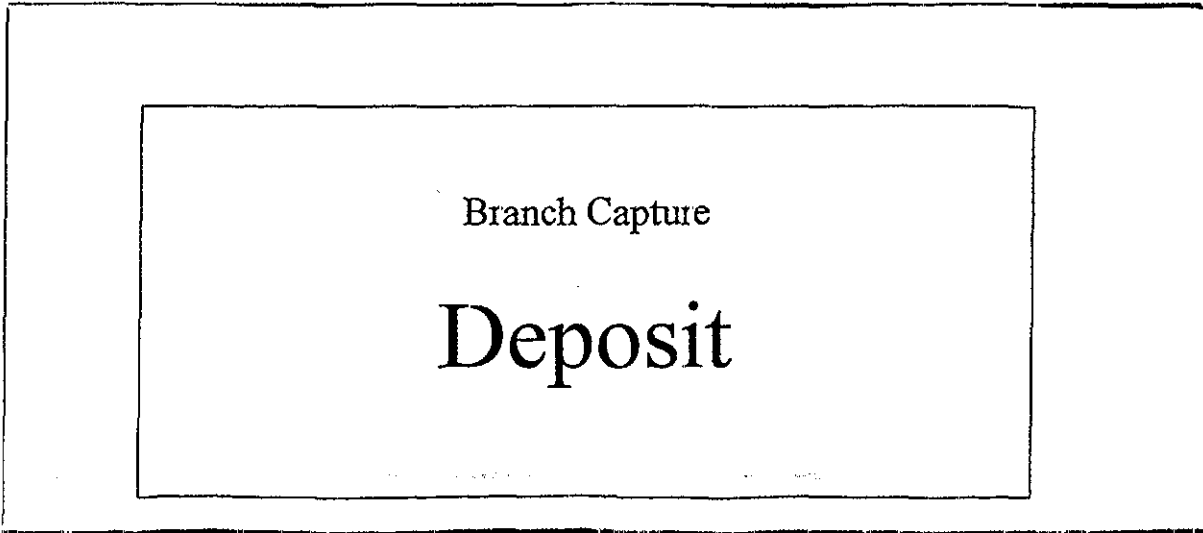
DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE
 RESERVED FOR FINANCIAL INSTITUTION USE

ENDORSE HERE
POST ONLY

Posting Date 2012 Apr 16

Account Number [REDACTED]

EXHIBIT 13 (9 of 11)



Posting Date 2012 May 02

Account Number [REDACTED]

EXHIBIT 13 (10 of 11)

THOMAS M. WENHAM
REGIS R. WENHAM
1309 PINE VALLEY DR.
WELLINGTON, FL 33414

7062
63-8419/2670
860

April 18, 2012
Date

Pay to the Order of *Matt Willhite Campaign* \$ *200.00*

Two hundred and no/100 Dollars



PNC BANK

PNC Bank, N.A. 001
Florida

For *Atty Fees - Homeowner Regis R. Wenham* ^{MP}



Handwritten Code

For Deposit to the Credit of
 the within named payee
 ABSENCE OF ENDORSEMENT GUARANTEED
 PNC Bank - Wellington Town Square 860

Posting Date 2012 May 02

Account Number

EXHIBIT 13 (11 of 11)


**CAMPAIGN ACCOUNT OF
MATT WILLHITE**
15820 ROLLING MEADOWS CIR.
WELLINGTON, FL 33414

1141

63-8419/2670
955

3/9/12 Date

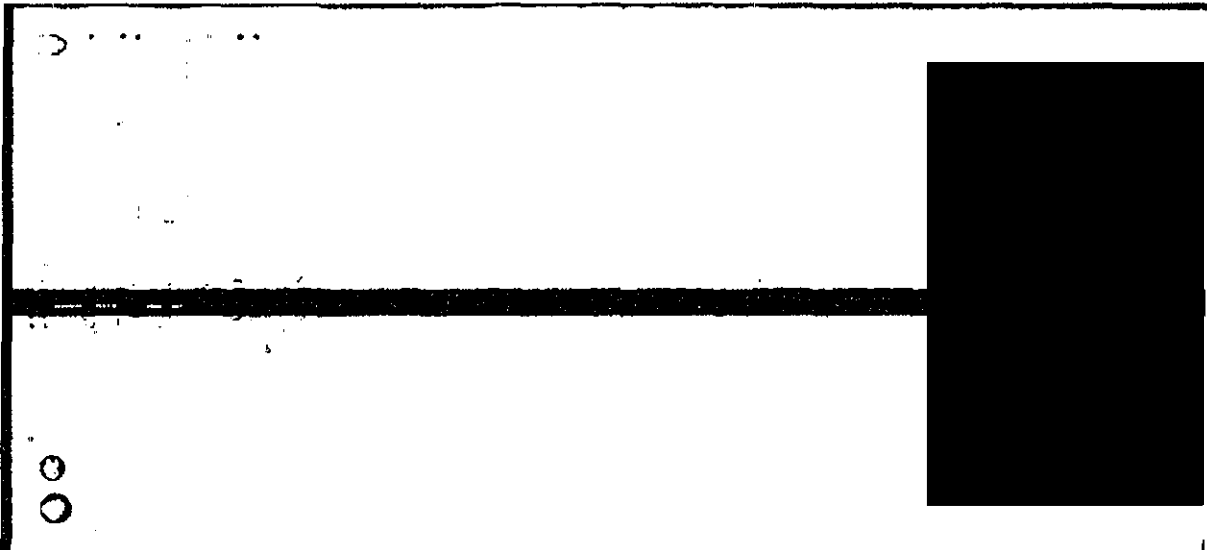
Pay to the Order of C Henry communications — \$ 4600.00

forty six hundred dollars ————— Dollars  Security Features Details on Back

 **PNCBANK**

PNC Bank, N.A. 001
Florida

For Phone calls  MP




Posting Date 2012 Mar 16
Account Number 

EXHIBIT 14(1 of 9)

**CAMPAIGN ACCOUNT OF
MATT WILLHITE**
15820 ROLLING MEADOWS CIR.
WELLINGTON, FL 33414

1142

63-8418/2670
995

3/21/12

Date

Pay to the
Order of

players club

\$ 2024.00

two thousand twenty four dollars

Dollars

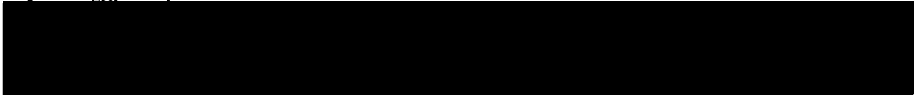


PNC BANK

PNC Bank, N.A. 001
Florida

[Signature]

For



Posting Date 2012 Mar 26

Account Number

EXHIBIT 14(2 of 9)

CAMPAIGN ACCOUNT OF
MATT WILLHITE
15820 ROLLING MEADOWS CIR.
WELLINGTON, FL 33414

1143

63-8419/2670
955

4/25/11

Date

Pay to the Order of PAK mail center \$ 6760
Sixty three dollars & 60/100 Dollars



PNC Bank, N.A. 001
Florida

[Signature]

For



MasterCard

APR 25

3206



PAY TO THE ORDER OF
BANK OF AMERICA
Palm Beach Gardens, FL 33410
FOR DEPOSIT ONLY

Posting Date 2012 Apr 27

Account Number [Redacted]

EXHIBIT 14 (3 of 9)

CAMPAIGN ACCOUNT OF
MATT WILLHITE
15820 ROLLING MEADOWS CIR.
WELLINGTON, FL 33414

1144

63-8419/2570
955

5/2/12

Date

Pay to the Order of Green atom inc

\$ 200.00

two hundred dollars

Dollars



Security Features
Details on
back.

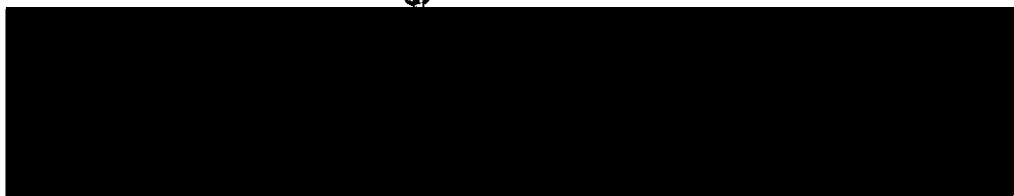
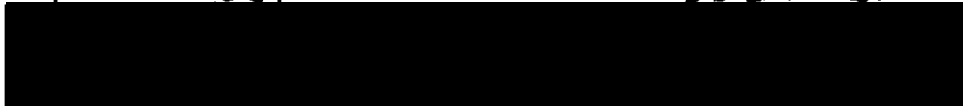
PNC BANK

PNC Bank, N.A. 001
Florida

3029

[Signature]

MP



Posting Date 2012 May 25

Account Number

EXHIBIT 14(4 of 9)

CAMPAIGN ACCOUNT OF
MATT WILLHITE
15820 ROLLING MEADOWS CIR.
WELLINGTON, FL 33414

1145

63 8419/2670
955

5/2/12

Date

Pay to the Order of Campaign PATA | \$ 125.00

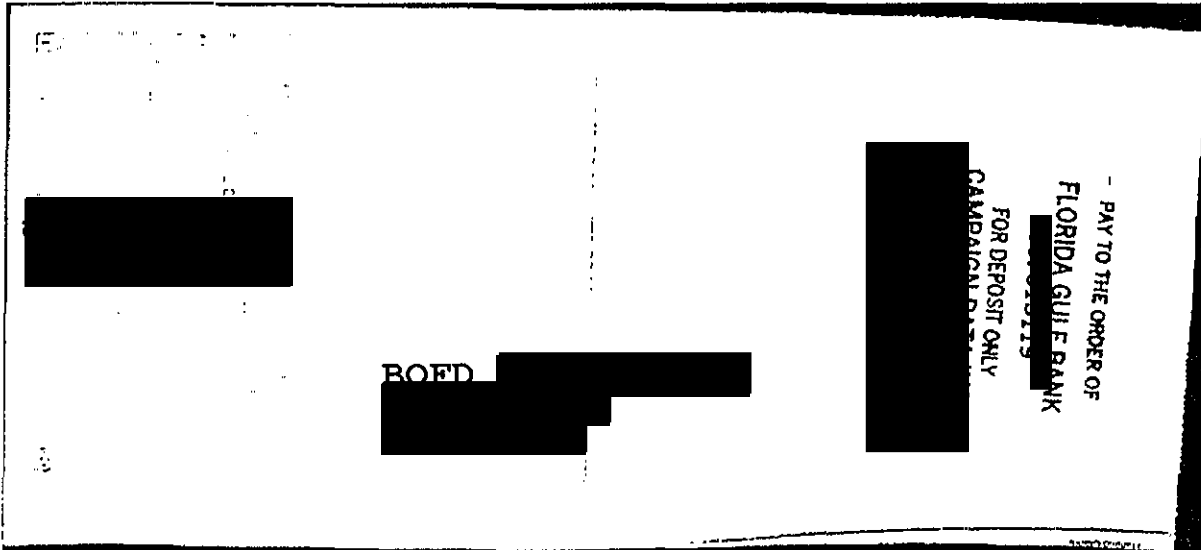
one hundred and twenty five dollars Dollars

PNC BANK

PNC Bank N.A. 001
Florida

[Signature] MP

For



Posting Date 2012 May 09

Account Number

EXHIBIT 14(5 & 9)

**CAMPAIGN ACCOUNT OF
MATT WILLHITE**
15820 ROLLING MEADOWS CIR.
WELLINGTON, FL 33414

1146

63-8419/2670
955

5/2/12
Date

Pay to the Order of the melland Group \$ 639.00

Six hundred and thirty nine dollars Dollars



PNC Bank, N.A. 001
Florida

For 4444/4450

MP



Payee Name

PAY TO THE ORDER OF
WACHOVIA BANK, A DIVISION
OF WELLS FARGO BANK, NA



Posting Date 2012 May 21

Account Number

EXHIBIT 14(6 of 9)

**CAMPAIGN ACCOUNT OF
MATT WILLHITE**
15820 ROLLING MEADOWS CIR.
WELLINGTON, FL 33414

1147

63-8419/2670
955

6/5/12

Date

Pay to the Order of Weiss, Handler, Angelos & Cornwell, P.A. \$ 5,334.18

Five thousand three hundred thirty four dollars & 18/100 Dollars

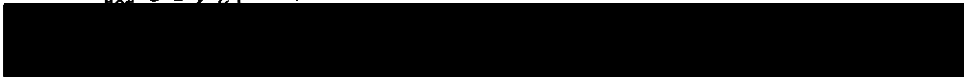


PNC BANK

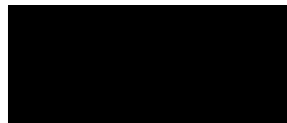
PNC Bank N.A. 001
Florida

For Legal fees

[Handwritten Signature]



Harford Clarke



FOR DEPOSIT ONLY
TO THE ORDER OF
CHOVIA BANK NA
HANDLER ANGELOS &

Posting Date 2012 Jun 08

Account Number

EXHIBIT 14 (7 of 9)

CAMPAIGN ACCOUNT OF
MATT WILLHITE
15820 ROLLING MEADOWS CIR.
WELLINGTON, FL 33414

1151

63-8419/2670
955

6/1/12
Date

Pay to the Order of JOHN DANNATH \$ 500.00

five hundred dollars Dollars



PNC BANK

PNC Bank, N.A. 001
Florida

For Campaign refund

MP



Harold Clark



Posting Date 2012 Jun 18

Account Number

EXHIBIT 14(8 of 9)


CAMPAIGN ACCOUNT OF
MATT WILLHITE
15820 ROLLING MEADOWS CIR.
WELLINGTON, FL 33414

1152

63-8419/2670
955

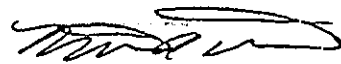
6/9/12
Date

Pay to the Order of Almond vault \$ 500.00

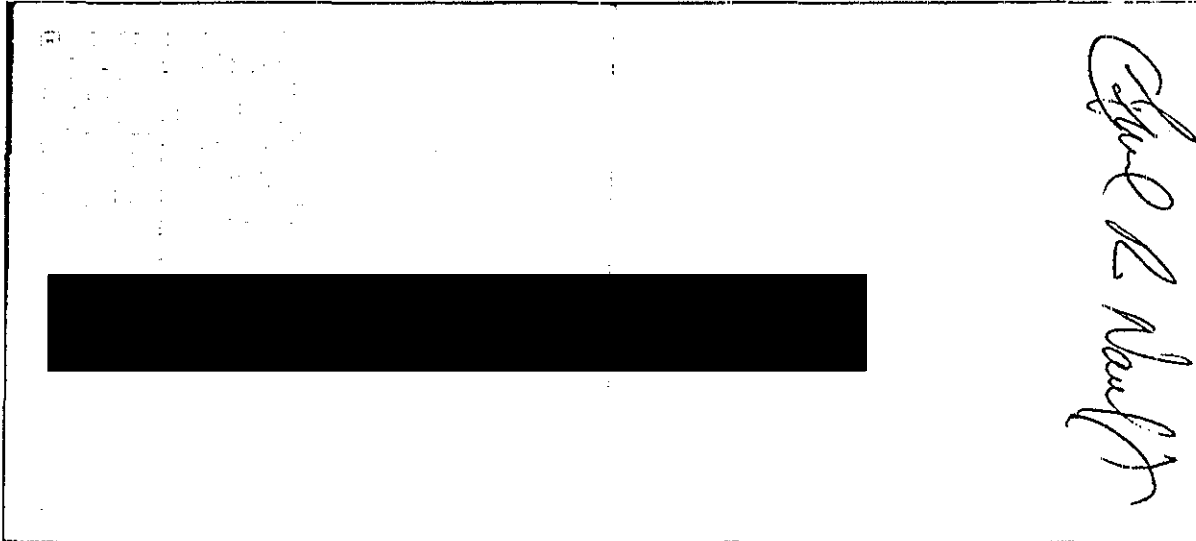
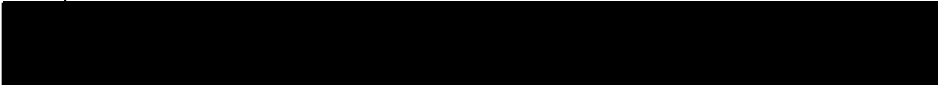
five hundred dollars Dollars  Security Features Emblem or Beck.

 PNC BANK

PNC Bank N.A. 001
Florida



For _____



Posting Date 2012 Jun 28

Account Number 

EXHIBIT 14(9 of 9)


For the period 03/01/2012 to 03/30/2012


CAMPAIGN ACCOUNT OF MATT WILLHITE
15820 ROLLING MEADOWS CIR
WELLINGTON FL 33414-9054

Primary account number: [REDACTED]

Page 1 of 2

Number of enclosures: 0


For 24-hour banking sign on to
 PNC Bank Online Banking on pnc.com
FREE Online Bill Pay


 For customer service call 1-877-BUS-BNKG
Monday - Friday: 7 AM - 10 PM ET
Saturday & Sunday: 8 AM - 5 PM ET

Para servicio en español, 1-877-BUS-BNKG

Moving? Please contact your local branch

Write to: Customer Service
PO Box 609
Pittsburgh, PA 15230-9738

 Visit us at PNC.com/mybusiness/

 TDD terminal: 1-800-531-1648
For hearing impaired clients only

Business Basic Checking Summary

Campaign Account Of Matt Willhite

Account number: [REDACTED]

Overdraft Protection has not been established for this account

Please contact us if you would like to set up this service

Balance Summary

| Beginning balance | Deposits and other additions | Checks and other deductions | Ending balance |
|-------------------|------------------------------|-----------------------------|---------------------------|
| 30,171.62 | 3,549.52 | 29,784.33 | 3,936.81 |
| | | Average ledger balance | Average collected balance |
| | | 13,277.18 | 13,037.65 |

Deposits and Other Additions

| Description | Items | Amount |
|---------------|-------|----------|
| Deposits | 2 | 2,663.00 |
| ACH Additions | 2 | 886.52 |
| Total | 4 | 3,549.52 |

Checks and Other Deductions

| Description | Items | Amount |
|-------------|-------|-----------|
| Checks | 16 | 29,784.33 |
| Total | 16 | 29,784.33 |

Daily Balance

| Date | Ledger balance | Date | Ledger balance |
|-------|----------------|-------|----------------|
| 03/01 | 30,171.62 | 03/07 | 20,059.41 |
| 03/02 | 30,582.20 | 03/08 | 20,398.36 |
| 03/05 | 20,127.66 | 03/09 | 15,097.09 |
| 03/06 | 20,085.91 | 03/12 | 15,604.16 |

EXHIBIT 15 (1 of 2)

Business Basic Checking



For 24-hour account information, sign on to
pnc.com/mybusiness/

For the period 03/01/2012 to 03/30/2012
CAMPAIGN ACCOUNT OF MATT WILLHITE
Primary account number [REDACTED]
Page 2 of 2

Business Basic Checking Account [REDACTED] - continued

Activity Detail

Deposits and Other Additions

Deposits

| Date posted | Amount | Transaction description | Reference number |
|-------------|----------|-------------------------|------------------|
| 03/02 | 875 00 | Deposit | 135702589 |
| 03/09 | 1,788 00 | Deposit | 070045262 |

ACH Additions

| Date posted | Amount | Transaction description | Reference number |
|-------------|--------|--|------------------|
| 03/08 | 338 95 | ACH Credit Transfer Paypal 5Vj225P4Kla7C | [REDACTED] |
| 03/12 | 547 57 | ACH Credit Transfer Paypal 5Vj225PC48Mg4 | [REDACTED] |

Checks and Other Deductions

Checks and Substitute Checks

* Gap in check sequence

| Date posted | Check number | Amount | Reference number | Date posted | Check number | Amount | Reference number | Date posted | Check number | Amount | Reference number |
|-------------|--------------|----------|------------------|-------------|--------------|--------|------------------|-------------|--------------|----------|------------------|
| | | | | 03/07 | 1132 | 26 50 | 074633170 | 03/09 | 1138 | 1,740 00 | 070297790 |
| 03/12 | 1108 | 40 50 | 071446730 | 03/05 | 1133 | 135 00 | 072572576 | 03/09 | 1139 | 4,974 27 | 077455910 |
| 03/02 | 1118 * | 400 00 | 077911939 | 03/06 | 1134 | 41 75 | 073009681 | 03/19 | 1140 | 3,976 00 | 070273272 |
| 03/05 | 1129 * | 9,948 54 | 071423407 | 03/09 | 1135 | 375 00 | 070250534 | 03/16 | 1141 | 4,600 00 | 077871326 |
| 03/02 | 1130 | 64 42 | 076794448 | 03/13 | 1136 | 275 00 | 073041508 | 03/26 | 1142 | 2,024 00 | 071932421 |
| 03/05 | 1131 | 371 00 | 070260167 | 03/13 | 1137 | 792 35 | 073002435 | | | | |

Detail of Services Used During Current Period

Note: The total charge for the following services will be posted to your account on 04/02/2012 and will appear on your next statement as a single line item entitled Service Charge Period Ending 03/30/2012

** Combined Transactions include ACH Credits, ACH Debits, Checks Paid, Deposited Item - Consolidated, Deposit Tickets Processed

| Description | Volume | Amount | |
|-------------------------------------|--------|--------|----------------------|
| Account Maintenance Charge | | 00 | Required Balance Met |
| Combined Transactions | 28 | 00 | Included in Account |
| ACH Credits | 2 | 00 | |
| Checks Paid | 16 | 00 | |
| Deposited Item - Consolidated | 8 | 00 | |
| Deposit Tickets Processed | 2 | 00 | |
| Total For Services Used This Period | | 00 | |
| Total Service Charge | | 00 | |

EXHIBIT 15 (2 of 2)


For the period 03/31/2012 to 04/30/2012


CAMPAIGN ACCOUNT OF MATT WILLHITE
15820 ROLLING MEADOWS CIR
WELLINGTON FL 33414-9054

Primary account number: [REDACTED]

Page 1 of 2

Number of enclosures: 0


For 24-hour banking sign on to
 PNC Bank Online Banking on pnc.com
FREE Online Bill Pay


 For customer service call 1-877-BUS-BNKG
Monday - Friday: 7 AM - 10 PM ET
Saturday & Sunday: 8 AM - 5 PM ET

Para servicio en español, 1-877-BUS-BNKG

Moving? Please contact your local branch

Write to: Customer Service
PO Box 609
Pittsburgh, PA 15230-9738

 Visit us at PNC.com/mybusiness/

 IDD terminal: 1-800-531-1648
For hearing impaired clients only

IMPORTANT ACCOUNT INFORMATION

The information below amends certain information in our Business Checking Accounts and Related Charges ('Schedule'). All other information in our Schedule continues to apply to your account. Please read this information and retain it with your records.

Effective June 22, 2012

Continuous Overdraft Charge

\$7 assessed each day your account remains overdrawn for a period of five (5) or more consecutive calendar days, up to a maximum of \$98. This charge is in addition to any Overdraft Item Fees or Returned Item (NSF) Fees assessed.

Using Available Funds

Interest on the negative collected balance in your account will no longer be charged.

Business Basic Checking Summary

Account number: [REDACTED]

Overdraft Protection has not been established for this account

Please contact us if you would like to set up this service

Campaign Account Of Matt Willhite

Balance Summary

| Beginning balance | Deposits and other additions | Checks and other deductions | Ending balance |
|-------------------|------------------------------|-----------------------------|---------------------------|
| 3,936.81 | 3,312.01 | 63.60 | 7,185.22 |
| | | Average ledger balance | Average collected balance |
| | | 5,437.58 | 5,356.58 |

EXHIBIT 16(1 of 2)

Business Basic Checking



For 24-hour account information, sign on to
pnc.com/mybusiness/

For the period 03/31/2012 to 04/30/2012
CAMPAIGN ACCOUNT OF MATT WILLHITE
Primary account number: [REDACTED]

Business Basic Checking Account number: [REDACTED] - continued

Page 2 of 2

| Deposits and Other Additions | | | Checks and Other Deductions | | |
|------------------------------|----------|-----------------|-----------------------------|----------|--------------|
| Description | Items | Amount | Description | Items | Amount |
| Deposits | 1 | 3,104.75 | Checks | 1 | 63.60 |
| ACH Additions | 1 | 207.26 | | | |
| Total | 2 | 3,312.01 | Total | 1 | 63.60 |

Daily Balance

| Date | Ledger balance | Date | Ledger balance |
|-------|----------------|-------|----------------|
| 03/31 | 3,936.81 | 04/27 | 6,977.96 |
| 04/16 | 7,041.56 | 04/30 | 7,185.22 |

Activity Detail

Deposits and Other Additions

Deposits

| Date posted | Amount | Transaction description | Reference number |
|-------------|----------|-------------------------|------------------|
| 04/16 | 3,104.75 | Deposit | 071438845 |

ACH Additions

| Date posted | Amount | Transaction description | Reference number |
|-------------|--------|--|-------------------|
| 04/30 | 207.26 | ACH Credit Transfer Paypal 5Vj225Ttau7By | 00012121908137241 |

Checks and Other Deductions

Checks and Substitute Checks

* Gap in check sequence

| Date posted | Check number | Amount | Reference number | Date posted | Check number | Amount | Reference number | Date posted | Check number | Amount | Reference number |
|-------------|--------------|--------|------------------|-------------|--------------|--------|------------------|-------------|--------------|--------|------------------|
| | | | | 04/27 | 1143 | 63.60 | 075903398 | | | | |

Detail of Services Used During Current Period

Note: The total charge for the following services will be posted to your account on 05/01/2012 and will appear on your next statement as a single line item entitled Service Charge Period Ending 04/30/2012

** Combined Transactions include ACH Credits, ACH Debits, Checks Paid, Deposited Item - Consolidated, Deposit Tickets Processed

| Description | Volume | Amount | Required Balance Met |
|-------------------------------------|--------|--------|----------------------|
| Account Maintenance Charge | | 00 | Required Balance Met |
| Combined Transactions | 12 | 00 | Included in Account |
| ACH Credits | 1 | 00 | |
| Checks Paid | 1 | 00 | |
| Deposited Item - Consolidated | 9 | 00 | |
| Deposit Tickets Processed | 1 | 00 | |
| Total For Services Used This Period | | 00 | |
| Total Service Charge | | 00 | |

EXHIBIT 16(2 of 2)

Business Basic Checking
PNC Bank


For the period 05/01/2012 to 05/31/2012


CAMPAIGN ACCOUNT OF MATT WILLHITE
15820 ROLLING MEADOWS CIR
WELLINGTON FL 33414-9054

Primary account number [REDACTED]

Page 1 of 2

Number of enclosures: 0


For 24-hour banking sign on to
 PNC Bank Online Banking on pnc.com
FREE Online Bill Pay


 For customer service call 1-877-BUS-BNKG
Monday - Friday: 7 AM - 10 PM ET
Saturday & Sunday: 8 AM - 5 PM ET

Para servicio en español, 1-877-BUS-BNKG

Moving? Please contact your local branch

Write to: Customer Service
PO Box 609
Pittsburgh, PA 15230-9738

 Visit us at PNC.com/mybusiness/

 IDD terminal: 1-800-531-1648
For hearing impaired clients only

Business Basic Checking Summary

Campaign Account Of Matt Willhite

Account number: [REDACTED]

Overdraft Protection has not been established for this account

Please contact us if you would like to set up this service

Balance Summary

| | | | |
|----------------------|---------------------------------|--------------------------------|------------------------------|
| Beginning balance | Deposits and other additions | Checks and other deductions | Ending balance |
| 7,185 22 | 200 00 | 964 00 | 6,421 22 |
| | | Average ledger balance | Average collected balance |
| | | 7,014 12 | 7,014 12 |

Deposits and Other Additions

| Description | Items | Amount |
|-------------|-------|--------|
| Deposits | 1 | 200 00 |
| Total | 1 | 200 00 |

Checks and Other Deductions

| Description | Items | Amount |
|-------------|-------|--------|
| Checks | 3 | 964 00 |
| Total | 3 | 964 00 |

Daily Balance

| Date | Ledger balance | Date | Ledger balance | Date | Ledger balance |
|-------|----------------|-------|----------------|-------|----------------|
| 05/01 | 7,185 22 | 05/09 | 7,260 22 | 05/25 | 6,421 22 |
| 05/02 | 7,385 22 | 05/21 | 6,621 22 | | |

Activity Detail

Deposits and Other Additions

EXHIBIT 17 (1 of 2)

Business Basic Checking



For 24-hour account information, sign on to
pnc.com/mybusiness/

For the period 05/01/2012 to 05/31/2012
CAMPAIGN ACCOUNT OF MATT WILLHITE
Primary account number: [REDACTED]

Business Basic Checking Account number: [REDACTED] continued

Page 2 of 2

Deposits

| Date posted | Amount | Transaction description | Reference number |
|-------------|--------|-------------------------|------------------|
| 05/02 | 200 00 | Deposit | 135960531 |

Checks and Other Deductions

| Checks and Substitute Checks | | | | * Gap in check sequence | | | | | | | |
|------------------------------|--------------|--------|------------------|-------------------------|--------------|--------|------------------|-------------|--------------|--------|------------------|
| Date posted | Check number | Amount | Reference number | Date posted | Check number | Amount | Reference number | Date posted | Check number | Amount | Reference number |
| 05/25 | 1144 | 200 00 | 075263315 | 05/09 | 1145 | 125 00 | 074595719 | | | | |
| | | | | 05/21 | 1146 | 639 00 | 071252002 | | | | |

Detail of Services Used During Current Period

Note: The total charge for the following services will be posted to your account on 06/01/2012 and will appear on your next statement as a single line item entitled Service Charge Period Ending 05/31/2012

** Combined Transactions include ACH Credits, ACH Debits, Checks Paid, Deposited Item - Consolidated, Deposit Tickets Processed

| Description | Volume | Amount | |
|-------------------------------------|--------|--------|----------------------|
| Account Maintenance Charge | | 00 | Required Balance Met |
| Combined Transactions | 5 | 00 | Included in Account |
| Checks Paid | 3 | 00 | |
| Deposited Item - Consolidated | 1 | 00 | |
| Deposit Tickets Processed | 1 | 00 | |
| Total For Services Used This Period | | 00 | |
| Total Service Charge | | 00 | |

EXHIBIT 17(2 of 2)


For the period 06/01/2012 to 06/29/2012


CAMPAIGN ACCOUNT OF MATT WILLHITE
15820 ROLLING MEADOWS CIR
WELLINGTON FL 33414-9054

Primary account number: [REDACTED]

Page 1 of 2

Number of enclosures: 0


For 24-hour banking sign on to
 PNC Bank Online Banking on pnc.com
FREE Online Bill Pay


 For customer service call 1-877-BUS-BNKG
Monday - Friday: 7 AM - 10 PM ET
Saturday & Sunday: 8 AM - 5 PM ET

Para servicio en español, 1-877-BUS-BNKG

Moving? Please contact your local branch

Write to: Customer Service
PO Box 609
Pittsburgh, PA 15230-9738

 Visit us at PNC.com/mybusiness/

 IDD terminal: 1-800-531-1648
For hearing impaired clients only

IMPORTANT ACCOUNT INFORMATION

The information below amends certain information in our Business Checking Accounts and Related Charges. All other fees and requirements remain the same. Please read this information and retain it with your records.

**Supplement to the Business Checking Accounts and Related Charges
Effective August 6, 2012**

> There will be a \$25 discount on the initial order of checks from PNC's preferred check vendor, Harland Clarke, and the 25% discount on check orders will be discontinued.

Business Basic Checking Summary

Campaign Account Of Matt Willhite

Account number: [REDACTED]

Overdraft Protection has not been established for this account

Please contact us if you would like to set up this service

Balance Summary

| Beginning balance | Deposits and other additions | Checks and other deductions | Ending balance |
|-------------------|------------------------------|-----------------------------|---------------------------|
| 6,421.22 | 0.00 | 6,421.22 | 0.00 |
| | | Average ledger balance | Average collected balance |
| | | 2,127.21 | 2,127.21 |

Deposits and Other Additions

| Description | Items | Amount |
|-------------|-------|--------|
| Total | 0 | 0.00 |

Checks and Other Deductions

| Description | Items | Amount |
|------------------|-------|----------|
| Checks | 3 | 6,334.18 |
| Other Deductions | 2 | 87.04 |
| Total | 5 | 6,421.22 |

EXHIBIT 18 (1 of 2)

Business Basic Checking



For 24-hour account information, sign on to
pnc.com/mybusiness/

For the period 06/01/2012 to 06/29/2012
 CAMPAIGN ACCOUNT OF MATT WILLHITE
 Primary account number: [REDACTED]

Business Basic Checking Account number [REDACTED] - continued

Page 2 of 2

Daily Balance

| Date | Ledger balance | Date | Ledger balance |
|-------|----------------|-------|----------------|
| 06/01 | 6,421.22 | 06/18 | 587.04 |
| 06/08 | 1,087.04 | 06/28 | 0.00 |

Activity Detail

Checks and Other Deductions

Checks and Substitute Checks

* Gap in check sequence

| Date posted | Check number | Amount | Reference number | Date posted | Check number | Amount | Reference number | Date posted | Check number | Amount | Reference number |
|-------------|--------------|----------|------------------|-------------|--------------|--------|------------------|-------------|--------------|--------|------------------|
| 06/08 | 1147 | 5,334.18 | 075131222 | 06/18 | 1151 * | 500.00 | 077019434 | | | | |
| | | | | 06/28 | 1152 | 500.00 | 072350062 | | | | |

Other Deductions

| Date posted | Amount | Transaction description | Reference number |
|-------------|--------|--------------------------------|------------------|
| 06/28 | 0.00 | Outstanding Item Close | PI44363 |
| 06/28 | 87.04 | Transfer To Account [REDACTED] | WILLHITE MATTHE |

Cash Flow Options for Your Business - Another Benefit at PNC Free Membership

As a PNC customer, you have free membership in the Allied Business Network (ABN), a business-to-business buying group of national vendors offering discounts of 5%-75% on products and services. Save in the areas where your business needs it most, including office supplies, travel, technology, promotional items, and business gifts. Start saving today, see the enclosed brochure or visit abnsave.com/pnc.html for more information and to enroll.

EXHIBIT 18(2 of 2)

HH

AFFIDAVIT
Case Number: FEC 14-044

RECEIVED

STATE OF FLORIDA
County of Palm Beach

2014 JUL -7 A 10:52

STATE OF FLORIDA
ELECTIONS COMMISSION

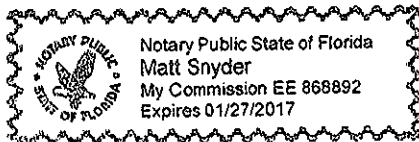
Regis Wenham, being duly sworn, says:

- 1 This affidavit is made upon my personal knowledge.
- 2 I am of legal age and competent to testify to the matters stated herein. I am currently employed by Retired as _____
- 3 *Records on file with the Clerk's office for the Village of Wellington indicate that Councilman Matthew A. Willhite identified you as a contributor to his 2012 re-election campaign. The questions that follow relate to the campaign contribution identified on his campaign treasurer report covering the period from March 9, 2012 through June 11, 2012.*
- 4 Did you make a campaign contribution to Councilman Willhite's 2012 campaign?
 Yes or () No.
- 5 If you made a campaign contribution, please mark the appropriate box and identify if your campaign contribution was made by check; cash; credit card; or other; and if other, please identify the payment instrument _____
- 6 Please identify the amount of the campaign contribution: \$200.00
- 7 Please identify how and when your campaign contribution was conveyed to Mr. Willhite.
 Via US Mail; date: _____ Via Hand delivery; date About 4/20/12
 Via campaign fundraising event; date: _____
- 8 If you made a campaign contribution by check, please mark the appropriate box:
 To the best of my knowledge The check cleared my bank promptly. OR The check did not clear my bank promptly.

I HEREBY SWEAR OR AFFIRM THAT THE FORGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Regis R. Wenham
Signature of Affiant

Please type or write the full name of the affiant in the space above
Sworn to (or affirmed) and subscribed before me this 30 day of _____, 2014



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

Personally Known _____ or Produced Identification
Type of Identification Produced: _____

Case Investigator: HH
EXHIBIT 19

Payments received - Mar 1, 2012 to Jun 6, 2012

| Date | Type | Name/Email | Payment status | Order status/Actions | Net amount |
|-------------|---------------|--------------------|----------------|----------------------|--------------|
| Apr 5, 2012 | Donation From | Barbara Richardson | Completed | 100.00 | \$96.80 USD |
| Apr 4, 2012 | Donation From | michael smith | Completed | 10.00 | \$9.41 USD |
| Apr 4, 2012 | Donation From | marysue jacobs | Completed | 50.00 | \$48.25 USD |
| Apr 4, 2012 | Donation From | Dan Z Robinson | Completed | 30.00 | \$28.83 USD |
| Mar 8, 2012 | Donation From | Michael Arena | Completed | | \$23.97 USD |
| Mar 8, 2012 | Donation From | Mark Samuel | Completed | | \$480.20 USD |
| Mar 8, 2012 | Donation From | lisa stellino | Completed | | \$19.12 USD |
| Mar 8, 2012 | Donation From | Richard Seamon | Completed | | \$48.25 USD |
| Mar 5, 2012 | Donation From | Olexa Mandelbaum | Completed | | \$193.90 USD |

1.17
 1.75
 6.59
 3.20
 6.71

Donation Details

Total amount: \$100.00 USD
Currency: U.S. Dollars
Confirmation number: 5WX307918W510774S
Purpose: Matt Willhite Campaign
Contributor: Barbara Richardson
Message: I wish it could be so much more!

Mailing Information:

Address Barbara Richardson
1335 Lake Breeze Drive
Wellington, FL 33414
United States
Address status Confirmed

Donation Details

Total amount: \$10.00 USD
Currency: U.S. Dollars
Confirmation number: 3HL33043KL605283P
Purpose: Matt Willhite Campaign
Contributor: michael smith

Mailing Information:

Address michael smith
14295 flora lane
wellington, FL 33414
United States
Address status Confirmed

Donation Details

Total amount: \$50.00 USD
Currency: U.S. Dollars
Confirmation number: 2TM3351850337433K
Purpose: Matt Willhite Campaign
Contributor: marysue jacobs

Mailing Information:

Address marysue jacobs
1641 clydesdale ave
wellington, FL 33414
United States
Address status Unconfirmed

Donation Details

Total amount: \$30.00 USD
Currency: U.S. Dollars
Confirmation number: 6NN33085W9646013S
Purpose: Matt Willhite Campaign
Contributor: Dan Z Robinson

Mailing Information:

Address Dan Z Robinson
14652 Horseshoe Trace
Wellington, FL 33414
United States
Address status Confirmed

**FLORIDA ELECTIONS COMMISSION
PHONE LOG
Case No.: FEC 14-044**

Respondent: Matthew A. Willhite

Complainant: Jack Mancini

1. **Date and time:** April 9, 2014 @ 1:53 p.m.
Name: Awilda Rodriguez, Wellington City Clerk
Phone #: (561) 791-4000
Summary: I called Ms Rodriguez because I could not download Mr. Greene's CIR from the website Ms Rodriguez agreed to email a copy of the CIR to me I asked her, when (on what date) did the candidates file the reports covering the period from February 17, 2012 – March 8, 2012. She stated that Mr. Willhite filed his report on March 9, 2012; Mr. Margolis filed his report on March 9, 2012; and Mr. Greene filed his report on March 12, 2012.
Memo to File? No
Entered by: MBW

2. **Date and time:** 05/13/14; 8:29 a.m
Name: Mark Herron, Esq.—Counsel for Respondent
Phone #: 222-0720
Summary: Mr. Herron phoned, asked if I needed the name of Respondent ("Matt Willhite") or the case number to assist me in determining which case he was referencing; I requested he provide the case number; he provided same. He requested that I send an affidavit to him at my earliest convenience to get the ball rolling. I explained that I am not familiar with the case number and will have to return his call
Memo to File? No
Entered by: HH

3. **Date and time:** 05/13/14; 8:41 a.m.
Name: Mark Herron, Esq —Counsel for Respondent
Phone #: 222-0720
Summary: I phoned Mr. Herron and explained that I do not currently have the case file as legal sufficiency is being reconsidered by the Executive Director.
Memo to File? No
Entered by: HH

4. **Date and time:** 05/27/14; 4:10 p.m
Name: Rachel, deputy clerk, Wellington, FL
Phone #: 561-791-4000
Summary: I phoned, reached "operator" for Wellington and asked to speak with the Clerk; she informed me she would direct my call to "Rachel," the deputy clerk; I reached her voice-mailbox, identified myself, provided my contact information, explained that my query was confidential and regarding the 2012 election and again provided my contact information.

EXHIBIT 21 (1 of 14)

Memo to File? No
Entered by: HH

5. **Date and time:** 05/27/14; 4:30 p.m.
Name: Rachel Callovi, deputy clerk
Phone #: 561-791-4000 (caller I D)
Summary: She returned my call and identified herself; I confirmed that candidates qualify before the clerk and I explained that I wish to send by email an affidavit of filing officer regarding the 2012 election but noted that some municipalities post all incoming emails as public records and my request will have a statutory exemption. She said she'll contact her city "village" attorney Megan (Cross) Rogers to determine how my request will be handled; I provided my email address in case Ms. Rogers wishes to respond by email. I noted that no filing documents are available online; Rachel believed they were available but in a very "obscure place"; however, after checking the website she confirmed that only 2014 filing documents are available online after noting that Respondent was a 2012 candidate.

Memo to File? No
Entered by: HH

6. **Date and time:** 05/27/14; 4:50 p.m.
Name: Megan Cross Rogers; Wellington, FL city (village) attorney
Phone #: 561-791-4000 (caller I D)
Summary: She phoned, identified herself and explained that incoming emails are posted to their public records and wishes to cooperate to maintain confidentiality. I agreed to send my email to her since emails to and from her have greater care and protection from being posted immediately to public records.

I identified the types of documents I wish to obtain and she agreed to have Rachel, and/or Ms. Rodriguez assist me; she noted she will provide contact information for those at the Palm Beach SOE's office when appropriate. She provided her email address; I verified same as that listed at The Florida Bar. She also noted community activists frequently file complaints re: elections/ethics, etc. She noted she formerly was employed by the county ethics office. I agreed to forward my request to her within the next 24 hours and provided it the same day.

Memo to File? No
Entered by: HH

7. **Date and time:** 06/04/14; 11:55 a.m.
Name: Rachel Callovi, deputy clerk
Phone #: 561-791-4000
Summary: I phoned, maneuvered their phone tree and reached her voice-mailbox; I identified myself, provided my contact information including phone and fax numbers and email address, and requested a copy (not redacted) of Respondent's campaign check paying his qualifying fees for the 2012 municipal election. I noted if there is a problem maintaining confidentiality to please let me know.

Memo to File? No
Entered by: HH

EXHIBIT 21(2 of 14)

8. **Date and time:** 06/04/14; 12:19 p.m.
Name: Rachel Callovi, deputy clerk
Phone #: 561-791-4000 (caller I.D.)
Summary: She returned my call and explained that a copy of the check is included in a large packet that is going out by mail today; she agreed to comply if my request was urgent. She noted she had contacted Megan Rogers (village attorney) and anything she/Ms. Callovi sends out will be subject to a public records request. I explained that the packet of records I requested last week (May 27, 2014) were due by June 27, 2014, and I was unaware they would be available so soon; therefore, she may disregard my request made today since she informed me the records are going out today by mail.
Memo to File? No
Entered by: HH
9. **Date and time:** Friday, June 13, 2014; 12:48 p.m.
Name: Megan Cross Rogers; Wellington, FL city (village) attorney
Phone #: 561-791-4000 (caller I.D.)
Summary: Because I had not received the packet of information mailed on June 4, 2014 (as previously informed), I called but the recording said the city's offices are closed on Fridays
Memo to File? No
Entered by: HH
10. **Date and time:** 06/13/14; 1:50 p.m.
Name: Megan Cross Rogers; Wellington, FL city (village) attorney
Phone #: UNK
Summary: She phoned, explained that she has now completed the packet that will go out today at 4:00 p.m. and I should have it early next week. I explained that I was informed the packet was going out on June 4, 2014, and I had drafted an email to her but was waiting to confirm the packet was not in our offices before sending the email to inform her that I had not received the packet. She said it was not mailed earlier because she needed to have executed affidavits from several involved with village elections. I thanked her for letting me know that the packet had not previously been mailed—was not missing in the mail. She explained there are over a dozen "Rogers" working for the village and provided her direct number, PH: 561-791-4795.
Memo to File? No
Entered by: HH
11. **Date and time:** 06/18/14; 08:45 a.m.
Name: "Paula," Record Services, Customer Service, PNC Bank, N.A.
Phone #: 1-800-762-3428
Summary: I phoned, identified myself and requested information regarding subpoenas; she noted their "machine is down" for processing "monthly bank statements and requests are being processed by hand" taking about 30 days. She noted that every attempt will be made to comply within the time frame provided on the subpoena. I asked how do I determine the account number versus the bank routing number on a PNC Bank customer's check; she said there are so many different bank routing numbers that she wouldn't hazard a guess, and suggested I provide all (both sets of) numbers with the exception of the check

EXHIBIT 21(3 of 14)

number. She said I may send the subpoena by FAX: 855-442-8718, and mark the cover sheet, "Original to follow in mail" She provided the following mailing address: (their internal mail stop) P7PFSC02F, 500 First Ave, Pittsburgh, PA 15219.

Memo to File? No

Entered by: HH

12. **Date and time:** 06/20/14; 8:45 a.m
Name: Jo Ann Kiefer, Records Section, PNC Bank, N.A.
Phone #: 412-768-1954 (caller I.D.)

Summary: She phoned, identified herself, and informed me that PNC Bank policy requires her to inform their customer/account holder/Respondent of her receipt of the subpoena; I informed her she would be in violation of Section 106.25(7), F. S., as noted on the subpoena it is to be confidential. Ms. Kiefer said she would provide my objection to their legal department to verify the reading of the statutes.

Ms. Kiefer verified my requests individually as noted on the 2nd page (reverse) of the subpoena by numbers 1 through 5, and said the symbol—state seal—makes it difficult for her to clearly see numbers 4 and 5. After further review of the subpoena, she noted at the bottom (of the first page) of the subpoena it "provides that any person who discloses this subpoena or the contents of this subpoena commits a misdemeanor." Ms. Kiefer agreed to comply with the terms of the subpoena and not disclose it to the PNC Bank customer—Respondent.

I explained that I was uncertain as to the length of time the account was open after March 2012, but based on Respondent's CIRs, I estimated it closed by July 2012; however, I noted that some campaign accounts for "perennial candidates" are open much longer than the end of the campaign (well after the IR period and some may never close while in office) Ms. Kiefer said she has not had a chance to research it. I asked her if she believed the production date (July 15, 2014) was realistic; she explained that she is uncertain how extensive my request is since she does not know the total number of items required: copies of deposit items including deposit slips, since multiple deposit items are usually listed on each deposit slip; and copies of payment instruments.

Memo to File? No

Entered by: HH

13. **Date and time:** 06/27/14; 9:45 a.m
Name: Jo Ann C Kiefer, Records Custodian, Records Section, PNC Bank, N.A.
Phone #: 412-768-1954

Summary: I phoned and reached her voice-mailbox; I identified myself, provided my contact number, the PNC Bank File Number: PGH-2014-R4636, and requested she return my call

Memo to File? No

Entered by: HH

14. **Date and time:** 06/27/14; 12:45 p.m.
Name: Jo Ann C. Kiefer, Records Custodian, Records Section, PNC Bank, N.A.
Phone #: 412-768-1954 (caller I.D.)

EXHIBIT 21 (4 of 14)

Summary: She returned my call and we reviewed her letter to me dated June 20, 2014—her email address is included: joann.kiefer@pnc.com She noted in her letter that all documents requested may not be available by the return date on my request. She identified the routing number and their 10-digit account number. After reviewing her file, she said the records (hard copies) were mailed to me on June 23, 2014, and I should receive them soon—maybe today. She explained that records may be provided on a CD, if requested, or if the records are extensive; they'll provide records the easiest way for them.

Memo to File? No

Entered by: HH

15. **Date and time:** 07/15/14; 11:35 a.m.

Name: Mark Herron, Esq —Counsel for Respondent

Phone #: 850-222-0720

Summary: I phoned and reached Cindy Lowell's voice-mailbox; I explained that I had emailed Mr. Herron on June 26, 2014 requesting records and have received no response; I provided my contact number.

Memo to File? No

Entered by: HH

16. **Date and time:** 07/21/14; 10:48 a.m

Name: Danielle Gilbert, witness/campaign contributor

Phone #: 561-333-2652 (caller I D.)

Summary: She phoned, identified herself and explained that she had received a questionnaire in the mail; I confirmed that I had sent the questionnaire. She confirmed that she made a contribution to Respondent's campaign and agreed to complete and return the questionnaire to me

Memo to File? No

Entered by: HH

17. **Date and time:** Monday, 07/21/14; 2:30 p.m

Name: Mark Herron, Respondent's attorney

Phone #: Met in my office (face-to-face)

Summary: Mr. Herron came by my office (he was in the suite on another matter) to explain that his client did not correctly identify the in-kind contribution—from Unicorn Landing, Inc. on or about February 21, 2012. Respondent disclosed an in-kind contribution totaling \$485 from Ms. Radosevich; she had previously made a check contribution. He noted that two additional candidates participating in the fundraiser (Mayor Bob Margolis and Councilman John Greene) also receiving in-kind contributions from this contributor had correctly disclosed the contributions on their CTRs; however, his client did not. He also noted there was no documentary evidence/statement of value available for the in-kind contribution made by Ms. Radosevich.

Memo to File? No

Entered by: HH

18. **Date and time:** 09/04/14; 1:48 p.m.

Name: John "Jack" Mancini—Complainant

Phone #: UNK

EXHIBIT 21(5 of 14)

Summary: He phoned for a status update and provided his contact number: 561-906-8805.

Memo to File? No

Entered by: HH

19. **Date and time:** Friday, 09/05/14; 10:00 a.m.

Name: John "Jack" Mancini—Complainant

Phone #: 561-906-8805

Summary: I phoned and explained that the case is currently under investigation; I explained that this office will send a NOH to him at his address listed on the complaint when the case is placed on the agenda; I noted that he/Complainant may watch the proceedings, but will be unable to address the Commission if he chooses to attend the meeting. I verified his contact information and noted should any contact information change, to please let Commission staff know. I requested local sources of information regarding Wellington; Complainant identified two media outlets, which maintain coverage of Wellington issues and events: *Palm Beach Post* and their reporter Kristin Clark provide newspaper coverage of Wellington; and WFLX, local Fox affiliate, provides TV coverage of local events and issues.

Memo to File? No

Entered by: HH

20. **Date and time:** 09/08/14; 1:20 p.m.

Name: Jo Ann C. Kiefer, Records Custodian, Records Section, PNC Bank, N.A.

Phone #: 412-768-1954

Summary: I phoned and reached her voice-mailbox; I identified myself and provided her reference number, my contact information and requested she return my call.

Memo to File? No

Entered by: HH

21. **Date and time:** 09/08/14; 2:01 p.m.

Name: Jo Ann C. Kiefer, Records Custodian, Records Section, PNC Bank, N.A.

Phone #: UNK

Summary: She phoned and reached my voice-mailbox; she identified herself, provided her reference number and her contact number.

Memo to File? No

Entered by: HH

22. **Date and time:** Monday, 09/08/14; 2:14 p.m.

Name: Jo Ann C. Kiefer, Records Custodian, Records Section, PNC Bank, N.A.

Phone #: 412-768-1954

Summary: I phoned, identified myself and requested information regarding my request for records. I explained that I received her acknowledgement of our subpoena by letter on June 25, 2014; however, no records were included. I requested she email the records in order to expedite delivery and my receipt. She said she may fax the records but is unsure if she may email their "secure" bank records; however, she said if I email notice that the records were not received she may be able to email them to me. I confirmed her email address and agreed to email her.

EXHIBIT 21(6 of 14)

Memo to File? No
Entered by: HH

- 23 **Date and time:** Monday, 09/15/14; 11:35 a.m.
Name: Mark Herron, Esq.—Counsel for Respondent
Phone #: 222-0720
Summary: I phoned, requested to speak with Mr. Herron and reached his voice-mailbox; I identified myself, the case number and explained that I was again requesting—originally requested July 16, 2014 by email—invoices, contracts, etc , regarding the expenditures on Respondent’s CTR covering the period from March 9, 2012 through June 11, 2012 (TR), and regarding my investigation of s 106 07(5), F.S.; I provided my contact information.

Memo to File? No
Entered by: HH

- 24 **Date and time:** Friday, 09/19/14; 11:35 a.m
Name: Jo Ann C Kiefer, Records Custodian, Records Section, PNC Bank, N A.
Phone #: 412-768-1954
Summary: I phoned, identified myself and explained that we last spoke on Monday, September 8, 2014, and she had requested that I email a request to her to help expedite my request. She said she is working on my request as we speak; she explained that things had “gotten crazy” and will be sending the records out today my mail; she noted there were too many to fax and they do not email records.

Memo to File? No
Entered by: HH

- 25 **Date and time:** 09/22/14; 11:50 a.m.
Name: Mark Herron, Esq.—Counsel for Respondent
Phone #: 222-0720
Summary: I phoned and requested to speak with Mr. Herron or his legal assistant Cindy Lowell; my call was transferred to Cindy’s voice-mailbox; I requested she return my call regarding my voice-mail message for Mr. Herron dated September 15, 2014.

Memo to File? No
Entered by: HH

26. **Date and time:** Tuesday, 09/23/14; 12:20 p.m.
Name: Jo Ann Kiefer, Records Section, PNC Bank, N A
Phone #: 412-768-1954
Summary: I phoned to query about a “Branch Capture Deposit” item dated May 2, 2012; however, she was uncertain why there was no deposit ticket for this item totaling \$200 00. She suggested the item was presented for deposit without a deposit ticket at a bank branch location, but suggested I contact a branch office for my query since she is uncertain.

Memo to File? No
Entered by: HH

- 27 **Date and time:** 09/23/14; 1:05 p.m.
Name: Mark Herron, Esq.—Counsel for Respondent
Phone #: 222-0720

EXHIBIT 21(7 of 14)

Summary: Mr. Herron returned my call, explained that he's been on a carousel for weeks, and it has come back around to the Elections Commission, again. He believes that the contributions are not covered in the E.D.'s letter of legal sufficiency dated April 22, 2014, and I should not be looking at them; I explained they are under s. 106.19(1)(a), F.S., as cited and noted in the E.D.'s letter that includes s. 106.08(3)(b), F.S., in her notice of legal sufficiency. As stated in the E.D.'s letter, the second citation of s. 106.19(1)(a), F.S., R "accepted contributions in excess of the limits prescribed by Section 106.08(3)(b), Florida Statutes, as alleged in the complaint" I explained that any contribution received after the election contest ended is considered excessive based upon the E.D.'s letter; Mr. Herron thought that was an interesting way to look at it.

And in regards to my earlier request for contracts, etc., regarding a number of expenditures, which Mr. Herron believes are not within the issues addressed in the complaint, I explained that I am looking at the expenditures pursuant to s. 106.07(5), F.S., ("one or more of R's reports was true, correct, and complete when it was not, as alleged in the complaint"), and noted that Complainant also addresses expenditures in his complaint narrative and I directed Mr. Herron's attention to specific pages of the complaint. However, Mr. Herron still does not believe my investigation should include contributions and/or expenditures.

I asked if he represented Ms (Alexis) Willhite, campaign treasurer and "keeper of the records"; he does not at this time, but believes his client/Respondent (Matt) Willhite will agree to his representation of her, if needed. I explained that I am drafting a subpoena for records and Mr. Herron said he will respond as needed, and understands that the campaign treasurer is responsible for maintaining the campaign records and providing same to Commission staff

Memo to File? No

Entered by: HH

28. **Date and time:** 09/23/14; 4:10 p.m.
Name: Alexis Willhite, campaign treasurer and keeper of the records
Phone #: 561-793-5488
Summary: I phoned but the line was busy or out of service but no message indicating the latter and no provision to leave a message
Memo to File? No
Entered by: HH
29. **Date and time:** 09/23/14; 4:40 p.m.
Name: Alexis Willhite, campaign treasurer and keeper of the records
Phone #: 561-793-5488
Summary: I phoned but the line was busy or out of service but no message indicating the latter and no provision to leave a message
Memo to File? No
Entered by: HH
30. **Date and time:** 09/24/14; 10:20 a.m.
Name: Alexis Willhite, campaign treasurer and keeper of the records

EXHIBIT 21(8 of 14)

Phone #: 561-793-5488

Summary: I phoned but the line was busy or out of service but no message indicating the latter and no provision to leave a message.

Memo to File? No

Entered by: HH

31 **Date and time:** Wednesday, 09/24/14; 10:45 a.m.

Name: Alexis Willhite, campaign treasurer and keeper of the records

Phone #: 561-793-5488

Summary: I phoned but the line was busy or out of service but no message indicating the latter and no provision to leave a message.

Memo to File? No

Entered by: HH

32 **Date and time:** Thursday, 09/25/14; 2:18 p.m.

Name: Charmaine Kelly, Palm Beach County SOE's office

Phone #: 561-656-6200

Summary: I phoned, identified myself, and requested information regarding a voter; Sandy transferred my call to Charmaine Kelly. I identified myself and requested contact information for Marcia J. Radosevich; after confirming her address as 5121 Las Palmas Ave., Wellington, FL 33449, she provided PH: 561-784-9202.

Memo to File? No

Entered by: HH

33 **Date and time:** Thursday, 09/25/14; 2:26 p.m.

Name: Marcia J. Radosevich, Ph D., officer of Unicorn Landing, Inc.

Phone #: 561-784-9202

Summary: I phoned and received the message that the number has been disconnected.

Memo to File? No

Entered by: HH

34 **Date and time:** 9/25/14; 5:00 p.m.

Name: Marcia J. Radosevich, Ph D., officer of Unicorn Landing, Inc.

Phone #: 617-953-6154

Summary: I phoned, identified myself, explained that I was reviewing campaign treasurer reports for Wellington municipal candidates and asked if she would complete a questionnaire regarding contributions identified in Councilman Matt Willhite's CTRs; she agreed. She identified the in-kind contributor as NCC1701 d/b/a Unicorn Landing, LLC. She provided her email address so I may email it to her; she noted that she is not in Florida and has not been in Florida for awhile, but will return in early October 2014, and will respond accordingly (she explained there may be a large volume of correspondence that requires her attention). She provided her email address: Marcia.Radosevich@gmail.com

Memo to File? No

Entered by: HH

35 **Date and time:** Friday, 10/17/14; 11:45 a.m.

Name: Mark Herron, Esq.

EXHIBIT 21 (9 of 14)

Phone #: 222-0720

Summary: I phoned, requested to speak with Cindy Lowell or Mr. Herron, was informed that Cindy is on vacation and Mr. Herron was out to lunch; however, he is due back afterward in response to my query; she transferred my call to his voice-mailbox, and after providing my name, contact information and referenced the case, I requested he return my call and noted I wished to review the case with him.

Memo to File? No

Entered by: HH

36. **Date and time:** Tuesday, 10/21/14; 10:50 a.m.

Name: Mark Herron, Esq

Phone #: 222-0720 (caller I.D)

Summary: He returned my call, apologized for the delay, and explained that he has come around (on the carousel) to FEC business now, and his client Respondent is ready to put this behind him and move on and will be open to entering into negotiations for a pre-probable cause consent order; however, Mr. Herron will be out of town next week (in Tampa area) representing the Democratic Party regarding 2014 general election matters, and unable to attend the Commission meeting, etc Mr. Herron noted approx. two items requested by subpoena (to his client/campaign treasurer—Mrs. Willhite) differed from my earlier email to him (my request for records to his client/Respondent) to which he/Herron recently responded by email, and he will take a look at that today and provide accordingly

Mr. Herron requested my preliminary findings; I explained to Mr. Herron that I had reviewed bank records and Respondent accepted a \$200 contribution (check dated April 18, 2012, and deposited on May 2, 2012) after **April 12, 2012**—the date when the last legal contest ended and the last date Respondent could accept campaign contributions for any legal challenge—and it appears there would have been insufficient funds on deposit in the campaign account for the \$500 expenditure to Armand Nault (disclosed on June 6, 2012, sequence number 5, purpose as "Recount Advisement"; reason for the expenditure requested by subpoena, but not provided as of this date), and a reimbursement to Respondent. Also, I noted there was a discrepancy between the amount Respondent disclosed in his CTR (\$94 80) and what was actually reimbursed to Respondent (\$84 07) based upon the bank records. (I noted that Respondent signed all check expenditures; however, he was not the treasurer or deputy treasurer)

Memo to File? No

Entered by: HH

37 **Date and time:** Thursday, 03/05/15; 11:58 a.m.

Name: Alexia at the Palm Beach County SOE's Office

Phone #: 561-656-6200

Summary: I phoned, identified myself and requested copies of the sign-in sheets or other information confirming the names of those attending their 2012 candidate workshop held on February 14, 2012 (affidavits provided by the Wellington Clerk and her staff). I provided my contact information including telephone, fax and email. She agreed to phone if she had any questions.

Memo to File? No

Entered by: HH

EXHIBIT 21 (10 of 14)

38. **Date and time:** 03/05/15; 12:10 p.m.
Name: Alexia at the Palm Beach County (PBC) SOE's office
Phone #: 561-682-3124 (caller ID)
Summary: She phoned, identified herself and declared the SOE's office conducted no such training; however, if I have additional information, I may contact Amber (who has been there the longest) or "Cary." She noted I should call, PH: 561-656-6200, and press "0" and asked to speak with one of them for assistance. Alexia noted that she's on her way to a "voter outreach" event and will be unavailable this afternoon.
Memo to File? No
Entered by: HH
39. **Date and time:** 03/05/15; 2:15 p.m.
Name: Tamika Rogers, Wellington Village Clerk's office
Phone #: 561-791-4000
Summary: I phoned, identified myself, requested to speak with Rachel Callovi, who had completed an affidavit of filing officer in the instant case; I was informed that she's out of the office today; I asked to speak with Tamika Rogers and she verified that I had reached her. I explained that I had contacted the PBCSOE's office, was informed by staff that they held no candidate workshop in 2012 and requested additional information such as copy of emails on or about February 2, 2012 regarding the February 14, 2012 workshop, etc. Ms. Rogers said she'll have to research their records and return my call; I provided my contact information.
Memo to File? No
Entered by: HH
40. **Date and time:** 03/05/15; 4:35 p.m.
Name: Mark Herron, Esq.—Counsel for Respondent
Phone #: 222-0720
Summary: I phoned Mr Herron to schedule or conduct a final interview by telephone, and give him an opportunity to respond to the information gathered during the course of the investigation concerning the allegations made in the complaint against his client; however, I reached Cindy Lowell, his legal assistant, who informed me that Mr. Herron was not in today and is scheduled to attend the Commission on Ethics meeting tomorrow, probably just in the morning. She asked which client I was referring to and requested my contact information so she could notify Mr. Herron by email that I called, and he could return my call.
Memo to File? No
Entered by: HH
41. **Date and time:** 03/05/15; 5:15 p.m.
Name: Armand Nault (payee identified in R's 2012 TR; former firefighter and paramedic)
Phone #: 561-585-6087 (obtained from the DOE's website for his 2002 candidacy for State Representative, District 89)
Summary: I phoned and reached a recording that the number was no longer in service.
Memo to File? No
Entered by: HH

EXHIBIT 21 (11 of 14)

42. **Date and time:** Friday, 03/06/15; 12:10 p.m.
Name: Alexia at the Palm Beach County (PBC) SOEs Office
Phone #: 561-656-6200
Summary: I phoned, identified myself and requested information regarding voter Armand R. Nault; she explained that he is an active voter, last voting on November 4, 2014, and currently resides in Lee County; she provided the following: DOB: 09/08/54; 2761 York Rd., St James City, FL 33956; after noting there was no area code provided for the telephone number, she provided PH: 561-436-4722. [AT&T Mobile in Boynton Bch, Palm Beach County, Florida]
Memo to File? No
Entered by: HH
43. **Date and time:** 03/06/15; 12:15 p.m
Name: Armand Nault
Phone #: 561-436-4722
Summary: I phoned and reached a voice-mailbox message indicating the “customer is not accepting calls at this time Please try your call again later.”
Memo to File? No
Entered by: HH
44. **Date and time:** 03/06/15; 2:40 p.m.
Name: Cheryl at Lee County SOEs Office
Phone #: 239-533-8683
Summary: I phoned to verify contact information for Armand R Nault; after I provided his DOB, she noted there are two in her records, and provided the following PH: 239-436-4722 [landline in Naples, FL] She said ballots are mailed to West Palm Beach at 124 First Way, WPB, FL 33407 I asked if she knew whether he was a seasonal resident; she suggested I contact the Lee County Property Appraisers Office to see if his property in Lee County is his homestead, at PH: 239-533-6100.
Memo to File? No
Entered by: HH
45. **Date and time:** 03/06/15; 5:28 p.m
Name: Jim Cherry, Cherry Communications Company, LLC
Phone #: 561-3600
Summary: I phoned the telephone number provided on a deposit item (check) and identified in R’s 2012 TR as a “refund.” I identified myself and explained that I was reviewing the campaign records of R, identified the amount of the check and asked would this be a contribution or a refund Mr. Cherry asked if R was a candidate in Wellington and I confirmed He explained they provide polling and voter contact information to candidates, etc., and based upon the amount, it appears to be a refund—perhaps for an overpayment of estimated expenses He noted they (he and his wife) do not make campaign contributions from this account. Mr Cherry asked me if this was an audit; I confirmed. He agreed to confirm this by email and provided his email address: jim@cherrycomm.com.
Memo to File? No
Entered by: HH

EXHIBIT 21 (12 of 14)

46. **Date and time:** Monday, 03/09/15; 10:53 a.m.

Name: Mark Herron, Esq.

Phone #: 222-0720 (caller I.D.)

Summary: He returned my call; I identified the case and he recalled we tried to settle the case but his client decided otherwise. I explained that I wish to review my findings and give him an opportunity to respond to the information gathered during the course of the investigation concerning the allegations made in the complaint against his client; Mr. Herron agreed.

I reviewed with him each section of law I was investigating and noted that I had been unable to reach Armand Nault; Mr. Herron noted he did not have anything either; just what he provided earlier. I identified the \$485 in-kind contribution from NCC1701, LLC d/b/a Unicorn Landing, Inc. Mr. Herron asked if I recognized the name of the entity; I did not. Mr. Herron explained that "is the Starship Enterprise" (NCC-1701) from Star Trek for "Trekkies like me." I continued my review; Mr. Herron had no comment regarding the items identified in Respondent's 2012 IR. Mr. Herron thanked me and acknowledged our procedure to send a written copy of my ROI for his review and his comment at some time later.

Memo to File? No

Entered by: HH

47 **Date and time:** 03/09/15; 11:36 a.m.

Name: Blaine A. Cherry, Cherry Communications Company, LLC

Phone #: 561-3600

Summary: I phoned, identified myself and requested to speak with Jim Cherry; Blaine Cherry explained that "he has stepped out of the office for awhile." I explained that I had spoken with Mr. Cherry on Friday (late afternoon) and requested that Jim Cherry return my call; I provided my contact number.

Memo to File? No

Entered by: HH

48 **Date and time:** 03/09/15; 4:55 p.m.

Name: Jim Cherry, (Larrie James Cherry, Jr., Esq.), Cherry Communications Company, LLC

Phone #: 561-3600

Summary: I phoned, identified myself and he said he's been to the dentist and doctor today, has been unable to discuss this with his wife who handled this client, he's very busy with some elections in South Florida and will get back to me tomorrow. He apologized and hopes it will wait another 24 hours; I thanked him for confirming his receipt of my email.

Memo to File? No

Entered by: HH

49. **Date and time:** 03/10/15; 3:40 p.m.

Name: Armand Nault

Phone #: 561-436-4722

EXHIBIT 21(13 of 14)

Summary: I phoned and reached a voice-mailbox message indicating the "customer is not accepting calls at this time. Please try your call again later."

Memo to File? No

Entered by: HH

50. **Date and time:** 03/10/15; 4:07 p.m

Name: Armand Nault

Phone #: 239-436-4722 (landline in Naples, FL)

Summary: I phoned but reached the wrong number—hospital patient's room and spoke with the nurse since the patient did not have her hearing aid in and could not understand me.

Memo to File? No

Entered by: HH

51. **Date and time:** 03/11/15; 10:10 a.m.

Name: Tamika Rogers, Wellington Village Clerk's office

Phone #: 561-791-4000

Summary: She phoned and explained that she had additional information regarding my query regarding their sworn affidavit of filing officer and candidate training offered by the SOE in 2012; she explained that she wrote down the wrong date—2014 rather than 2012. While we were on the telephone, she realized she had 2014 information regarding training from the SOE's website. I explained that I had contacted the SOE's staff and the individual I spoke with was unfamiliar with the SOE's offerings in 2012 but believed no training was provided. I asked her to provide any corrections to the affidavit to me by email including scanning relevant information they received in 2012 from the SOE and I provided my email address. She agreed to research the matter again.

Memo to File? No

Entered by: HH

52. **Date and time:**

Name:

Phone #:

Summary:

Memo to File? No

Entered by:

53. **Date and time:**

Name:

Phone #:

Summary:

Memo to File? No

Entered by:

EXHIBIT 21 (14 of 14)

AFFIDAVIT OF FILING OFFICER
Case Number: FEC 14-044

1. Please provide certified copies of the listed items from the following candidate's campaign file: **Matthew A. Willhite.**

| Check | ITEM |
|-------|---|
| X | The Statement of Candidate form for 2012. |
| X | Appointment(s) of Treasurer and Designation of Campaign Depository form(s) for 2012. |
| X | Campaign treasurer's reports, waivers, and amendments for the 2012 election |
| | Addendum requests and proof of compliance for the 2012 election. |
| X | Statements of financial interest (Form 1 and/or Form 6) for 2012. |
| | Copy of letter Acknowledging receipt of the Appointment of Campaign Treasurer and Designation of Campaign Depository form (Form DS-DE9) for 2012, if available. |
| X | Other: Copy of his campaign check issued as payment of his qualifying fee. Please do not redact. |

2. Please check each item provided to the candidate or her/his staff, and list the date each item was provided. **(If the item is published by the Division of Elections, it is unnecessary to provide a copy of the item. If your office published the item, please send a copy of the item with this affidavit.)**

| Check | ITEM | DATE |
|-------|--|---------|
| X | Chapter 106, <i>Florida Statutes</i> | 2/7/08 |
| X | Chapter 104, <i>Florida Statutes</i> | 2/7/08 |
| X | <i>Candidate Handbook</i> <u>2008</u> | 2/7/08 |
| X | Political ad and disclaimer supplement | 2/7/08 |
| X | Calendar of Election dates | 6/20/11 |
| | Any other election related document. Please indicate the title of the related document: _____ | |

3. Please provide a separate affidavit from any member of your staff who was in contact with this candidate or her/his staff detailing the subject matter of the contact.

4. Please list all additional written materials provided to the candidate or her/his staff, the date of receipt, and a brief description of the written materials.

Candidates were provided with a candidate information CD that included informational materials on issues likely to come to council for action or items of importance to the village. A copy of this CD is included for your review. Councilman Willhite ran for office in 2012 as an incumbent. Candidates who received a copy of these materials signed acknowledgement forms. There is no documentation to indicate that Mr. Willhite received a CD.

EXHIBIT 22 (1 of 8)

5. Please describe the type of review a candidate's campaign treasurer report is given when filed with your office as the Filing Officer. Please note the specific item(s) your office is looking for when reviewing a candidate's campaign treasurer reports such as full name, address, occupation (when required), amount and date for contributions, and full name, address, amount, date and purpose for expenditures, etc.

The Village Clerk's Office accepts and reviews candidate treasurer reports to ensure that they are timely filed and signed. No further substantive review is completed by Village staff.

6. Please explain if any of this candidate's campaign treasurer reports were given a cursory review and deemed incomplete when filed with your office.

All candidate campaign reports were reviewed for completeness. Examination of candidate treasurer reports is limited to whether or not the candidate has completed all required fields on the form. No further substantive review is performed by Village staff. No report was deemed incomplete.

7. If this candidate's campaign treasurer reports were given a cursory review and deemed incomplete when filed with your office, please identify each campaign treasurer report deemed incomplete and provide copies of any and all notices provided by your office to this candidate and/or campaign treasurer; and any and all related correspondence to and/or from the candidate and/or campaign treasurer.

N/A

8. Did you refer the candidate to any websites? () Yes or () No.

9. If so, please indicate to which site(s) you referred the candidate and when.

10. Did you notify the candidate that the *Candidate and Campaign Treasurer Handbook* was available on the Florida Department of State, Division of Elections website? (X) Yes or () No

11. Did you notify this candidate of the availability of candidate training seminars or workshops at the Supervisor of Elections office or another office? (X) Yes or () No.

EXHIBIT 22(2 of 8)

12. If so, please provide the name of the office and contact information [name(s); mailing addresses; telephone number(s); and email addresses] for the office and staff where the candidate was referred. Please include a copy of the seminar or workshop announcement, if available.

On February 2, 2012 candidates and treasurers were notified by email that the Palm Beach County Supervisor of Elections would be offering a candidate workshop on Tuesday, February 14, 2012 at 10 am. The session was held at the Supervisor's Riviera Beach Facility.

Address: 7835 Central Industrial Drive, Riviera Beach 33404

Contact Person: Supervisor of Election Susan Bucher

Phone: (561) 656-6200

E-mail: mailbox@pbcelections.org

13. Did your office offer any candidate training seminars or workshops? () Yes or (X) No.

14. If so, please include a copy of the seminar or workshop announcement(s), if available.

15. If so, please list all training seminars or workshops that were attended by the candidate, along with the date of attendance. If a staff member attended for the candidate, list her/his name and position. If available, please attach a copy of any attendance sheets from the seminars or workshops where the candidate and/or her/his staff member attended.

N/A

16. Please list the subjects covered during the seminars or workshops. If available, please provide a copy of the syllabus and outline for the seminars or workshops.

N/A

17. Please list any contacts with this candidate by you or your staff concerning a provision of Chapter 104, Section 105.071, or Chapter 106, *Florida Statutes*. Indicate whether the contact was in person, in writing, or by telephone, and the subject matter of the contact. Also, provide copies of any documentation of the contact(s).

Please see attached index of campaign related communications.

EXHIBIT 22(3 of 8)

18. Please provide a copy of any telephone logs, correspondence, notes and/or emails pertaining to this candidate and regarding compliance and/or non-compliance with the requirements of Florida's elections laws, and Chapter 106, Florida Statutes.

19. Please provide a copy of any check-off sheet(s) noting the dates of any contact the candidate had with your office including, but not limited to, when the candidate filed any forms or reports.

20. Please list all late filings of campaign reports by the candidate. Also, please provide copies of any and all correspondence with the candidate concerning the late filings.

The candidate timely filed all reports.

21. Please list all fines paid by the candidate and provide copies of all correspondence concerning the fines.

N/A

22. Please list the following: each year the candidate ran for office; the office the candidate ran for; the length of the term of office; the dates of the elections; and the results of the elections.

2008, Village Council Seat 4, elected to a 4 year term.

2012, Village Council, Seat 4 elected to a 4 year term.

23. If this candidate has previously been a candidate for elected office, please explain if you were aware of any issues with this candidate's campaign treasurer reports, etc.; and if so, please describe the issues and identify the election(s). Please provide copies of any documents/correspondence related to these issues, if available.

Councilman Willhite was a candidate for and elected to the Wellington Village Council in March of 2008. All campaign treasurer reports and other required filings were prepared and filed in accordance with village policy and election requirements.

EXHIBIT 22(4 of 8)

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

Aurilda Rodriguez
Signature of Affiant

Aurilda Rodriguez
Please type or print the full name of affiant in the space above

Sworn to (or affirmed) and subscribed before me this 12 day of June, 2014.

Maria A. Pisz
Signature of Notary Public - State of Florida
Print, Type, or Stamp Commissioned Name of Notary Public



Personally Known or Produced Identification
Type of Identification Produced:

Case Investigator: HH

EXHIBIT 22(5 of 8)

**APPOINTMENT OF CAMPAIGN TREASURER
AND DESIGNATION OF CAMPAIGN
DEPOSITORY FOR CANDIDATES**
(Section 106 021(1), F.S.)

(PLEASE PRINT OR TYPE)

04-04-11 P01:52 IN

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)

Matt Alan Willhite

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

15820 Rolling Meadows Circle
Wellington, FL 33414

4. Telephone

(561) 7935488

5. E-mail address

sparky1783@aol.com

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

Wellington Village Council, Seat 4

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 Municipal Non-Partisan Party candidate.

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

10. Name of Treasurer or Deputy Treasurer

Alexis Willhite

11. Mailing Address

15820 Rolling Meadows Circle

12. Telephone

(561) 7935488

13. City

Wellington

14. County

Palm Beach

15. State

Florida

16. Zip Code

33414

17. E-mail address

Alex784@aol.com

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

19. Name of Bank

PNC Bank

20. Address

12850 Forest Hill Blvd

21. City

Wellington

22. County

Palm Beach

23. State

Florida

24. Zip Code

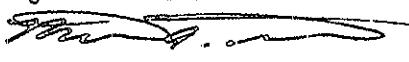
33414

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

04/04/2011

26. Signature of Candidate



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

I, Alexis Willhite, do hereby accept the appointment
(Please Print or Type Name)

designated above as: Campaign Treasurer Deputy Treasurer

04/04/2011

Date



Signature of Campaign Treasurer or Deputy Treasurer



VILLAGE OF WELLINGTON

Village Council

Thomas M. Wenham, Mayor
Robert S. Margolis, Vice Mayor
Lizbeth Benacquisto, Councilwoman
Laurie S. Cohen, Councilwoman
Dr. Carmine A. Priore, Councilman

Village Manager
Charles H. Lynn, AICP

ACKNOWLEDGMENT

I, Matthew White hereby acknowledge receipt of the 2008 Election Information Packet consisting of the following materials:

- Letter from Clerk
- 2008 Election Schedule *(will be provided at a later date)*
- Village Resolution
- Village Charter
- Charter Amendment Ordinance 2002-19
- 2007 Candidate Handbook on Campaign Financing
- 2007 Election Laws
- Village Boundary Map
- Precinct Locations *(will be provided at a later date)*
- Precinct Registration Information *(will be provided at a later date)*
- Village 2007/2008 Meeting Schedule
- Political Signage Ordinance 99-20
- Past Election Results *(1996, 1998, 2000, 2002, 2003, 2004, 2006)*

Signature: _____

Date: 2-7-08

EXHIBIT 22(8 of 8)

HH

AFFIDAVIT
Case Number: FEC 14-044

RECORDED

2014 JUL 31 4 34 PM

STATE OF FLORIDA
County of Palm Beach

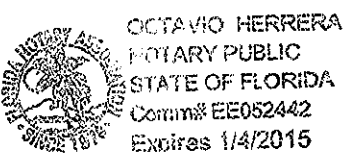
Daniele Gilbert, being duly sworn, says:

- 1. This affidavit is made upon my personal knowledge
- 2. I am of legal age and competent to testify to the matters stated herein. I am currently employed by SELF EMPLOYED as _____
- 3. Records on file with the Clerk's office for the Village of Wellington indicate that Councilman Matthew A. Willhite identified you as a contributor to his 2012 re-election campaign. The questions that follow relate to the campaign contribution identified on his campaign treasurer report covering the period from March 9, 2012 through June 11, 2012.
- 4. Did you make a campaign contribution to Councilman Willhite's 2012 campaign?
 Yes or () No
- 5. If you made a campaign contribution, please mark the appropriate box and identify if your campaign contribution was made by check; cash; credit card; or other; and if other, please identify the payment instrument _____
- 6. Please identify the amount of the campaign contribution: \$500.00
- 7. Please identify how and when your campaign contribution was conveyed to Mr. Willhite.
 Via US Mail; date: _____ Via Hand delivery; date APRIL 06/12
 Via campaign fundraising event; date: _____
- 8. If you made a campaign contribution by check, please mark the appropriate box:
 The check cleared my bank promptly. OR The check did not clear my bank promptly.

I HEREBY SWEAR OR AFFIRM THAT THE FORGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Daniele Gilbert
Signature of Affiant

DANIELE GILBERT
Please type or write the full name of the affiant in the space above
Sworn to (or affirmed) and subscribed before me this 25th day of July, 2014



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

Personally Known _____ or Produced Identification
Type of Identification Produced: FLDL

Case Investigator: HH
EXHIBIT 23



FLORIDA ELECTIONS COMMISSION
 107 West Gaines Street
 Collins Building, Suite 224
 Tallahassee, Florida 32399-1050

UTP

Ms. Nan Paternini
 Box 711
 Far Hills, NJ

RECEIVED
 2014 JUL 14 AM 11:44
 STREET ELECTRONIC MAIL

NIXTE 076 FE 009 007/04/14

RETURN TO SENDER
 NOT DELIVERABLE AS ADDRESSED
 UNABLE TO FORWARD

BC: 32399654999 *0838-07632-24-37

07601007109 00109



Re: CONFIDENTIAL - Case No.: FEC 14-044
Jim Cherry
to:
Helen Hinson
03/10/2015 09:44 AM
Show Details

History: This message has been replied to

Ms. Hinson, we have now had the opportunity to retrieve the Willhite file from our archives. It appears the Willhite campaign paid us in advance for several phone related services, and the check in question of \$129.75 was a refund to the campaign as our services cost less than the estimate. Jim Cherry

On 3/6/2015 5:50 PM, Helen Hinson wrote:

L. James Cherry, Jr.
Cherry Communications Company, LLC
227 N Bronough St., Ste. 4100
Tallahassee, FL 32301
PH: 850-561-3600

RE: Case No.: FEC 14-044
Confidential pursuant to s. 106.25(7), F.S.

Dear Mr. Cherry:

As we discussed this afternoon by telephone, you identified your check number 8883, dated April 3, 2012 in the amount of \$129.75 to "Matt Willhite Campaign" as a refund to Mr. Willhite's 2012 re-election campaign in Wellington, Florida

Thank you for your assistance in resolving this matter. Please acknowledge your receipt of my email by return email.

Sincerely,

Helen Hinson
Investigation Specialist
Florida Elections Commission
The Collins Building, Ste. 224
107 West Gaines Street
Tallahassee, FL 32399-1050
helen.hinson@myfloridalegal.com
PH: 850.922.4539, X-115
FAX: 850 921 0783
www.fec.state.fl.us

Please note: Florida has a very broad public records law. Written communications to or from me regarding state business constitute public records and are available to the public and media upon request **unless** the information is subject to a specific statutory exemption. Therefore, your e-mail message may be subject to public disclosure.

EXHIBIT 25 (1 of 2)

--
Jim Cherry
Cherry Communications
850-561-3600
cherrycomm.com

EXHIBIT 25(2 of 2)

AFFIDAVIT
Case Number: FEC 14-044

RECEIVED

2014 JUL -1 A 9:51

STATE OF FLORIDA
County of Palm Beach

STATE OF FLORIDA
ELECTIONS COMMISSION

John VanDell, being duly sworn, says:

- This affidavit is made upon my personal knowledge.
- I am of legal age and competent to testify to the matters stated herein. I am currently employed by VanDell Jewelers as Owner
- Records on file with the Clerk's office for the Village of Wellington indicate that Councilman Matthew A. Willhite identified you as a contributor to his 2012 re-election campaign. The questions that follow relate to the campaign contribution identified on his campaign treasurer report covering the period from March 9, 2012 through June 11, 2012.*
- Did you make a campaign contribution to Councilman Willhite's 2012 campaign?
() Yes or () No.
- If you made a campaign contribution, please mark the appropriate box and identify if your campaign contribution was made by check; cash; credit card; or other; and if other, please identify the payment instrument. _____
- Please identify the amount of the campaign contribution: \$ 250.00
- Please identify how and when your campaign contribution was conveyed to Mr Willhite.
 Via US Mail; date: _____ Via Hand delivery; date 4/4/12
 Via campaign fundraising event; date: _____
- If you made a campaign contribution by check, please mark the appropriate box:
 The check cleared my bank promptly. OR The check did not clear my bank promptly.

I HEREBY SWEAR OR AFFIRM THAT THE FORGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Signature of Affiant

JOHN VAN DEL L

Please type or write the full name of the affiant in the space above

Sworn to (or affirmed) and subscribed before me this 27 day of

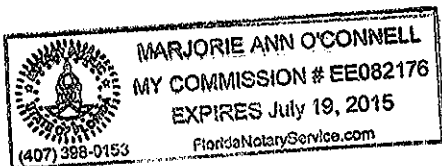
JUNE, 2014

Signature of Notary Public - State of Florida

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known or Produced Identification _____

Type of Identification Produced: _____



Case Investigator: HH

EXHIBIT 26



FEC Case No. 14-044
Mark Herron
to:
Helen.Hinson@myfloridalegal.com
10/10/2014 09:15 AM
Show Details

2 Attachments

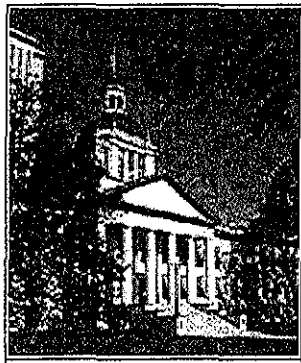


image001.jpg Matt Willhite Response to FEC Request for Documents.pdf

Per your request, please see attached.

Mark Herron

Messer Caparello
2618 Centennial Place
Tallahassee, FL 32308
Telephone: (850) 222-0720
Direct Fax: (850) 558-0659
Email: mherron@lawfla.com



Old Capitol

EXHIBIT 27(1 of 27)

Matt Willhite
FEC Request for Documents

Contributions

1. In-kind contribution from Ms. Radovitch's business (Unicorn Landing, Inc.)¹

Expenditures

1. Weiss Handler PA – legal fees – \$5,334.18²
 - a. Retainer letter
 - b. Check Carbon – Check Number 1147
 - c. June Campaign Account Statement – Check Number 1147 - \$5,334.18
2. Mallard Group – campaign literature –\$639.00
 - a. Two invoices: \$53.00 + \$586.00
 - b. Check Carbon – Check Number 1146
 - c. May Campaign Account Statement – Check Number 1146 - \$639.00
3. Green Atom – web design – \$200.00
 - a. Invoice: \$200.00
 - b. Check Carbon – Check Number 1144
 - c. May Campaign Account Statement – Check Number 1146 - \$200.00
4. Armand Nault – recount advertisement³
 - a. Check Carbon – Check Number 1152
 - b. June Campaign Account Statement – Check Number 1152 - \$500
5. Campaign Data – data –\$125.00
 - a. Invoice: \$125.00
 - b. Check Carbon – Check Number 1145

¹ No specific documentation of the in-kind

² Still trying to locate additional billing and payment documents

³ No invoice

- c. May Campaign Account Statement – Check Number 1145 - \$125.00
- 6. Pak Mail – Mailbox – \$63.60
 - a. Invoice: \$63.60
 - b. Check Carbon – Check Number 1143
 - c. April Campaign Account Statement – Check Number 1143 - \$63.60
- 7. Matt Willhite – Refund – \$94.80⁴
- 8. PayPal – processing fees - \$6.71
 - a. Payments Received Report –March 1, 2012 – June 6, 2012.
- 9. Players Club – Reception
 - a. Invoice: \$2,016.00
 - b. Check Carbon – Check Number 1142
 - b. March Campaign Account Statement – Check Number 1142 - \$2,024.00

⁴ Partial reimbursement of contribution previously made to campaign: \$500 on March 5, 2011

**WEISS, HANDLER,
ANGELOS & CORNWELL, P.A.**

ATTORNEYS AT LAW

ONE BOCA PLACE

SUITE 218A

2255 GLADES ROAD

BOCA RATON FLORIDA 33431-7392

BOCA RATON (561) 997-9995

BROWARD (954) 421-5101

PALM BEACH (561) 734-8008

PORT ST. LUCIE (772) 345-LAWS

TELECOPIER (561) 997-5280

www.weissahandler.com

PORT ST. LUCIE OFFICE
10521 SW VILLAGE CENTER DRIVE
SUITE 101

PORT ST. LUCIE, FLORIDA 34987
(772) 345-LAWS

OF COUNSEL

ELLYN SETNOR BOGDANOFF*

RAOUL LIONEL FELDER*

WILLIAM M. FRANZ

PETER R. LINDLEY

HARRY WINDERMAN

JOSEPH ABRUZZO

GOVERNMENT RELATIONS

& PUBLIC POLICY

NOT ADMITTED TO FL BAR

CYNTHIA G ANGELOS*
WILLIAM J BERGER
WILLIAM J. CORNWELL**
DAVID K. FRIEDMAN
HENRY B. HANDLER
CAROL A. KARTAGENER*
SETH A. KOLTON
TRAVIS R. WALKER
HOWARD I WEISS***

* FL VA BARS

** FL GA BARS

*** FL NY BARS

° BOARD CERTIFIED

MARITAL & FAMILY LAW

° CERTIFIED CIRCUIT CIVIL MEDIATOR

** NY BAR NOT ADMITTED IN FL

March 20, 2012

Mr. Matthew A. Willhite
15820 Rolling Meadows Circle
Wellington, Florida 33414

**Re: Representation by Weiss, Handler, Angelos & Cornwell, P.A. (the "Firm")
re: Challenge to Certified 2012 Village of Wellington Election Results
(the "Certified Election Results")**

Dear Mr. Willhite:

The Firm would be pleased to represent you in challenging the Certified Election Results. Please understand that assignments may be delegated to any attorney or paralegal in the Firm in order to attempt to retain the best possible result for you.

Our services will be compensated on the basis of \$375 per hour for partners' time, \$350 per hour for senior attorneys' time and for of counsel's time, \$325 per hour for associates' time, and \$125 per hour for paralegals' time. We request the payment of a retainer of \$3,500. If said sum is expended by hours of service, we would request its replenishment thereafter.

In addition to the foregoing fees, the Firm will be reimbursed for all costs and expenses incurred on your behalf or to be incurred on your behalf. Such costs include, but are not limited to, property searches, courier charges, express deliveries, facsimile charges, postage, copies, long distance telephone charges, legal computer time, transcription costs, filing fees, process server charges, outside consultant fees and expert witnesses. We request the payment of a cost deposit of \$1,000. Before any one significant cost or expenses is incurred, we will obtain your consent.

The Firm will send periodic invoices showing hours expended and costs incurred. Payment of invoices will be due within twenty (20) days of mailing. If you have any question concerning an entry on any invoice, please advise the Firm within ten (10) days after receipt. If there are no questions about any invoice, you will have been deemed to have approved said invoice for payment.

While the Firm may offer an opinion about possible results in challenging the Certified Election

EXPENDITURE 1

EXHIBIT 27(4 of 27)

Matthew A. Willhite
March 20, 2012
Page 2

Results, it cannot guarantee any particular outcome. Periodically, the Firm may provide you with an estimate of the anticipated costs and fees to complete our representation of you in challenging the Certified Election Results. Please bear in mind that this is an estimate only and no guarantee can be made as to the actual costs and fees that will be incurred. It is impossible to predict the time by which to reach final adjudication with certainty and to anticipate all activities that may take place during the course of the action. Tasks and time necessary required to complete phases of challenging the Certified Election Results are often beyond the Firm's control because of the involvement of other parties, witnesses, and requirements of the court.

If the terms of the foregoing meet with your approval, please have this letter executed where indicated below. Please return this letter with the retainer in the amount of \$3,500 and the cost retainer of \$1,000. For your convenience, we have enclosed wire instructions. If you have any question regarding these terms or our representation, please do not hesitate to contact us. We look forward to representing you and working with you. Thank you.

Very truly yours,

WEISS, HANDLER,
ANGELOS & CORNWELL, P.A.



HENRY B. HANDLER

Encl

ACCEPTED and AGREED to
this 20 day of March, 2012



Matthew A. Willhite

STORE YOUR DUPLICATE CHECKS IN YOUR CHECK BOX.

- Track your expenses... TAX DEDUCTIBLE ITEM
- Clothing Food Transportation
 - Credit Card Utilities Mortgage
 - Entertainment Insurance Other: _____

1147

6/5/12
 Legal fees
 100 thousand three hundred thirty four dollars & 15/100

| | |
|-----------------|---------|
| BALANCE FORWARD | |
| THIS ITEM | 5334.15 |
| BALANCE DEPOSIT | 100 |
| OTHER | |
| BALANCE FORWARD | |

For added security, your name and account number do not appear on this copy.

NOT NEGOTIABLE

Business Basic Checking

For 24-hour account information, sign on to pnc.com/mybusiness/

For the period 06/01/2012 to 06/29/2012

CAMPAIGN ACCOUNT OF MATT WILLHITE

Primary account number: [REDACTED]

Page 2 of 3

Business Basic Checking Account number: [REDACTED] continued

Daily Balance

| Date | Ledger balance | Date | Ledger balance |
|-------|----------------|-------|----------------|
| 06/01 | 6,421.22 | 06/18 | 587.04 |
| 06/08 | 1,087.04 | 06/28 | 0.00 |

Activity Detail

Checks and Other Deductions

Checks and Substitute Checks * Gap in check sequence

| Date posted | Check number | Amount | Reference number | Date posted | Check number | Amount | Reference number | Date posted | Check number | Amount | Reference number |
|-------------|--------------|----------|------------------|-------------|--------------|--------|------------------|-------------|--------------|--------|------------------|
| 06/08 | 1147 | 5,934.18 | 076131222 | 06/18 | 1151 * | 500.00 | 077019434 | | | | |
| | | | | 06/28 | 1152 | 500.00 | 072350062 | | | | |

Other Deductions

| Date posted | Amount | Transaction description | Reference number |
|-------------|--------|--------------------------------|------------------|
| 06/28 | 0.00 | Outstanding Item Close | PT44363 |
| 06/28 | 87.04 | Transfer To Account [REDACTED] | WILLHITE MATTIE |

Cash Flow Options for Your Business - Another Benefit at PNC

Free Membership

As a PNC customer, you have free membership in the Allied Business Network (ABN), a business-to-business buying group of national vendors offering discounts of 5%-75% on products and services. Save in the areas where your business needs it most, including office supplies, travel, technology, promotional items, and business gifts. Start saving today, see the enclosed brochure or visit abnsave.com/pnc.html for more information and to enroll.



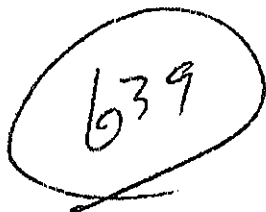
THE MALLARD GROUP
INCORPORATED

2861 EXECUTIVE DRIVE, SUITE 100
CLEARWATER, FL 33762
TELEPHONE: 727.572.4665
FACSIMILE: 727.572.1828

CUSTOMER

Matt Willhite Campaign
15820 Rolling Meadows Circle
Wellington, FL 33414

| DATE | INVOICE # | TERMS |
|-----------|-----------|----------------|
| 2/26/2012 | 4444 | Due on receipt |

| DESCRIPTION | AMOUNT |
|---|----------------------|
| JOB: "PATRIOT MEMORIAL" POSTCARD | |
| Postage due - Reimbursement for additional postage for mailing not included in original invoice due to Jan 22 USPS postal rate increase | 53.00 |
| Sales Tax | 0.00 |
|  | |
| It's always a pleasure working with you! | Total \$53.00 |

INVOICE

EXPENDITURE 2

EXHIBIT 27 (8 of 27)



THE MALLARD GROUP
 INCORPORATED
 2861 EXECUTIVE DRIVE, SUITE 100
 CLEARWATER, FL 33762
 TELEPHONE: 727.572.4665
 FACSIMILE: 727.572.1828

CUSTOMER

Matt Willhite Campaign
 15820 Rolling Meadows Circle
 Wellington, FL 33414

| DATE | INVOICE # | TERMS |
|----------|-----------|----------------|
| 3/2/2012 | 4450 | Due on receipt |

| DESCRIPTION | AMOUNT |
|--|-----------------|
| JOB: NEWSPAPER ADS | |
| Creative services including copywriting and production of final digital artwork for six separate ads | 586.00 |
| Sales Tax | 0.00 |
| It's always a pleasure working with you! | |
| Total | \$586.00 |

INVOICE

EXHIBIT 27(9 of 27)

STORE YOUR DUPLICATE CHECKS IN YOUR CHECK BOX.

Track your expenses...

- Clothing Food Transportation
- Credit Card Utilities Mortgage
- Entertainment Insurance Other: _____

TAX-DEDUCTIBLE ITEM

1146

the Mellard Group
 Six hundred and thirty three dollars

5/2/12

| | |
|-----------------|--------|
| BALANCE FORWARD | |
| THIS ITEM | 633.00 |
| BALANCE | |
| DEPOSIT | |
| OTHER | |
| BALANCE FORWARD | |



For added security, your name and account number do not appear on this copy

NOT NEGOTIABLE

Business Basic Checking

For 24-hour account information, sign on to pnc.com/mybusiness/

For the period 05/01/2012 to 05/31/2012
 CAMPAIGN ACCOUNT OF MATT WILLHITE
 Primary account number: [REDACTED]

Page 2 of 3

Business Basic Checking Account number: [REDACTED] continued

Deposits

| Date posted | Amount | Transaction description | Reference number |
|-------------|--------|-------------------------|------------------|
| 05/02 | 200.00 | Deposit | 185980831 |

Checks and Other Deductions

Checks and Substitute Checks * Gap in check sequence

| Date posted | Check number | Amount | Reference number | Date posted | Check number | Amount | Reference number | Date posted | Check number | Amount | Reference number |
|-------------|--------------|--------|------------------|-------------|--------------|--------|------------------|-------------|--------------|--------|------------------|
| 05/25 | 1144 | 200.00 | 075268815 | 05/09 | 1145 | 125.00 | 074898719 | 05/21 | 1146 | 639.00 | 071252002 |

Detail of Services Used During Current Period

Note: The total charge for the following services will be posted to your account on 06/01/2012 and will appear on your next statement as a single line item entitled Service Charge Period Ending 05/31/2012.

** Combined Transactions include ACH Credits, ACH Debits, Checks Paid, Deposited Item - Consolidated, Deposit Tickets Processed

| Description | Volume | Amount | Required Balance Met |
|-------------------------------------|--------|--------|----------------------|
| Account Maintenance Charge | | .00 | Required Balance Met |
| Combined Transactions | 5 | .00 | Included in Account |
| Checks Paid | 3 | .00 | |
| Deposited Item - Consolidated | 1 | .00 | |
| Deposit Tickets Processed | 1 | .00 | |
| Total For Services Used This Period | | .00 | |
| Total Service Charge | | .00 | |

EXHIBIT 27(11 of 27)

Invoice

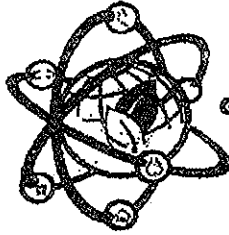
DATE:

4/1/2012

INVOICE #

3029

Green Atom Inc.
 Mike Antheil
 4556 Concordia Ln
 Boynton Beach, FL 33435
 561.703.4345



Green Atom Inc.

BILL TO:
 Elect Matt Willhite Campaign
 Attn: Armand Nault

SHIP TO (if different):
 SAME

10

| SALESPERSON | P. O. # | SHIP DATE | TERMS |
|-------------|---------|-----------|-------|
| Amy | | | |

| ITEM # | DESCRIPTION | QTY | UNIT PRICE | TOTAL |
|----------------|-------------------|-----|------------|-------|
| Website | March | 1 | \$100 | \$100 |
| | Design and upkeep | | | |
| Email Campaign | Monthly hosting | 1 | \$100 | \$100 |
| | Facebook | 1 | \$11 | comp |
| | | | | comp |

Other Comments or Special Instructions

Total due today: \$200

| | |
|--------------|------------------|
| SUBTOTAL | \$200 |
| TAX RATE | 0.000% |
| TAX | \$ - |
| S & H | \$ - |
| OTHER | \$ - |
| TOTAL | \$ 200.00 |

Total due \$200.00

Make all checks payable to
 Green Atom Inc.

If you have any questions about this invoice, please contact
 Mike Antheil 561.703.4345

Thank You For Your Business!

Track your expenses... 1144
 Clothing Food Transportation TAX-DEDUCTIBLE ITEM
 Credit Card Utilities Mortgage
 Entertainment Insurance Other: _____

5/2/12

Green atom Inc.

two hundred dollars

| | |
|-----------------|--------|
| BALANCE FORWARD | |
| THIS ITEM | 200.00 |
| BALANCE | |
| DEPOSIT | |
| OTHER | |
| BALANCE FORWARD | |

For added security, your name and account number do not appear on this copy. NOT NEGOTIABLE

Business Basic Checking

For 24-hour account information, sign on to pnc.com/mybusiness/

For the period 05/01/2012 to 05/31/2012
 CAMPAIGN ACCOUNT OF MATT WILLHITE
 Primary account number: [REDACTED]

Business Basic Checking Account number: [REDACTED] - continued

Page 2 of 3

Deposits

| Date posted | Amount | Transaction description | Reference number |
|-------------|--------|-------------------------|------------------|
| 05/02 | 200.00 | Deposit | 185960551 |

Checks and Other Deductions

Checks and Substitute Checks * Gap in check sequence

| Date posted | Check number | Amount | Reference number | Date posted | Check number | Amount | Reference number | Date posted | Check number | Amount | Reference number |
|-------------|--------------|--------|------------------|-------------|--------------|--------|------------------|-------------|--------------|--------|------------------|
| 05/25 | 1144 | 200.00 | 075263515 | 05/09 | 1145 | 125.00 | 074595719 | 05/21 | 1146 | 699.00 | 071252002 |

Detail of Services Used During Current Period

Note: The total charge for the following services will be posted to your account on 06/01/2012 and will appear on your next statement as a single line item entitled Service Charge Period Ending 05/31/2012

** Combined Transactions include ACH Credits, ACH Debits, Checks Paid, Deposited Item - Consolidated, Deposit Tickets Processed

| Description | Volume | Amount | Required Balance Met |
|-------------------------------------|--------|--------|----------------------|
| Account Maintenance Charge | | .00 | Included in Account |
| Combined Transactions | 5 | .00 | |
| Checks Paid | 3 | .00 | |
| Deposited Item - Consolidated | 1 | .00 | |
| Deposit Tickets Processed | 1 | .00 | |
| Total For Services Used This Period | | .00 | |
| Total Service Charge | | .00 | |

EXHIBIT 27(14 of 27)

| 2011 | | | 2012 | | | 2013 | | |
|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| JANUARY | FEBRUARY | MARCH | JANUARY | FEBRUARY | MARCH | JANUARY | FEBRUARY | MARCH |
| S M T W T F S | S M T W T F S | S M T W T F S | S M T W T F S | S M T W T F S | S M T W T F S | S M T W T F S | S M T W T F S | S M T W T F S |
| 1 2 3 4 5 | 1 2 3 4 5 | 1 2 3 4 5 6 7 | 1 2 3 4 | 1 2 3 4 | 1 2 3 4 | 1 2 3 4 | 1 2 3 4 | 1 2 3 4 |

STORE YOUR DUPLICATE CHECKS IN YOUR CHECK BOX.

Track your expenses...

- Clothing
- Food
- Transportation
- Credit Card
- Utilities
- Mortgage
- Entertainment
- Insurance
- Other

TAX-DEDUCTIBLE ITEM

1152

Water
Amount worth
Five Hundred dollars

| | |
|-----------------|--------|
| BALANCE FORWARD | |
| THIS ITEM | 500.00 |
| BALANCE | |
| DEPOSIT | |
| OTHER | |
| BALANCE FORWARD | |

GO TABLE

Business Basic Checking

For 24-hour account information, sign on to pnc.com/mybusiness/

For the period 06/01/2012 to 06/28/2012
 CAMPAIGN ACCOUNT OF MATT WILLHITE
 Primary account number: [REDACTED]

Business Basic Checking Account number: [REDACTED] continued

Page 2 of 3

Daily Balance

| Date | Ledger balance | Date | Ledger balance |
|-------|----------------|-------|----------------|
| 06/01 | 6,421.22 | 06/18 | 587.04 |
| 06/08 | 1,087.04 | 06/28 | 0.00 |

Activity Detail

Checks and Other Deductions

Checks and Substitute Checks * Gap in check sequence

| Date posted | Check number | Amount | Reference number | Date posted | Check number | Amount | Reference number | Date posted | Check number | Amount | Reference number |
|-------------|--------------|----------|------------------|-------------|--------------|--------|------------------|-------------|--------------|--------|------------------|
| 06/08 | 1147 | 5,384.18 | 075131222 | 06/18 | 1151 * | 500.00 | 077010484 | | | | |
| | | | | 06/28 | 1152 | 500.00 | 072950062 | | | | |

Other Deductions

| Date posted | Amount | Transaction description | Reference number |
|-------------|--------|--------------------------------|------------------|
| 06/28 | 0.00 | Outstanding Item Close | PT44869 |
| 06/28 | 87.04 | Transfer To Account [REDACTED] | WILLHITE MATTHE |

Cash Flow Options for Your Business - Another Benefit at PNC Free Membership

As a PNC customer, you have free membership in the Allied Business Network (ABN), a business-to-business buying group of national vendors offering discounts of 5%-75% on products and services. Save in the areas where your business needs it most, including office supplies, travel, technology, promotional items, and business gifts. Start saving today, see the enclosed brochure or visit abnsave.com/pnc.html for more information and to enroll.

Invoice

Campaign Data

135 Weston Rd
Suite 255
Weston, FL 33326
305-858-8411

PD

| DATE | INVOICE # |
|----------|-----------|
| 3/8/2012 | 26454 |

| BILL TO |
|-----------------------|
| Matt Willite Campaign |

| Job Title |
|------------|
| Wellington |

| ACTIVITY | HRS | RATE | AMOUNT |
|---|-----|--------|--------|
| Provide Call Data as Requested 3/6/2012 | | 125.00 | 125.00 |
| Sales Tax | | 7.00% | 0.00 |

| | | |
|--|--------------|-----------------|
| | Total | \$125.00 |
|--|--------------|-----------------|

STORE YOUR DUPLICATE CHECKS IN YOUR CHECK BOX.

Track your expense.....

TAX-DEDUCTIBLE ITEM

1145

- Clothing Food Transportation
 Credit Card Utilities Mortgage
 Entertainment Insurance Other: _____

5/2/12

Campagna, PA
one hundred and twenty five dollars

| | |
|-----------------|----------|
| BALANCE FORWARD | |
| THIS ITEM | 125.00 - |
| BALANCE | |
| DEPOSIT | |
| OTHER | |
| BALANCE FORWARD | |

For added security, your name and account number do not appear on this copy

NOT NEGOTIABLE

Business Basic Checking

For 24-hour account information, sign on to pnc.com/mybusiness/

For the period **05/01/2012 to 05/31/2012**
CAMPAIGN ACCOUNT OF MATT WILLHITE
 Primary account number: [REDACTED]
 Page 2 of 3

Business Basic Checking Account number: [REDACTED] - continued

Deposits

| Date posted | Amount | Transaction description | Reference number |
|-------------|--------|-------------------------|------------------|
| 05/02 | 200.00 | Deposit | 138980581 |

Checks and Other Deductions

Checks and Substitute Checks * Gap in check sequence

| Date posted | Check number | Amount | Reference number | Date posted | Check number | Amount | Reference number | Date posted | Check number | Amount | Reference number |
|-------------|--------------|--------|------------------|-------------|--------------|--------|------------------|-------------|--------------|--------|------------------|
| 05/25 | 1144 | 200.00 | 075263315 | 05/09 | 1145 | 125.00 | 074595719 | 05/21 | 1146 | 639.00 | 071252002 |

Detail of Services Used During Current Period

Note: The total charge for the following services will be posted to your account on 06/01/2012 and will appear on your next statement as a single line item entitled Service Charge Period Ending 05/31/2012.

** Combined Transactions include ACH Credits, ACH Debits, Checks Paid, Deposited Item - Consolidated, Deposit Tickets Processed

| Description | Volume | Amount | Required Balance Met |
|-------------------------------------|--------|--------|----------------------|
| Account Maintenance Charge | | .00 | Included in Account |
| Combined Transactions | 5 | .00 | |
| Checks Paid | 3 | .00 | |
| Deposited Item - Consolidated | 1 | .00 | |
| Deposit Tickets Processed | 1 | .00 | |
| Total For Services Used This Period | | .00 | |
| Total Service Charge | | .00 | |

Notice of Mailbox Rent Due

PAK MAIL CENTER
13833 Wellington Trace Rd., #E4
Wellington, FL 33414

Phone: 5617952373

Notice Effective: 07/31/2012
Printed On: 06/12/2012

MATTHEW ALAN WILLHITE
15820 ROLLING MEADOWS CIRCLE
Wellington, FL 33414

Mailbox Number: 107
Customer:
MATTHEW WILLHITE
Customer Reference: 5613582368

Amount Remitted: \$ _____

Please return the top portion of this notice with payment.

| | |
|--------------------------|----------------|
| Current Rent Expires on: | 07/23/2012 |
| Rental Rate: | \$60.00 |
| For 3 Months | |
| Old Balance: | \$0.00 |
| Late Fees: | \$0.00 |
| Taxes: | \$3.60 |
| Total Due: | \$63.60 |

If renewing for a term other than that listed above, check appropriate box and return entire form

| <u>Term</u> | <u>Months</u> | <u>Rent</u> |
|--------------------------|---------------|-------------|
| <input type="checkbox"/> | 6 | \$114.48 |
| <input type="checkbox"/> | 12 | \$203.52 |

STORE YOUR DUPLICATE CHECKS IN YOUR CHECK BOX

Track your expense... TAX-DEDUCTIBLE ITEM

Clothing Food Transportation
 Credit Card Utilities Mortgage
 Entertainment Insurance Other: _____

1143

4/25/11

PAK market center
 sixty three dollars & 60/100

| | |
|-----------------|-------|
| BALANCE FORWARD | |
| THIS ITEM | 63.60 |
| BALANCE | |
| DEPOSIT | |
| OTHER | |
| BALANCE FORWARD | |

For added security, your name and account number do not appear on this copy.

NOT NEGOTIABLE

BUSINESS BASIC CHECKING

For 24-hour account information, sign-on to
pnc.com/mybusiness/

For the Period 03/31/2012 to 04/30/2012
 Campaign Account Of Matt Willhite
 Primary Account Number: [REDACTED]
 Page 2 of 2

Business Basic Checking Account Number [REDACTED] - continued

Daily Balance

| Date | Ledger balance | Date | Ledger balance | Date | Ledger balance |
|-------|----------------|-------|----------------|-------|----------------|
| 03/31 | 3,936.81 | 04/27 | 6,977.96 | 04/30 | 7,185.22 |
| 04/16 | 7,041.56 | | | | |

Activity Detail

Deposits and Other Additions

Deposits

| Date posted | Amount | Transaction description | Reference number |
|-------------|----------|-------------------------|------------------|
| 04/16 | 3,104.75 | Deposit | 071438845 |

ACH Additions

| Date posted | Amount | Transaction description | Reference number |
|-------------|--------|--|-------------------|
| 04/30 | 207.26 | ACH Credit Transfer Paypal 5VJ225Ttau7By | 00012121908137241 |

Checks and Other Deductions

Checks and Substitute Checks

| Date posted | Check number | Amount | Reference number |
|-------------|--------------|--------|------------------|
| 04/27 | 1143 * | 63.60 | 075903358 |

Detail of Services Used During Current Period

Note: The total charge for the following services will be posted to your account on 05/01/2012 and will appear on your next statement as a single line item entitled Service Charge Period Ending 04/30/2012.

** Combined Transactions Include ACH Credits, ACH Debits, Checks Paid, Deposited Item - Consolidated, Deposit Tickets Processed

| Description | Volume | Amount | |
|-------------------------------------|--------|--------|----------------------|
| Account Maintenance Charge | | .00 | Required Balance Met |
| Combined Transactions | 12 | .00 | Included in Account |
| ACH Credits | 1 | .00 | |
| Checks Paid | 1 | .00 | |
| Deposited Item - Consolidated | 9 | .00 | |
| Deposit Tickets Processed | 1 | .00 | |
| Total For Services Used This Period | | .00 | |
| Total Service Charge | | .00 | |

EXPENDITURE 7, MATT WILHITE REFUND \$94.80

EXHIBIT 27(23 of 27)

Payments received - Mar 1, 2012 to Jun 6, 2012

| Date | Type | Name/Email | Payment status | Order status/Actions | Net amount |
|-------------|---------------|--------------------|----------------|----------------------|--------------|
| Apr 5, 2012 | Donation From | Barbara Richardson | Completed | 100.00 | \$96.80 USD |
| Apr 4, 2012 | Donation From | michael smith | Completed | 10.00 | \$9.41 USD |
| Apr 4, 2012 | Donation From | marysue jacobs | Completed | 50.00 | \$48.25 USD |
| Apr 4, 2012 | Donation From | Dan Z Robinson | Completed | 30.00 | \$28.83 USD |
| Mar 8, 2012 | Donation From | Michael Arena | Completed | | \$23.97 USD |
| Mar 8, 2012 | Donation From | Mark Samuel | Completed | | \$480.20 USD |
| Mar 8, 2012 | Donation From | lisa stellino | Completed | | \$19.12 USD |
| Mar 8, 2012 | Donation From | Richard Seamon | Completed | | \$48.25 USD |
| Mar 5, 2012 | Donation From | Olexa Mandelbaum | Completed | | \$193.90 USD |

1.17
 1.75
 6.59
 3.20
 6.71

Players Club Restaurant
 13410 South Shore Blvd.
 Wellington, FL 33414
 Phone: 561-795-0080
 Fax: 561-795-7012

Invoice Event

Bill To:
 Election Night - *Wessette/Mangalis*
 Cell: 561-358-2388
 Work: 561-904-5668

Venue:
 Players Club Restaurant
 13410 South Shore Blvd.
 Wellington, FL 33414
 561-795-0080

| Invoice # | Event Date | Event Time | Terms | Net Due | Account # |
|-----------|------------------|------------|-------|-----------------|-----------|
| 1266 | Tue Mar 13, 2012 | 7:00 PM | | Tue Mar 13 2012 | |

| Qty/Description | Unit Cost | Total |
|-------------------------------------|---------------------|------------|
| 120 Menu # 1, Pasta Station | \$0.00 | \$0.00 |
| 1 Cheese, Fruit and Muffins Display | \$1,300.00 | \$1,300.00 |
| 120 Slow Roasted Prime Rib of Beef | \$0.00 | \$0.00 |
| 1 Beer and Wine | \$1,100.00 | \$1,100.00 |
| Charges: | \$2,400.00 | |
| 20% Gratuity: | \$480.00 | |
| Subtotal: | \$2,880.00 | |
| 6% Tax: | \$144.00 | |
| Post-Tax Subtotal: | \$3,024.00 | |
| Payments: | (\$3,024.00) | |
| Total Due: | \$0.00 | |

Receipt

Received from Election Night - *Thaddeus Wessette*
 The Amount of Two Thousand Sixteen Dollars And No Cents
\$2,016.00
 For Event #1266
 Invoice No: 1266
 Payment Type: Payment
 Payment Method: *PD Check*
 Payment Date: 3/22/2012

Event Date: 3/13/2012
 Number:

Receipt

Received from Election Night - *BQ Mangalis*
 The Amount of One Thousand Eight Dollars And No Cents
\$1,800.00
 For Event #1266
 Invoice No: 1266
 Payment Type: Payment
 Payment Method: *PD Check*
 Payment Date: 3/20/2012

Event Date: 3/13/2012
 Number:

STORE YOUR DUPLICATE CHECKS IN YOUR CHECK BOX.

Track your expenses...

Clothing Food Transportation TAX-DEDUCTIBLE ITEM
 Credit Card Utilities Mortgage
 Entertainment Insurance Other: _____

1142

3/21/12

Players club
two thousand twenty four dollars

| | |
|-----------------|---------|
| BALANCE FORWARD | |
| THIS ITEM | 2024.00 |
| BALANCE | |
| DEPOSIT | |
| OTHER | |
| BALANCE FORWARD | |

[REDACTED]

For added security, your name and account number do not appear on this copy.

NOT NEGOTIABLE

BUSINESS BASIC CHECKING

For 24-hour account information, sign-on to
pnc.com/mybusiness/

For the Period 03/01/2012 to 03/30/2012
 Campaign Account Of Matt Wilhite
 Primary Account Number [REDACTED]
 Page 2 of 2

Business Basic Checking Account Number: [REDACTED]

ACH Additions - continued

| Date posted | Amount | Transaction description | Reference number |
|-------------|--------|--|------------------|
| 03/08 | 338.95 | ACH Credit Transfer Paypal 5Vj225P4Kla7C | [REDACTED] |
| 03/12 | 547.57 | ACH Credit Transfer Paypal 5Vj225PC48Mg4 | [REDACTED] |

Checks and Other Deductions

Checks and Substitute Checks

* Gap in check sequence

| Date posted | Check number | Amount | Reference number | Date posted | Check number | Amount | Reference number | Date posted | Check number | Amount | Reference number |
|-------------|--------------|----------|------------------|-------------|--------------|--------|------------------|-------------|--------------|----------|------------------|
| 03/12 | 1108 * | 40.50 | 071448790 | 03/05 | 1133 | 135.00 | 072572576 | 03/09 | 1139 | 1,740.00 | 070297790 |
| 03/02 | 1118 * | 400.00 | 077911959 | 03/06 | 1134 | 41.75 | 073006581 | 03/09 | 1139 | 4,974.27 | 077455910 |
| 03/05 | 1129 * | 9,048.54 | 071423407 | 03/08 | 1135 | 375.00 | 070220534 | 03/19 | 1140 | 3,976.00 | 070273272 |
| 03/02 | 1130 | 64.42 | 078794448 | 03/13 | 1136 | 275.00 | 073041508 | 03/16 | 1141 | 4,600.00 | 071871228 |
| 03/05 | 1131 | 371.00 | 070260167 | 03/13 | 1137 | 792.35 | 073902435 | 03/25 | 1142 | 2,024.00 | 071832421 |
| 03/07 | 1132 | 26.50 | 074933170 | | | | | | | | |

Detail of Services Used During Current Period

Note: The total charge for the following services will be posted to your account on 04/02/2012 and will appear on your next statement as a single line item entitled Service Charge Period Ending 03/30/2012

** Combined Transactions include ACH Credits, ACH Debits, Checks Paid, Deposited Item - Consolidated, Deposit Tickets Processed

| Description | Volume | Amount | |
|-------------------------------------|--------|--------|----------------------|
| Account Maintenance Charge | | .00 | Required Balance Met |
| Combined Transactions | 28 | .00 | Included in Account |
| ACH Credits | 2 | .00 | |
| Checks Paid | 16 | .00 | |
| Deposited Item - Consolidated | 8 | .00 | |
| Deposit Tickets Processed | 2 | .00 | |
| Total For Services Used This Period | | .00 | |
| Total Service Charge | | .00 | |



IN re: FEC Case No. 14-044
Mark Herron
to:
Helen Hinson@myfloridalegal.com
12/01/2014 10:21 AM
Show Details

History: This message has been replied to.

4 Attachments



image001.jpg



2014-11-27 Letter to Hinson.pdf



WILLHITE 2014-10-10 Response to FEC Request for Documents.pdf

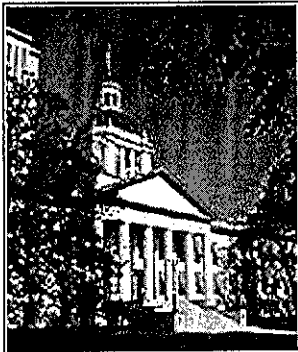


WILLHITE 2014-11-26 Response to Subpoena.pdf

See attached in response to subpoena to Alexis Willhite


Mark Herron

Messer Caparello
2618 Centennial Place
Tallahassee, FL 32308
Telephone: (850) 222-0720
Direct Fax: (850) 558-0659
Email: mherron@lawfla.com



Old Capitol

EXHIBIT 28 (1 of 6)


MESSER CAPARELLO
Attorneys At Law
Strategically Positioned in Florida's Capital

November 26, 2014

Helen Hinson
Investigative Specialist
Florida Elections Commission
107 West Gaines Street
Collins Building, Suite 224
Tallahassee, FL 32399-1050

Re: *In re Matt Willhite, Case No. 14-044 (FEC)*
Subpoena No. 14-044-43

Dear Ms. Hinson:

The purpose of this correspondence is to respond, on behalf of Alexis Willhite, to your letter of September 29, 2014, and accompanying subpoena, for records relating to the above-referenced complaint filed with the Florida Elections Commission (FEC).

The subpoena seeks much of the same information as sought from Matt Willhite and previously provided to you on October 10, 2014.¹ Inasmuch as the records of the campaign were reviewed and provided in that response, I will am forwarding the same information on behalf of Ms. Willhite in response to the FEC's subpoena.

¹ Information previously provided includes the following items:

- (a) Item #1: Campaign expenditure to Weiss, Handler, Angelos & Cornwell, P.A. for legal fees totaling \$5,334.18;
- (b) Item #2: Campaign expenditure to The Mallard Group for campaign literature totaling \$639.00;
- (c) Item #3: Campaign expenditure to Green Atom, Inc. for web design totaling \$200.00;
- (d) Item #4: Campaign expenditure to Armand Nault for recount advertisement totaling \$500;
- (e) Item #5: Campaign expenditure to Campaign Data for data totaling \$125.00;
- (f) Item #6: Campaign expenditure to Pak mail for mailbox totaling \$63.00;
- (g) Item #7: Campaign expenditure to Matt Willhite for refund totaling \$94.80; and
- (h) Item #9: Campaign expenditure to PayPal for processing fees totaling \$6.71

Helen Hinson
November 26, 2014
Page 2 of 2

In addition, I am forwarding to you the following documents which are responsive to the FEC subpoena:

(a) Item #8: Other than the June 2012 campaign bank account statement indicating the transfer of \$87.04 previously provided, the campaign has no additional documents.

(b) Item #10: A copy of the front of the \$500 campaign contribution check from Marcia Radosevich. The campaign does not have a copy of the back of the check as requested by the subpoena.

(c) Item #11: Other than the April 2012 campaign bank account statement indicating the "ACH Credit Transfer PayPal" totaling \$207.26 previously provided, and the information regarding payments received from Pay Pal in the period from March 1, 2012 through June 6, 2012 previously provided, additional donation documents for the four contributors are provided. Mr. Willhite is requesting additional back-up information from PayPal regarding this deposit into his campaign account.

(d) Item #12: Other than the March 2012 campaign bank account statement indicating two "ACH Credit Transfer PayPal" totaling \$338.95 and \$547.57 previously provided, and the information regarding payments received from Pay Pal in the period from March 1, 2012 through June 6, 2012 previously provided, the campaign has no additional documents. Mr. Willhite is requesting additional back-up information from PayPal regarding these deposits into his campaign account.

I trust that the foregoing is responsive to your letter to September 29, 2014 and accompanying subpoena. If you have any additional questions or concerns, please let me know.

Sincerely,

Mark Herron

Mark Herron

cc: Matt Willhite

Donation Details

Total amount: \$100.00 USD
Currency: U.S. Dollars
Confirmation number: 5WX307918W510774S
Purpose: Matt Willhite Campaign
Contributor: Barbara Richardson
Message: I wish it could be so much more!

Mailing Information:

Address Barbara Richardson
1335 Lake Breeze Drive
Wellington, FL 33414
United States
Address status Confirmed

Donation Details

Total amount: \$10.00 USD
Currency: U.S. Dollars
Confirmation number: 3HL33043KL605283P
Purpose: Matt Willhite Campaign
Contributor: michael smith

Mailing Information:

Address michael smith
14295 flora lane
wellington, FL 33414
United States
Address status Confirmed

Donation Details

Total amount: \$50.00 USD
Currency: U.S. Dollars
Confirmation number: 2TM3351850337433K
Purpose: Matt Willhite Campaign
Contributor: marysue jacobs

Mailing Information:

Address marysue jacobs
1641 clydesdale ave
wellington, FL 33414
United States
Address status Unconfirmed

Donation Details

Total amount: \$30.00 USD
Currency: U.S. Dollars
Confirmation number: 6NN33085W9646013S
Purpose: Matt Willhite Campaign
Contributor: Dan Z Robinson

Mailing Information:

Address Dan Z Robinson
14652 Horseshoe Trace
Wellington, FL 33414
United States
Address status Confirmed

MARCIA J RADOSEVICH
5121 LAS PALMAS AVE
WELLINGTON FL 33449-6067

2809

53-13/110 MA
80651

11/11/12
Date

Pay to the order of Campaign Acct Matt White \$ 500-
five Hundred Dollars

Member Since

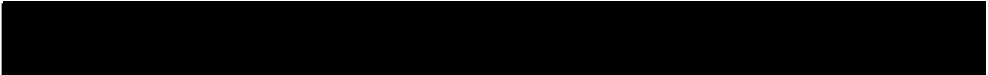
Bank of America 

ACH R/T 011000138

Security Features
Check for
Date

Memo

M. Madigan





RE: CONFIDENTIAL SETTLEMENT NEGOTIATIONS: FEC 14-044
Mark Herron
to:
Stephanie Cunningham
01/04/2015 02:45 PM
Show Details

Thank you for the settlement proposal reflected in the draft consent order that you forwarded to me on December 16. My client has opted for a probable cause hearing on the allegations set forth in the complaint

As always I appreciate your courtesies in this matter

Mark Herron

Messer Caparello
2618 Centennial Place
Tallahassee, FL 32308

Telephone: (850) 222-0720
Facsimile: (850) 558-0659
Email: mherron@lawfla.com

From: Stephanie Cunningham [<mailto:Stephanie.Cunningham@myfloridalegal.com>]
Sent: Tuesday, December 16, 2014 3:11 PM
To: Mark Herron
Subject: CONFIDENTIAL SETTLEMENT NEGOTIATIONS: FEC 14-044

Mark:

Please see attached Consent Final Order, for your review. If you agree with the content, please sign and return the original order to my office along with a cashier's check, money order (good for at least 120 days) or attorney trust check in the amount of \$300. The signed original order and payment must be received by January 23, 2015. The funds must be made payable to the Florida Elections Commission.

(See attached file CO.pdf)

Thank you.

Stephanie J. Cunningham
Assistant General Counsel
Florida Elections Commission
107 W. Gaines Street
Collins Building, Suite 224
Tallahassee, FL 32399-1050
stephanie.cunningham@myfloridalegal.com
(850) 922-4539
(850) 921-0783 fax
www.fec.state.fl.us

CONFIDENTIAL SETTLEMENT NEGOTIATIONS: FEC 14-044

Stephanie Cunningham to: Mark Herron

12/16/2014 03:11 PM

Mark:

Please see attached Consent Final Order, for your review. If you agree with the content, please sign and return the original order to my office along with a cashier's check, money order (good for at least 120 days) or attorney trust check in the amount of \$300. The signed original order and payment must be received by January 23, 2015. The funds must be made payable to the Florida Elections Commission.



CO pdf

Thank you.

Stephanie J Cunningham
Assistant General Counsel
Florida Elections Commission
107 W Gaines Street
Collins Building, Suite 224
Tallahassee, FL 32399-1050
stephanie.cunningham@myfloridalegal.com
(850) 922-4539
(850) 921-0783 fax
www.fec.state.fl.us

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Matthew A. Willhite

Case No.: FEC 14-044

F.O. No.: FOFECC <#>

CONSENT FINAL ORDER

Respondent, Matthew A. Willhite, and the Florida Elections Commission (Commission) agree that this Consent Order resolves all of the issues between the parties in this case. The parties jointly stipulate to the following facts, conclusions of law, and order:

FINDINGS OF FACT

1. On February 18, 2014, a complaint was filed with the Commission alleging that Respondent violated the Florida Election Code
2. Respondent expressed a desire to enter into negotiations directed toward reaching a consent agreement.
3. Respondent and the staff stipulate to the following facts:
 - a. Respondent was a 2012 candidate for the Wellington City Council, Seat 4.
 - b. Respondent certified that two of his campaign treasurer reports were true, correct, and complete when they were not.
 - c. Respondent accepted a contribution in excess of the limits prescribed by Section 106 08(3)(b), Florida Statutes.

CONCLUSIONS OF LAW

4. The Commission has jurisdiction over the parties to and subject matter of this cause, pursuant to Section 106.26, Florida Statutes.

5. Section 106.25(4)(i)3, Florida Statutes, allows the Commission to approve a consent agreement with a Respondent prior to the Commission finding probable cause that a violation of the election laws occurred. The consent agreement has the same force and effect as a consent agreement reached after the Commission finds probable cause.

6. The Commission staff and Respondent stipulate that staff can prove the facts in paragraph three above by clear and convincing evidence and to the Commission's ability to impose a civil penalty against Respondent in this case.

ORDER

7. The Respondent and the staff of the Commission have entered into this Consent Order voluntarily and upon advice of counsel.

8. The parties shall each bear its own attorney's fees and costs that are in any way associated with this case.

9. The Commission will consider the Consent Order at its next available meeting.

10. The Respondent voluntarily waives the right to any further proceedings under Chapters 104, 106, and 120, Florida Statutes, and the right to appeal the Consent Order.

11. This Consent Order is enforceable under Sections 106.265 and 120.69, Florida Statutes. Respondent expressly waives any venue privileges and agrees that if enforcement of this Consent Order is necessary, venue shall be in Leon County, Florida, and Respondent shall be responsible for all fees and costs associated with enforcement.

12. If the Commission does not receive the signed Consent Order by January 23, 2015, the staff withdraws this offer of settlement and will proceed with the case.

13. Payment of the civil penalty by cashier's check, money order, good for at least 120 days, or attorney trust account check is a condition precedent to the Commission's

consideration of the Consent Order.

PENALTY

WHEREFORE, based upon the foregoing facts and conclusions of law, the Commission finds that the Respondent has violated the following provisions of Chapters 106, Florida Statutes, and imposes the following fines:

A. Respondent has violated Section 106.07(5), Florida Statutes, on 2 occasions for certifying that his campaign treasurer report was true, correct, and complete when it was not. Respondent is fined \$50 for each of the 2 counts for a total of \$100.

B. Respondent has violated Section 106.19(1)(a), Florida Statutes, on 1 occasion for accepting a contribution in excess of the limits prescribed by Section 106.08(3)(b), Florida Statutes. Respondent is fined \$200 for each count for a total of \$200.

Therefore it is

ORDERED that the Respondent shall remit to the Commission a civil penalty in the amount of \$300, inclusive of fees and costs. The civil penalty shall be paid by cashier's check, money order, good for at least 120 days, or attorney trust account check. The civil penalty should be made payable to the Florida Elections Commission and sent to 107 West Gaines Street, Collins Building, Suite 224, Tallahassee, Florida, 32399-1050

Respondent hereby agrees and consents to the terms of this Consent Order on

_____, 20____

Mark Herron
Messer Caparello, P.A.
2618 Centennial Place
Tallahassee, FL 32308

Matthew A Willhite
8263 Cozumel Lane
Wellington, FL 33414

Commission staff hereby agrees and consents to the terms of this Consent Order on

_____, 20____

Stephanie J. Cunningham
Assistant General Counsel
Florida Elections Commission
107 West Gaines Street
Collins Building, Suite 224
Tallahassee, FL 32399-1050

Approved by the Florida Elections Commission at its regularly scheduled meeting held on February 24 & 25, 2015 in Tallahassee, Florida.

Chairman
Florida Elections Commission

Copies furnished to:
Stephanie J. Cunningham, Assistant General Counsel
Mark Herron, Attorney for Respondent
Jack Mancini, Complainant



FLORIDA ELECTIONS COMMISSION

107 W. Gaines Street,
Suite 224 Collins Building
Tallahassee, Florida 32399-1050
Telephone: (850) 922-4539
Fax: (850) 921-0783

April 22, 2014

Mark Herron, Esquire
Messer Caparello PA
P O. Box 15579
Tallahassee, FL 32317

RE: Case No.: FEC 14-044; Respondent: Matthew A. Willhite

Dear Mr. Herron:

On February 18, 2014, the Florida Elections Commission received a complaint alleging that you violated Florida's election laws. I have reviewed the complaint and find that it contains one or more legally sufficient allegations. The Commission staff will investigate the following alleged violations:

Section 106.07(5), Florida Statutes: Respondent, a candidate for the Wellington City Council, Seat 4 in the March 13, 2012 election, certified that one or more of his campaign treasurer reports was true, correct, and complete when it was not, as alleged in the complaint.

Section 106.19(1)(a), Florida Statutes: Respondent, a candidate for the Wellington City Council, Seat 4 in the March 13, 2012 election, accepted a contribution in excess of the limits prescribed by Section 106.08(1)(a), Florida Statutes, as alleged in the complaint.

Section 106.19(1)(a), Florida Statutes: Respondent, a candidate for the Wellington City Council, Seat 4 in the March 13, 2012 election, accepted contributions in excess of the limits prescribed by Section 106.08(3)(b), Florida Statutes, as alleged in the complaint.

You may respond to the allegations above by filing a notarized statement providing any information regarding the facts and circumstances surrounding the allegations. Your response will be included as an attachment to the investigator's report.

When we conclude the investigation, a copy of the Report of Investigation will be mailed to you at the above address. You may file a response to the report within 14 days from the date the report is mailed to you. Based on the results of the investigation, legal staff will make a written recommendation to the Commission on whether there is probable cause to believe you have violated Chapter 104 or 106, Florida Statutes. A copy of the Staff Recommendation will be mailed to you and you may file a response within 14 days from the date the recommendation is mailed to you. Your timely filed response(s) will be considered by the Commission when determining probable cause.

The Commission will then hold a hearing to determine whether there is probable cause to believe you have violated Chapters 104 or 106, Florida Statutes. You and the complainant will receive a notice of hearing at least 14 days before the hearing. The notice of hearing will indicate the location, date, and time of your hearing. You will have the opportunity to make a brief oral statement to the Commission, but you will not be permitted to testify or call others to testify, or introduce any documentary or other evidence.

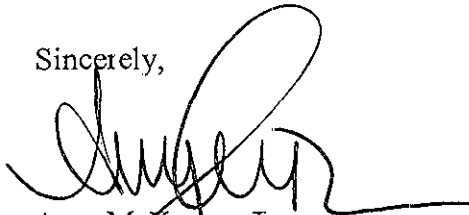
At any time before a probable cause finding, you may notify us in writing that you want to enter into negotiations directed towards reaching a settlement via consent agreement.

The Report of Investigation, Staff Recommendation, and Notice of Hearing will be mailed to the above address as this letter. Therefore, if your address changes, you must notify this office of your new address. Otherwise, you may not receive these important documents. Failure to receive the documents will not delay the probable cause hearing.

Under section 106.25, Florida Statutes, complaints, Commission investigations, investigative reports, and other documents relating to an alleged violation of Chapters 104 and 106, Florida Statutes, are confidential until the Commission finds probable cause or no probable cause. The confidentiality provision does not apply to the person filing the complaint. However, it does apply to you unless you waive confidentiality in writing. The confidentiality provision does not preclude you from seeking legal counsel. However, if you retain counsel, your attorney must file a notice of appearance with the Commission before any member of the Commission staff can discuss this case with him or her.

If you have any questions or need additional information, please contact **Helen Hinson**, the investigator assigned to this case.

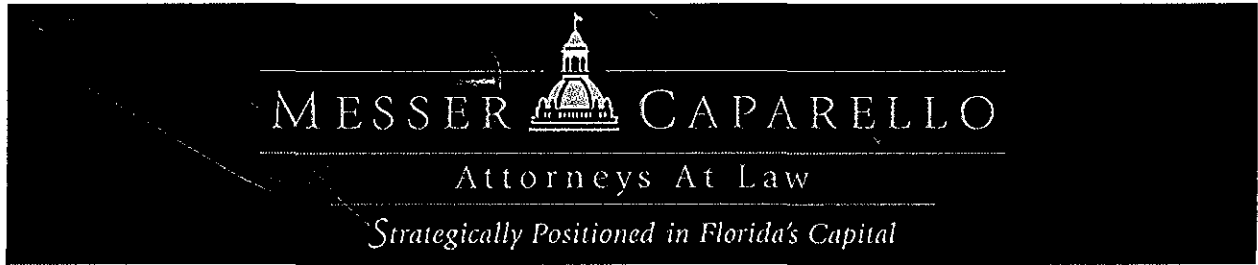
Sincerely,



Amy McKeever Toman
Executive Director

AMT/enr

DM



March 5, 2014

Donna Ann Malphurs, Agency Clerk
 Florida Elections Commission
 107 West Gaines Street
 Collins Building, Suite 224
 Tallahassee, FL 32399-1050

RECEIVED
 2014 MAR -7 A 10:10
 STATE OF FLORIDA
 ELECTIONS COMMISSION

Re: *In re Matt Willhite, Case No. 14-044 (FEC)*

Dear Ms. Malphurs:

The purpose of this correspondence is to respond, on behalf of Matt Willhite, to the recent letter from the Florida Elections Commission (FEC) regarding the above-referenced complaint filed against him and giving him 14 days to file an initial response concerning legal sufficiency of the complaint.

As I understand the complaint, it specifically alleges that Mr. Willhite "willfully" violated three provisions of the Florida's elections laws: (i) Section 106.08(1)(a), Florida Statutes, by accepting contributions from Marcia Radosevich in excess of the statutory limit of \$500 per election in connection with the 2012 municipal election in the Village of Wellington; (2) Section 106.08(3)(b), Florida Statutes, by accepting contributions for the defense of an election contest after the date the candidate is defeated, becomes unopposed, or is elected to office; and (3) Section 106.07(5), Florida Statutes, by certifying to the correctness of a campaign treasurer's report that was incorrect, false, or incomplete.

With respect to the allegation that Mr. Willhite violated Section 106.08(1)(a), Florida Statutes, by accepting contributions from Marcia Radosevich in excess of the statutory limit of \$500 per election, the listing of the in-kind contribution on February 21, 2012 from Ms. Radosevich personally is in error. Upon review, the contribution should have been listed as an in-kind contribution from Ms. Radosevich's business entity: Unicorn Landing, Inc., having the same address. The in-kind contribution reflected the allocated costs of a joint fundraiser for Mr. Willhite, Bob Margolis, and John Greene in connection with the 2012 municipal election in the Village of Wellington. Each of these other candidates

Donna Ann Malphurs
March 5, 2014
Page 2 of 2

reflected the in-kind contribution from Ms. Radosevich's business entity on their campaign treasurer's reports.

Mr. Willhite is amending his campaign treasurer's report for the February 18, 2012 – March 7, 2012 reporting period to reflect that the in-kind was from Unicorn Landing, Inc., rather than Ms. Radosevich personally.

With respect to the allegation that Mr. Willhite violated Section 106.08(3)(b), Florida Statutes, by accepting contributions for the defense of an election contest after the date the candidate is defeated, becomes unopposed, or is elected to office, the complaint falsely states or implies that the election contest was concluded on March 29, 2012. Following the March 2012 municipal election in the Village of Wellington, three election contest actions were initiated.¹ The three actions were all heard by Judge Robin Rosenberg.

In accordance with Judge Rosenberg's directive, a hand recount of the ballots was conducted on Saturday, March 31, 2012. The hand recount confirmed that Matt Willhite was the winner in Village Council, Seat 4 election. However, the contest action in which Mr. Willhite was a defendant – *Scarpa v. Village of Wellington*, Case No. 50-2012-CA-005576XXXXMB (Fla. 15th Judicial Circuit) – was not dismissed until April 12, 2012. A copy of the Notice of Voluntary Dismissal filed by the plaintiffs in that action is attached hereto and is incorporated in this response by reference. Thus, consistent with Division of Elections Opinion 02-15, Mr. Willhite, received the contributions during the pendency of the election contest action, with the exception of one contribution which shows on the campaign treasurer's report that it was received on April 18, 2012.

I trust that the foregoing is responsive to the FEC's response on the issue of legal sufficiency. If you have any additional questions or concerns, please let me know.

Sincerely,

Mark Herron

Mark Herron

cc: Matt Willhite

¹ *Burch v. Bucher*, Case No. 50-2012-CA-005381XXXXMB; *Scarpa v. Village of Wellington*, Case No. 50-2012-CA-005576XXXXMB; and *Bowen v. Village of Wellington*, Case No. 50-2012-CA-005699XXXXMB.

CAMPAIGN TREASURER'S REPORT SUMMARY

(1) Matt Willhite

Name

(2) 15895 Weatherly

Address (number and street)

Wellington, FL 33414

City, State, Zip Code

Check here if address has changed

(3) ID Number: _____

(4) Check appropriate box(es):

Candidate Office Sought: Wellington Council Seat 4

Political Committee (PC)

Electioneering Communications Org. (ECO)

Party Executive Committee (PTY)

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

Check here if PC or ECO has disbanded

Check here if PTY has disbanded

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

(5) Report Identifiers

Cover Period: From 02 / 18 / 12 To 03 / 08 / 12 Report Type: _____

Original

Amendment

Special Election Report

(6) Contributions This Report

Cash & Checks \$ 16,958.00

Loans \$ _____

Total Monetary \$ 16,958.00

In-Kind \$ 485.00

(7) Expenditures This Report

Monetary Expenditures \$ 28,921.71

Transfers to Office Account \$ _____

Total Monetary \$ 28,921.71

(8) Other Distributions

\$ _____

(9) TOTAL Monetary Contributions To Date

\$ 60,726.40

(10) TOTAL Monetary Expenditures To Date

\$ 49,325.46

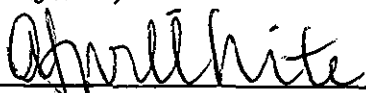
(11) Certification

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

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

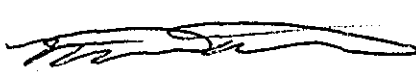
(Type name) Alexis T. Willhite

Individual (only for IE or electioneering comm.) Treasurer Deputy Treasurer

X 
Signature

(Type name) Matt Willhite

Candidate Chairperson (only for PC and PTY)

X 
Signature

CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

(1) Name Matt Willhite (2) I.D. Number _____

(3) Cover Period 02 / 18 / 12 through 03 / 08 / 12 (4) Page 1 of 1

| (5) Date | (7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code | (8) Contributor | | (9) Contribution | (10) In-kind | (11) Amendment | (12) Amount |
|---------------------------|--|--------------------|------------|---------------------|-----------------|-------------------|----------------|
| (6) Sequence Number | | Type | Occupation | Type | Description | | |
| 02 / 21 / 12 1 | Marcia Radosevich 5221 Las Palmas Ave. Wellington, FL 33449 | I | Retired | INK | Food & Bev | DEL | \$485.00 |
| 02 / 21 / 12 1 | Unicorn Landing, Inc. 5221 Las Palmas Ave. Wellington, FL 33449 | B | Equestrian | INK | Food & Bev. | ADD | \$485.00 |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

FEC Case No. 14-044

In re: MATT WILLHITE, Respondent.

RECEIVED
2014 MAR -4 A 9:36
STATE OF FLORIDA
ELECTIONS COMMISSION

NOTICE OF APPEARANCE

The undersigned is appearing as attorney for Matt Willhite in this proceeding. Please serve copies of all pleadings, motions or other papers relating to this matter on the undersigned at the address set forth below.

Respectfully submitted this 28th day of February, 2014, by:

Mark Herron

Mark Herron
Email: mherron@lawfla.com
Florida Bar No. 0199737
MESSER CAPARELLO, P.A.
Post Office Box 15579
Tallahassee, FL 32317-5579
Telephone: (850) 222-0720
Facsimile: (850) 558-0659

Attorney for Respondent

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing notice of appearance was forwarded by U.S. Mail and electronic mail to the Agency Clerk, Florida Elections Commission, Room 224, The Collins Building, 107 West Gaines Street, Tallahassee, FL 32399-1050, on this 28th day of February, 2014.

Mark Herron



FEC Case No. 14-044
Mark Herron
to:
Donna Malphurs
02/28/2014 07:46 AM
Cc:
Cindy Lowell
Show Details

2 Attachments



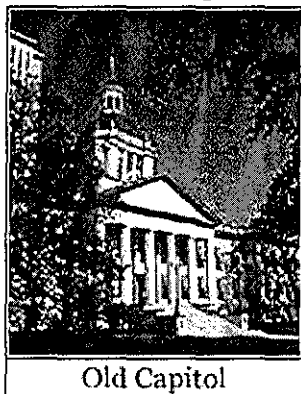
image001 jpg WILLHITE 2014-02-28 Notice of Appearance.pdf

Please find attached a notice of appearance with respect to the above-referenced complaint

Please forward t me a copy of the complaint at your earliest convenience.

Regards,
Mark Herron

Messer Caparello
2618 Centennial Place
Tallahassee, FL 32308
Telephone: (850) 222-0720
Direct Fax: (850) 558-0659
Email: mherron@lawfla.com



STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

FEC Case No. 14-044

In re: MATT WILLHITE, Respondent.

NOTICE OF APPEARANCE

The undersigned is appearing as attorney for Matt Willhite in this proceeding
Please serve copies of all pleadings, motions or other papers relating to this matter on
the undersigned at the address set forth below.

Respectfully submitted this 28th day of February, 2014, by:

Mark Herron

Mark Herron
Email: mherron@lawfla.com
Florida Bar No. 0199737
MESSER CAPARELLO, P.A.
Post Office Box 15579
Tallahassee, FL 32317-5579
Telephone: (850) 222-0720
Facsimile: (850) 558-0659

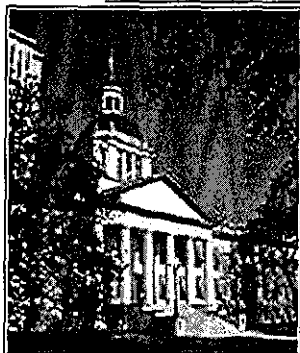
Attorney for Respondent

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing notice of appearance was forwarded by
U.S. Mail and electronic mail to the Agency Clerk, Florida Elections Commission, Room
224, The Collins Building, 107 West Gaines Street, Tallahassee, FL 32399-1050, on this
28th day of February, 2014

Mark Herron

Direct Fax: (850) 558-0659
Email: mherron@lawfla.com



Old Capitol

[attachment "WILLHITE 2014-02-28 Notice of Appearance pdf" deleted by Donna Malphurs/OAG]



RE: FEC Case No. 14-044
Mark Herron
to:
Donna Malphurs
02/28/2014 09:30 AM
Show Details

2 Attachments



image001.gif image002.jpg

You will email me a copy of the complaint?

From: Donna Malphurs [<mailto:Donna.Malphurs@myfloridalegal.com>]
Sent: Friday, February 28, 2014 9:09 AM
To: Mark Herron
Subject: Re: FEC Case No. 14-044

Thank you

Donna Ann Malphurs, Agency Clerk
Florida Elections Commission
donna.malphurs@myfloridalegal.com
850-922-4539; Fax 850-921-0783

* Mark Herron ---02/28/2014 07:46:29 AM---Please find attached a notice of appearance with respect to the above-referenced complaint Please f

From: Mark Herron <mherron@lawfla.com>
To: Donna Malphurs <Donna.Malphurs@myfloridalegal.com>
Cc: Cindy Lowell <clowell@lawfla.com>
Date: 02/28/2014 07:46 AM
Subject: FEC Case No 14-044

Please find attached a notice of appearance with respect to the above-referenced complaint.

Please forward t me a copy of the complaint at your earliest convenience

Regards,
Mark Herron

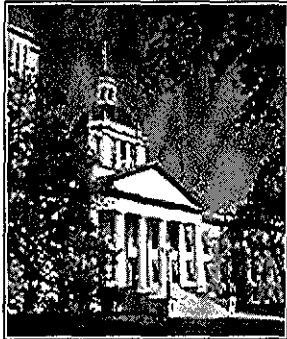
Messer Caparello
2618 Centennial Place
Tallahassee, FL 32308
Telephone: (850) 222-0720

Please find attached a notice of appearance with respect to the above-referenced complaint.

Please forward t me a copy of the complaint at your earliest convenience.

Regards,
Mark Herron


Messer Caparello
2618 Centennial Place
Tallahassee, FL 32308
Telephone: (850) 222-0720
Direct Fax: (850) 558-0659
Email: mherron@lawfla.com



Old Capitol

[attachment "WILLHITE 2014-02-28 Notice of Appearance.pdf" deleted by Donna Malphurs/OAG]



FEC 14-044 - Request for Information 
Donna Malphurs to: Mark Herron

02/28/2014 09:41 AM

From: Donna Malphurs/OAG
To: Mark Herron <mherron@lawfla.com>

The complaint is attached



14-044 Complaint.pdf

Donna Ann Malphurs, Agency Clerk
Florida Elections Commission
donna.malphurs@myfloridalegal.com
850-922-4539; Fax 850-921-0783

Mark Herron You will email me a copy of the complaint? From ... 02/28/2014 09:30:12 AM

From: Mark Herron <mherron@lawfla.com>
To: Donna Malphurs <Donna.Malphurs@myfloridalegal.com>
Date: 02/28/2014 09:30 AM
Subject: RE: FEC Case No. 14-044

You will email me a copy of the complaint?

From: Donna Malphurs [mailto:Donna.Malphurs@myfloridalegal.com]
Sent: Friday, February 28, 2014 9:09 AM
To: Mark Herron
Subject: Re: FEC Case No. 14-044

Thank you

Donna Ann Malphurs, Agency Clerk
Florida Elections Commission
donna.malphurs@myfloridalegal.com
850-922-4539; Fax 850-921-0783

Mark Herron ---02/28/2014 07:46:29 AM---Please find attached a notice of appearance with respect to the above-referenced complaint Please f

From: Mark Herron <mherron@lawfla.com>
To: Donna Malphurs <Donna.Malphurs@myfloridalegal.com>
Cc: Cindy Lowell <clowell@lawfla.com>
Date: 02/28/2014 07:46 AM
Subject: FEC Case No 14-044

14-044

CONFIDENTIAL COMPLAINT
STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION
107 West Gaines Street, Suite 224, Tallahassee, Florida 32399-1050
Telephone Number (850) 922-4539

RECEIVED

2014 FEB 18 A 10:36

NOTICE

The Commission's jurisdiction is limited to violations of Chapter 104, 106, and Section 105.071, Florida Statutes.

STATE OF FLORIDA
ELECTIONS COMMISSION

PERSON BRINGING COMPLAINT

Name: Jack Mancini Cell Phone: 561.906.8805 Work Phone:
Address: 1372 Waterway Cove Drive County: Palm Beach
City: Wellington State: Florida Zip Code: 33414

PERSON AGAINST WHOM COMPLAINT IS BROUGHT: (limit one person per form)

Name: Matthew A. Willhite Cell Phone: 561.389.1182 Work Phone:
Name of Committee/Corporation:
Address: 8263 Cozumel Lane County: Palm Beach
City: Wellington State: Florida Zip Code: 33414
Title of office or position sought: Wellington Village Council, Seat 4
Have you filed this same complaint with the State Attorney's Office? No

ALLEGED VIOLATION:

If you believe a provision of Chapter 104, 106, or Section 105.071, Florida Statutes, has been violated, please state the specific section(s) or subsection(s) believed to be violated by the person named in the complaint:

- 1. 106.08(1)(a) – Contributions; limitations on
- 2. 106.08(3)(b) – Contributions; limitations on
- 3. 106.07(5) – Reports; certification and filing

NOTICE

For the Commission to find a violation of Section 104.271(2), Florida Statutes, the Commission must find that the statement was made by a candidate opposing the complainant in the same election, the statement made by the opposing candidate was false, and the opposing candidate knew it was false.

STATEMENT OF FACTS:

State in your own words the detailed facts and actions of the person named in this complaint that form the basis for this complaint. In your statement, please include relevant dates and times and the names and addresses of other persons whom you believe have knowledge of the facts. Also include with the complaint a copy or picture of all political advertisements that you mention in your statement or any other evidence that supports your statement. Give any and all reasons that you feel the alleged violation was committed in a willful manner:

History:

On March 13, 2012, the Village of Wellington conducted a municipal election. A total of six candidates were running for three separate positions: Mayor, Council Seat 1 and Council Seat 4.

000001

A routine audit by the Supervisor of Elections (SOE) on Monday, March 19 identified a problem with the SOE tabulation software (see attached Palm Beach Post article).

A second automated recount was conducted that same day.

After the second automated recount produced a dramatically different result, showing two candidates who previously had been declared winners had now lost, seven separate lawsuits were filed contesting the election and the issue proceeded to court.

After a preliminary hearing on Monday, March 26, a court date was schedule for Thursday, March 29.

On March 29, Circuit Judge Robin Rosenberg, after taking testimony from each of the parties involved, ordered the Palm Beach County Supervisor of Elections to conduct a hand recount of all the ballots, **ending the legal contest**.

On Saturday, March 31, a hand recount was conducted and the canvassing board certified the hand recount totals that same day, declaring Matthew "Matt" Willhite the winner in the Seat 4 race.

Mr. Willhite was sworn into office on Tuesday, April 10.

Summary Calendar of Events:

1. March 13, 2012 – Election Day
2. March 19, 2012 – Routine audit performed, second automated recount conducted
3. March 26, 2012 – Preliminary hearing
4. March 29, 2012 – Final ruling by Circuit Court Judge Robin Rosenberg ordering a hand recount of all the ballots, **ending the legal contest**
5. March 31, 2012 – Hand recount
6. March 31, 2012 – Canvassing board certifies the hand recount results
7. April 10, 2012 – Candidate sworn into office

Facts of the Complaint:

1. Florida Statute 106.08(1)(a) states, "Except for political parties or affiliated party committees, no person, political committee, or committee of continuous existence may, in any election, make contributions in excess of \$500 to any candidate for election to or retention in office or to any political committee supporting or opposing one or more candidates."

According to Mr. Willhite's campaign treasurer's reports (1-20-12/2-03-12, Sequence #52) and (2-18-12/3-08-12 Sequence # 1), both attached, Mr. Willhite received a \$500 check and a \$485 in-kind contribution, respectively, from the same individual: Marcia Radosevich, 5221 Las Palmas Ave., Wellington, FL 33449.

2. Florida Statute 106.08(3)(b) states, "Any contribution received by a candidate or by the campaign treasurer or a deputy campaign treasurer of a candidate after the date at which the candidate withdraws his or her candidacy, or after the date the candidate is defeated, becomes unopposed, or is elected to office must be returned to the person or committee contributing it and may not be used or expended by or on behalf of the candidate."

000002

Florida Division of Elections Opinion DE 02-15 (see attached) states, "A candidate who timely files a contest of the election pursuant to section 102.168, Florida Statutes, is also permitted to expend funds from the campaign account for legal fees and costs associated with litigating the contest of the election. **During the period of the legal contest,** a candidate may also accept contributions to their campaign account for the sole purpose of paying for the legal fees and costs associated with the litigation."

According to Mr. Willhite's campaign treasurer's report (3-09-12/6-11-12), attached, Mr. Willhite received 13 contributions **after the conclusion of the legal contest** on Thursday, March 29 (see Sequence Numbers 1 through 13 received April 3 through April 18, 2012).

Total prohibited contributions: \$2,994.75

According to Mr. Willhite's campaign treasurer's report (3-09-12/6-11-12), attached, Mr. Willhite made 4 expenditures **using the funds received after the conclusion of the legal contest:**

6-07-12, Sequence #8, \$94.80
6-06-12, Sequence #9, \$6.71
6-06-12, Sequence #5, \$500.00
6-05-12, Sequence #1, \$5,334.18

3. Florida Statute 106.07(5) states, "The candidate and his or her campaign treasurer, in the case of a candidate, or the political committee chair and campaign treasurer of the committee, in the case of a political committee, shall certify as to the correctness of each report; and each person so certifying shall bear the responsibility for the accuracy and veracity of each report. Any campaign treasurer, candidate, or political committee chair who willfully certifies the correctness of any report while knowing that such report is incorrect, false, or incomplete commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083."

On two occasions, Mr. Willhite certified to the correctness of a report (see attached) that was incorrect (2-18-12/3-08-12 and 3-09-12/6-11-12).

In conclusion, Matt Willhite's actions are willful. This was not Mr. Willhite's first run for public office. Each time, Mr. Willhite signed a copy of Form DS-DE 84, Statement of Candidate, certifying he understands the requirements of Chapter 106, Florida Statutes. Additionally, Mr. Willhite was represented by legal counsel throughout the course of the election contest. Mr. Willhite is also the former Chairman of Firefighter FACT PAC, a political action committee (see attached). Mr. Willhite was found guilty, see attached, by the commission of a previous complaint (FEC 05-075).

Additional materials attached? Yes

000003

STATE OF FLORIDA
COUNTY OF Palm Beach

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

NOTICE

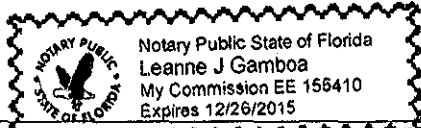
This complaint will be treated as confidential by the Florida Elections Commission. During the investigation; however, a copy of this completed complaint will be provided to the person against whom the complaint has been brought. Any person who files a complaint while knowing that the allegations are false or without merit commits a misdemeanor of the first degree, punishable as provided in Sections 775.082 and 775.083, Florida Statutes.

FEC001

Jack Marin
Signature of Complainant

Sworn to and subscribed before me this
7th day of
February, 2014.

Leanne Gamboa
Signature of Officer Authorized to
Administer Oaths or Notary Public


(Print, type or stamp commissioned name
of Notary Public)

Personally known or
produced identification _____

Type of identification produced

RECEIVED
2014 FEB 18 A 10:36
STATE OF FLORIDA
ELECTIONS COMMISSION

000004

Follow us on



Wednesday, June 6, 2012 | 9:46 p.m.

Subscribe now |

Digital edition

Hi, (not you?) | Member Center | Sign Out

Sign In or Register

The Palm Beach Post

Breaking news starts here

Search

* Site * Web

Web Search by YAHOO!

Options:

Results list | Start a New Search

Wellington vote fiasco resolved

BYLINE: MITRA MALEK Palm Beach Post Staff Writer

DATE: April 1, 2012

PUBLICATION: Palm Beach Post, The (FL)

EDITION: Final

SECTION: A Section

PAGE: 1A

MEMO: post coverage Wellington recount

In the end, there was no confusion. No name-calling, no questionable motives. Instead there was order. Perfect order, and hugs.

A hand count predicted to last six hours Saturday lasted exactly six hours, the same hand count that Palm Beach County Elections Supervisor Susan Bucher guaranteed would match a second tally of votes for **Wellington's** messy March 13 council election.

The winners: Bob Margolis for mayor, John Greene for Seat 1 and Matt Willhite for Seat 4.

It was a relief for everyone involved, including voters.

"Now there's no dispute," said **Wellington** resident Frank Ventriglio.

Ventriglio and his wife came to witness the hand count at Palm Beach County's elections service center in Riviera Beach --- on Ventriglio's 57th birthday, no less.

"We wanted to see the democratic process at its best," Theresa Ventriglio said.

It's unclear what caused an initial error in results, when losing candidates were mistakenly named winners in two of three **Wellington** races.

For nearly a week after election night, Shauna Hostetler celebrated her victory for Seat 1 Al Paglia, who a decade ago lost a council bid by just four votes, was reveling in his Seat 4 win.

Then a routine audit showed a big problem that appears to be unprecedented in recent Florida history: Vote tallies were assigned to the wrong candidates.

That was trouble enough, but it wasn't clear if the original election results had actually been certified, which is what state law calls for before an audit. Turns out they hadn't; that was the job of **Wellington's** canvassing board. But by the time that came to light, the audit had revealed a mix-up that couldn't be ignored.

The two candidates discovered to be on the short end of the votes weren't so confident in the second set of results either. Some called Hostetler and Paglia "sore losers" for not simply stepping aside. They wanted a hand count, but at that time it seemed out of the question -- unless a judge ordered it.

That's what happened.

Last week, with a throng of lawyers weighing in, Circuit Judge Robin Rosenberg granted the hand count. At least seven lawsuits were filed related to the election, some backing the original results, others backing the second tally.

On Saturday, Hostetler hugged Greene after **Wellington's** clerk announced the winners

"It's such a relief," Hostetler said. "I'm happy for our whole community that we're not going to have another thing to dispute."

Wellington was the only municipality among 16 holding elections that had a problem. At first, Bucher blamed software. The next day Dominion Voting Systems, which provides the county's voting machines, said its systems appeared to have had a synchronization error.

But on Friday the Denver company said the software was fine.

Whatever the root cause, the joust between Dominion and Bucher mattered little for **Wellington** by Saturday, when the candidates heaped praise on Bucher.

"There are going to be differing opinions on whose fault it was," Margolis said. "But in the end we did it right."

The day's count went off without much of a hitch, starting at 8 a.m. and ending at 2 p.m. Six teams counted 5,861 ballots. Each team had two county workers who visually examined the ballots, and two observers, who sat behind them, watching. The canvassing board -- three **Wellington** council members who were not up for re-election and **Wellington's** clerk -- examined questionable ballots. Perhaps a dozen had muddled marks.

"The process is proving to be what we hoped it would be, and this election won't wind up with an asterisk," said canvassing board member Carmine Priore.

Drama launched **Wellington's** races: a \$500,000 ad campaign lampooned Darell Bowen, who was seeking re-election as mayor. Both the original and second results -- obtained by a manual feed of ballots into machines -- placed Margolis as the winner.

Scathing fliers and television spots paid for by a political organization called Taxpayers for Integrity in Government cast Bowen in a foul light, while promoting Margolis, Willhite and Greene. The organization is funded almost entirely by a company owned by the billionaire Jacobs family, whose members live or own property in **Wellington**

The Jacobses are fighting a commercial equestrian complex proposed near their land. In fact, two of the suits filed regarding the election include the wife of Jeremy Jacobs, the family patriarch.

Bowen, Hostetler and Paglia are in favor of the complex, while the winning slate is critical of it.

But that will be an issue for later days. The canvassing board certified the results Saturday, and the winners look forward to being sworn in before the next council meeting on April 10.

Staff writer Jennifer Sorentrude contributed to this story.

~ mitra_malek@pbpost.com
Results compared

March 13 March 19 Saturday

original revised hand count

MAYOR

Darell Bowen 2,411 2,877 2,877

Bob Margolis 3,341 2,947 2,947

SEAT 1

John Greene 2,877 2,956 2,956

Shauna Hostetler 2,946 2,745 2,745

SEAT 4

Al Paglia 2,956 2,412 2,412

Matt Willhite 2,745 3,341 3,341

Source: Palm Beach County Supervisor of Elections Office

Copyright (c) 2012 Palm Beach Newspapers, Inc.

Select Year: 2012

The 2012 Florida Statutes

[Title IX](#)

[Chapter 106](#)

[View Entire Chapter](#)

ELECTORS AND ELECTIONS

CAMPAIGN FINANCING

106.08 Contributions; limitations on.—

(1)(a) Except for political parties or affiliated party committees, no person, political committee, or committee of continuous existence may, in any election, make contributions in excess of \$500 to any candidate for election to or retention in office or to any political committee supporting or opposing one or more candidates. Candidates for the offices of Governor and Lieutenant Governor on the same ticket are considered a single candidate for the purpose of this section.

(b)1. The contribution limits provided in this subsection do not apply to contributions made by a state or county executive committee of a political party or affiliated party committee regulated by chapter 103 or to amounts contributed by a candidate to his or her own campaign.

2. Notwithstanding the limits provided in this subsection, an unemancipated child under the age of 18 years of age may not make a contribution in excess of \$100 to any candidate or to any political committee supporting one or more candidates.

(c) The contribution limits of this subsection apply to each election. For purposes of this subsection, the primary election and general election are separate elections so long as the candidate is not an unopposed candidate as defined in s. 106.011(15). However, for the purpose of contribution limits with respect to candidates for retention as a justice or judge, there is only one election, which is the general election.

(2)(a) A candidate may not accept contributions from national, state, or county executive committees of a political party, including any subordinate committee of such political party or affiliated party committees, which contributions in the aggregate exceed \$50,000.

(b) A candidate for statewide office may not accept contributions from national, state, or county executive committees of a political party, including any subordinate committee of the political party, or affiliated party committees, which contributions in the aggregate exceed \$250,000. Polling services, research services, costs for campaign staff, professional consulting services, and telephone calls are not contributions to be counted toward the contribution limits of paragraph (a) or this paragraph. Any item not expressly identified in this paragraph as nonallocable is a contribution in an amount equal to the fair market value of the item and must be counted as allocable toward the contribution limits of paragraph (a) or this paragraph. Nonallocable, in-kind contributions must be reported by the candidate under s. 106.07 and by the political party or affiliated party committee under s. 106.29.

(3)(a) Any contribution received by a candidate with opposition in an election or by the campaign treasurer or a deputy campaign treasurer of such a candidate on the day of that election or less than 5 days prior to the day of that election must be returned by him or her to the person or committee contributing it and may not be used or expended by or on behalf of the candidate.

(b) Any contribution received by a candidate or by the campaign treasurer or a deputy campaign treasurer

of a candidate after the date at which the candidate withdraws his or her candidacy, or after the date the candidate is defeated, becomes unopposed, or is elected to office must be returned to the person or committee contributing it and may not be used or expended by or on behalf of the candidate.

(4) Any contribution received by the chair, campaign treasurer, or deputy campaign treasurer of a political committee supporting or opposing a candidate with opposition in an election or supporting or opposing an issue on the ballot in an election on the day of that election or less than 5 days prior to the day of that election may not be obligated or expended by the committee until after the date of the election.

(5)(a) A person may not make any contribution through or in the name of another, directly or indirectly, in any election.

(b) Candidates, political committees, affiliated party committees, and political parties may not solicit contributions from any religious, charitable, civic, or other causes or organizations established primarily for the public good.

(c) Candidates, political committees, affiliated party committees, and political parties may not make contributions, in exchange for political support, to any religious, charitable, civic, or other cause or organization established primarily for the public good. It is not a violation of this paragraph for:

1. A candidate, political committee, affiliated party committee, or political party executive committee to make gifts of money in lieu of flowers in memory of a deceased person;

2. A candidate to continue membership in, or make regular donations from personal or business funds to, religious, political party, affiliated party committee, civic, or charitable groups of which the candidate is a member or to which the candidate has been a regular donor for more than 6 months; or

3. A candidate to purchase, with campaign funds, tickets, admission to events, or advertisements from religious, civic, political party, affiliated party committee, or charitable groups.

(6)(a) A political party or affiliated party committee may not accept any contribution that has been specifically designated for the partial or exclusive use of a particular candidate. Any contribution so designated must be returned to the contributor and may not be used or expended by or on behalf of the candidate. Funds contributed to an affiliated party committee shall not be deemed as designated for the partial or exclusive use of a leader as defined in s. 103.092.

(b)1. A political party or affiliated party committee may not accept any in-kind contribution that fails to provide a direct benefit to the political party or affiliated party committee. A "direct benefit" includes, but is not limited to, fundraising or furthering the objectives of the political party or affiliated party committee.

2.a. An in-kind contribution to a state political party may be accepted only by the chairperson of the state political party or by the chairperson's designee or designees whose names are on file with the division in a form acceptable to the division prior to the date of the written notice required in sub-subparagraph b. An in-kind contribution to a county political party may be accepted only by the chairperson of the county political party or by the county chairperson's designee or designees whose names are on file with the supervisor of elections of the respective county prior to the date of the written notice required in sub-subparagraph b. An in-kind contribution to an affiliated party committee may be accepted only by the leader of the affiliated party committee as defined in s. 103.092 or by the leader's designee or designees whose names are on file with the division in a form acceptable to the division prior to the date of the written notice required in sub-subparagraph b.

b. A person making an in-kind contribution to a state or county political party or affiliated party committee must provide prior written notice of the contribution to a person described in sub-subparagraph a. The prior written notice must be signed and dated and may be provided by an electronic or facsimile message. However, prior written notice is not required for an in-kind contribution that consists of food and beverage in

an aggregate amount not exceeding \$500 which is consumed at a single sitting or event if such in-kind contribution is accepted in advance by a person specified in sub-subparagraph a.

c. A person described in sub-subparagraph a. may accept an in-kind contribution requiring prior written notice only in a writing that is dated before the in-kind contribution is made. Failure to obtain the required written acceptance of an in-kind contribution to a state or county political party or affiliated party committee constitutes a refusal of the contribution.

d. A copy of each prior written acceptance required under sub-subparagraph c. must be filed at the time the regular reports of contributions and expenditures required under s. 106.29 are filed by the state executive committee, county executive committee, and affiliated party committee. A state executive committee and an affiliated party committee must file with the division. A county executive committee must file with the county's supervisor of elections.

e. An in-kind contribution may not be given to a state or county political party or affiliated party committee unless the in-kind contribution is made as provided in this subparagraph.

✓(7)(a) Any person who knowingly and willfully makes or accepts no more than one contribution in violation of subsection (1) or subsection (5), or any person who knowingly and willfully fails or refuses to return any contribution as required in subsection (3), commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. If any corporation, partnership, or other business entity or any political party, affiliated party committee, political committee, committee of continuous existence, or electioneering communications organization is convicted of knowingly and willfully violating any provision punishable under this paragraph, it shall be fined not less than \$1,000 and not more than \$10,000. If it is a domestic entity, it may be ordered dissolved by a court of competent jurisdiction; if it is a foreign or nonresident business entity, its right to do business in this state may be forfeited. Any officer, partner, agent, attorney, or other representative of a corporation, partnership, or other business entity, or of a political party, affiliated party committee, political committee, committee of continuous existence, electioneering communications organization, or organization exempt from taxation under s. 527 or s. 501(c)(4) of the Internal Revenue Code, who aids, abets, advises, or participates in a violation of any provision punishable under this paragraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Any person who knowingly and willfully makes or accepts two or more contributions in violation of subsection (1) or subsection (5) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If any corporation, partnership, or other business entity or any political party, affiliated party committee, political committee, committee of continuous existence, or electioneering communications organization is convicted of knowingly and willfully violating any provision punishable under this paragraph, it shall be fined not less than \$10,000 and not more than \$50,000. If it is a domestic entity, it may be ordered dissolved by a court of competent jurisdiction; if it is a foreign or nonresident business entity, its right to do business in this state may be forfeited. Any officer, partner, agent, attorney, or other representative of a corporation, partnership, or other business entity, or of a political committee, committee of continuous existence, political party, affiliated party committee, or electioneering communications organization, or organization exempt from taxation under s. 527 or s. 501(c)(4) of the Internal Revenue Code, who aids, abets, advises, or participates in a violation of any provision punishable under this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(8) Except when otherwise provided in subsection (7), any person who knowingly and willfully violates any provision of this section shall, in addition to any other penalty prescribed by this chapter, pay to the state a sum equal to twice the amount contributed in violation of this chapter. Each campaign treasurer shall pay all amounts contributed in violation of this section to the state for deposit in the General Revenue Fund.

(9) This section does not apply to the transfer of funds between a primary campaign depository and a savings account or certificate of deposit or to any interest earned on such account or certificate.

(10) Contributions to a political committee or committee of continuous existence may be received by an affiliated organization and transferred to the bank account of the political committee or committee of continuous existence via check written from the affiliated organization if such contributions are specifically identified as intended to be contributed to the political committee or committee of continuous existence. All contributions received in this manner shall be reported pursuant to s. 106.07 by the political committee or committee of continuous existence as having been made by the original contributor.

History.—s. 8, ch. 73-128; s. 6, ch. 74-200; s. 1, ch. 77-174; s. 48, ch. 77-175; s. 1, ch. 78-403; s. 9, ch. 79-365; s. 5, ch. 79-378; s. 7, ch. 85-226; s. 4, ch. 86-134; s. 12, ch. 89-256; ss. 33, 46, ch. 90-315; s. 9, ch. 90-338; s. 11, ch. 91-107; s. 642, ch. 95-147; s. 3, ch. 97-13; s. 8, ch. 99-355; s. 27, ch. 2002-17; s. 3, ch. 2002-197; s. 1, ch. 2002-281; s. 68, ch. 2005-277; s. 46, ch. 2005-278; s. 25, ch. 2005-286; s. 1, ch. 2005-360; s. 9, ch. 2006-300; s. 44, ch. 2007-30; s. 26, ch. 2010-167; ss. 14, 30, ch. 2011-6; s. 62, ch. 2011-40; HJR 7105, 2011 Regular Session; s. 8, ch. 2012-5.

Copyright © 1995-2013 The Florida Legislature • [Privacy Statement](#) • [Contact Us](#)

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

OFFICE USE ONLY

08-10-12 P02:59 IN

(1) Matt Willhite
Name

(2) 13833-B4 Wellington Trace PMB 107
Address (number and street)

Wellington, FL 33414
City, State, Zip Code

CHECK IF ADDRESS HAS CHANGED

(3) ID Number: _____

(4) Check appropriate box(es):

Candidate (office sought): Wellington Council Seat 4

Political Committee

CHECK IF PC HAS DISBANDED

Committee of Continuous Existence

CHECK IF CCE HAS DISBANDED

Party Executive Committee

Electioneering Communication

CHECK IF NO OTHER ELECTIONEERING COMMUNICATION REPORTS WILL BE FILED

(5) REPORT IDENTIFIERS

Cover Period: From 01 / 20 / 12 To 02 / 03 / 12 Report Type _____

Original Amendment Special Election Report Independent Expenditure Report

(6) CONTRIBUTIONS THIS REPORT

Cash & Checks \$ 16,595.00

Loans \$ _____

Total Monetary \$ 16,595.00

In-Kind \$ _____

(7) EXPENDITURES THIS REPORT

Monetary Expenditures \$ 6,628.00

Transfers to Office Account \$ _____

Total Monetary \$ 6,628.00

(8) Other Distributions \$ _____

(9) TOTAL Monetary Contributions To Date

\$ 40,143.40

(10) TOTAL Monetary Expenditures To Date

\$ 10,797.84

(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.

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

(Type name) Alexis T. Willhite

(Type name) Matt Willhite

Individual (only for electioneering commun) Treasurer Deputy Treasurer

Candidate Chairperson (only for PC, PTY & electioneering commun organization)

X *Alexis T. Willhite*
Signature

X *Matt Willhite*
Signature

CAMPAIGN TREASURER'S REPORT ITEMIZED CONTRIBUTIONS AND FUND TRANSFERS

02-10-12 P02:59 IN

(1) Name Matt Willhite

(2) I.D. Number

(3) Cover Period 01 / 21 / 12 through 2 / 3 / 12 (4) Page 1 of 10

Contributions (Use separate sheets for Contributions and Fund Transfers. Do not combine sequence numbers with Fund Transfers)

Fund Transfers (Use separate sheets for Contributions and Fund Transfers. Do not combine sequence numbers with Contributions)

| (5) Date | (6) Seq Num | (7) Full Name(L, Suffix, F, M) Full Street Address & City, State, Zip Code | (8) Contributor | | (9) Contribution or Transfer Type | (10) In-kind Descrip or Nature of Acct. | (11) Amended | (12) Amount |
|---------------|----------------|---|--------------------|------------------------|--|--|-----------------|----------------|
| | | | Type | Occupation | | | | |
| 2 / 1 / 2012 | 1 | Steve's Computers 15485 Meadow Wood Dr., Wellington, FL 33414 | B | Compute r Repair | CHE | | | \$50.00 |
| | 1 | | | | | | | |
| 1 / 28 / 2012 | 2 | Craig Bachove 11125 Isle Brook Ct., Wellington, FL 33414 | I | CPA | CHE | | | \$50.00 |
| | 2 | | | | | | | |
| 2 / 1 / 2012 | 3 | Carmen Paterniti 14195 Stroller Way, Wellington, FL 33414 | I | Retired | CHE | | | \$300.00 |
| | 3 | | | | | | | |
| 2 / 1 / 2012 | 4 | Charles Lupo 7490 Anadale Cir Lake Worth, FL 33467 | I | Firefig hter | CHE | | | \$500.00 |
| | 4 | | | | | | | |
| 2 / 3 / 2012 | 5 | Sampson Nebb 1844 South Club Dr Wellington, FL 33414 | I | Retired | CHE | | | \$100.00 |
| | 5 | | | | | | | |
| 2 / 1 / 2012 | 6 | Nicholas Duffy 1714 Farmington Circle Wellington, FL 33414 | I | Firefig hter | CHE | | | \$50.00 |
| | 6 | | | | | | | |
| 2 / 1 / 2012 | 7 | Tony Keeler 23273 New Coach Way, Boca Raton, FL 33433 | I | Firefig hter | CHE | | | \$25.00 |
| | 7 | | | | | | | |

**CAMPAIGN TREASURER'S REPORT ITEMIZED
CONTRIBUTIONS AND FUND TRANSFERS**

(1) Name Matt Willhite

(2) I.D. Number 02-10-12 P02:59 IN

(3) Cover Period 01 / 21 / 12 through 2 / 3 / 12

(4) Page 2 of 10

Contributions (Use separate sheets for Contributions and Fund Transfers. Do not combine sequence numbers with Fund Transfers)

Fund Transfers (Use separate sheets for Contributions and Fund Transfers. Do not combine sequence numbers with Contributions)

| (5) Date | (7) | (8) | | (9) | (10) | (11) | (12) |
|----------------|--|------|-----------------|-------------------------------------|--|---------|----------|
| (6) Seq Num | Full Name(L, Suffix, F, M) Full Street Address & City, State, Zip Code | Type | Occupation | Contribution or Transfer Type | In-kind Descrip or Nature of Acct. | Amended | Amount |
| 2 / 1 / 2012 | Karen Walshe 216 Mulberry Grove Rd, Wellington, FL 33414 | I | Firefig hter | CHE | | | \$230.00 |
| 8 | | | | | | | |
| 2 / 1 / 2012 | Neal Baluha 12709 Shoreline Dr Apt 7a, Wellington, FL 33414 | I | Firefig hter | CHE | | | \$50.00 |
| 9 | | | | | | | |
| 2 / 1 / 2012 | Brent Henderson 11845 169th Ct N Jupiter, FL 33478 | I | Firefig hter | CHE | | | \$50.00 |
| 10 | | | | | | | |
| 2 / 1 / 2012 | Mark Anderson 291 Berenger Walk Royal Palm Beach, FL 33414 | I | Firefig hter | CHE | | | \$25.00 |
| 11 | | | | | | | |
| 2 / 1 / 2012 | Kevin Shaw 1595 Old Cypress Trl, Wellington, FL 33414 | I | Firefig hter | CHE | | | \$25.00 |
| 12 | | | | | | | |
| 2 / 1 / 2012 | James Nevad 9436 Rodeo Dr Lake Worth, FL 33467 | I | Firefigh ter | CHE | | | \$20.00 |
| 13 | | | | | | | |
| 2 / 1 / 2012 | Lawrence Doelling 11352 Persimmon Blvd., W Palm Beach, FL 33411 | I | Firefig hter | CHE | | | \$50.00 |
| 14 | | | | | | | |

**CAMPAIGN TREASURER'S REPORT ITEMIZED
CONTRIBUTIONS AND FUND TRANSFERS**

02-10-12 P02:59 IN

(1) Name Matt Willhite (2) I.D. Number

(3) Cover Period 01 / 21 / 12 through 2 / 3 / 12 (4) Page 3 of 10

Contributions (Use separate sheets for Contributions and Fund Transfers. Do not combine sequence numbers with Fund Transfers)
 Fund Transfers (Use separate sheets for Contributions and Fund Transfers. Do not combine sequence numbers with Contributions)

| (5) Date | (7) | (8) Contributor | | (9) | (10) | (11) | (12) |
|----------------|--|--------------------|-----------------|-------------------------------------|--|---------|---------|
| (6) Seq Num | Full Name(L, Suffix, F, M) Full Street Address & City, State, Zip Code | Type | Occupation | Contribution or Transfer Type | In-kind Descrip or Nature of Acct. | Amended | Amount |
| 2 / 1 / 2012 | J.P. Sweat Jupiter, FL | I | Firefig hter | CHE | | | \$30.00 |
| 15 | | | | | | | |
| 2 / 1 / 2012 | Susan Millstone 7974 Clementine Dr Boynton Beach, FL 33436 | I | | CHE | | | \$20.00 |
| 16 | | | | | | | |
| 2 / 1 / 2012 | Jessica Lawrence 721 N Lakeside Dr Lake Worth, FL 33460 | I | Firefig hter | CHE | | | \$25.00 |
| 17 | | | | | | | |
| 2 / 1 / 2012 | James Ackerman 209 Summa St W Palm Beach, FL 33405 | I | Firefig hter | CHE | | | \$25.00 |
| 18 | | | | | | | |
| 2 / 1 / 2012 | Elizabeth Welsh 3877 Turtle Run Blvd #2223 Coral Springs, FL 33067 | I | Firefig hter | CHE | | | \$25.00 |
| 19 | | | | | | | |
| 2 / 1 / 2012 | Robert Jessell 10897 Paso Fino Dr Wellington, FL 33449 | I | Firefig hter | CHE | | | \$25.00 |
| 20 | | | | | | | |
| 2 / 1 / 2012 | Tricia Kamalu 1206 S Lake Dr #404, Lantana, FL 33462 | I | Firefig hter | CHE | | | \$25.00 |
| 21 | | | | | | | |

**CAMPAIGN TREASURER'S REPORT ITEMIZED
CONTRIBUTIONS AND FUND TRANSFERS**

(1) Name Matt Willhite

(2) I.D. Number 02-10-12 P02:59 IN

(3) Cover Period 01 / 21 / 12 through 2 / 3 / 12 (4) Page 5 of 10

Contributions (Use separate sheets for Contributions and Fund Transfers. Do not combine sequence numbers with Fund Transfers)

Fund Transfers (Use separate sheets for Contributions and Fund Transfers. Do not combine sequence numbers with Contributions)

| (5) Date | (7) | (8) Contributor | | (9) | (10) | (11) | (12) |
|----------------|---|--------------------|--------------------|-------------------------------------|--|---------|----------|
| (6) Seq Num | Full Name(L, Suffix, F, M) Full Street Address & City, State, Zip Code | Type | Occupation | Contribution or Transfer Type | In-kind Descrip or Nature of Acct. | Amended | Amount |
| 2 / 1 / 2012 | Peter Murphy 3234 Ushant Ct W Palm Beach, FL 33414 | I | Firefig hter | CHE | | | \$50.00 |
| 29 | | | | | | | |
| 1 / 20 / 2012 | James Robinson 51 Carlton Rd Bronxville, NY 10708 | I | venture capital | CHE | | | \$500.00 |
| 30 | | | | | | | |
| 2 / 1 / 2012 | Drew Reyburn 4823 Pinemore Ln Lake Worth, FL 33463 | I | Firefig hter | CHE | | | \$25.00 |
| 31 | | | | | | | |
| 2 / 1 / 2012 | Michael Reece 9879 NW 1st Ct Plantation, FL 33324 | I | Firefig hter | CHE | | | \$25.00 |
| 32 | | | | | | | |
| 2 / 1 / 2012 | Saxon Archives 11985 Southern Blvd. #253 Royal Palm Beach, FL 33411 | B | Archive s | CHE | | | \$50.00 |
| 33 | | | | | | | |
| 2 / 1 / 2012 | John F. Koons 201 Linda Lane West Palm Beach, FL 33405 | I | Retired | CHE | | | \$200.00 |
| 34 | | | | | | | |
| 2 / 1 / 2012 | Jess Santamaria 255 Ponderosa Ct Royal Palm Beach, FL 33411 | I | Busines sman | CHE | | | \$500.00 |
| 35 | | | | | | | |

000017

**CAMPAIGN TREASURER'S REPORT ITEMIZED
CONTRIBUTIONS AND FUND TRANSFERS**

(1) Name Matt Willhite (2) I.D. Number 02-10-12 P02:59 IN

(3) Cover Period 01 / 21 / 12 through 2 / 3 / 12 (4) Page 6 of 10

Contributions (Use separate sheets for Contributions and Fund Transfers. Do not combine sequence numbers with Fund Transfers)

Fund Transfers (Use separate sheets for Contributions and Fund Transfers. Do not combine sequence numbers with Contributions)

| (5) Date | (7) | (8) | | (9) | (10) | (11) | (12) |
|---------------------|--|------|--------------------|-------------------------------------|--|---------|----------|
| (6) Seq Num | Full Name(L, Suffix, F, M) Full Street Address & City, State, Zip Code | Type | Occupation | Contribution or Transfer Type | In-kind Descrip or Nature of Acct. | Amended | Amount |
| 1 / 20 / 2012 36 | Charles Kolocotronis 10681 Willow Oak Ct., Wellington, FL 33414 | I | Retired | CHE | | | \$500.00 |
| 1 / 24 / 2012 37 | Visse Wedell 2527 Muir Ct Wellington, FL 33414 | I | Realtor | CHE | | | \$500.00 |
| 1 / 24 / 2012 38 | Carmen Paterniti 14195 Stroller Way Wellington, FL 33414 | I | Retired | CHE | | | \$200.00 |
| 1 / 20 / 2012 39 | LeAnn Holycross 10681 Willow Oak Ct, Wellington, FL 33414 | I | Personal Assistant | CHE | | | \$500.00 |
| 1 / 20 / 2012 40 | Kimberly Jacobs 66 Doublet Hill Rd Weston, MA 02493 | I | Homemaker | CHE | | | \$500.00 |
| 1 / 26 / 2012 41 | William McMullen 12814 Spinnaker Lane, Wellington, FL 33414 | I | Retired | CHE | | | \$50.00 |
| 2 / 1 / 2012 42 | Bruce Platt, MD 1616 Kensington Ave., Buffalo, NY 14215 | I | Doctor | CHE | | | \$500.00 |

**CAMPAIGN TREASURER'S REPORT ITEMIZED
CONTRIBUTIONS AND FUND TRANSFERS**

(1) Name Matt Willhite (2) I.D. Number 02-10-12 P03:00 IN

(3) Cover Period 01 / 21 / 12 through 2 / 3 / 12 (4) Page 8 of 10

Contributions (Use separate sheets for Contributions and Fund Transfers. Do not combine sequence numbers with Fund Transfers)

Fund Transfers (Use separate sheets for Contributions and Fund Transfers. Do not combine sequence numbers with Contributions)

| (5) Date | (7) | (8) Contributor | | (9) | (10) | (11) | (12) |
|----------------|--|--------------------|-----------------|-------------------------------------|--|---------|----------|
| (6) Seq Num | Full Name(L, Suffix, F, M) Full Street Address & City, State, Zip Code | Type | Occupation | Contribution or Transfer Type | In-kind Descrip or Nature of Acct. | Amended | Amount |
| 1 / 27 / 2012 | Southern Gardens Citrus Holding 111 Ponce de Leon Ave, Clewiston, FL 33440 | B | Citrus | CHE | | | \$250.00 |
| 50 | | | | | | | |
| 1 / 27 / 2012 | Southern Gardens Groves 111 Ponce de Leon Ave, Clewiston, FL 33440 | B | Groves | CHE | | | \$250.00 |
| 51 | | | | | | | |
| 1 / 21 / 2012 | Marcia Radosevich 5121 Las Palmas Ave., Wellington, FL 33449 | I | Homemak er | CHE | | | \$500.00 |
| 52 | | | | | | | |
| 1 / 21 / 2012 | Margaret Reichenbach 40 Fountain Plaza Buffalo, NY 14202 | I | Homemak er | CHE | | | \$500.00 |
| 53 | | | | | | | |
| 1 / 21 / 2012 | Louis Jacobs 40 Fountain Plaza Buffalo, NY 14202 | I | Busines sman | CHE | | | \$500.00 |
| 54 | | | | | | | |
| 1 / 21 / 2012 | Lisann Jacobs 40 Fountain Plaza Buffalo, NY 14202 | I | Homemake r | CHE | | | \$500.00 |
| 55 | | | | | | | |
| 1 / 21 / 2012 | Katie Robinson 40 Fountain Plaza Buffalo, NY 14202 | I | Homemak er | CHE | | | \$500.00 |
| 56 | | | | | | | |

**CAMPAIGN TREASURER'S REPORT ITEMIZED
CONTRIBUTIONS AND FUND TRANSFERS**

02-10-12 P03:00

(1) Name Matt Willhite (2) I.D. Number _____

(3) Cover Period 01 / 21 / 12 through 2 / 3 / 12 (4) Page 10 of 10

Contributions (Use separate sheets for Contributions and Fund Transfers. Do not combine sequence numbers with Fund Transfers)

Fund Transfers (Use separate sheets for Contributions and Fund Transfers. Do not combine sequence numbers with Contributions)

| (5) Date | (7) | (8) Contributor | | (9) | (10) | (11) | (12) |
|---------------------|---|--------------------|-------------------|-------------------------------------|--|---------|----------|
| (6) Seq Num | Full Name(L, Suffix, F, M) Full Street Address & City, State, Zip Code | Type | Occupation | Contribution or Transfer Type | In-kind Descrip or Nature of Acct. | Amended | Amount |
| 1 / 21 / 2012 64 | DNC Gaming & Entertainment 40 Fountain Plaza Buffalo, NY 14202 | B | Enterta inment | CHE | | | \$500.00 |
| 1 / 21 / 2012 65 | Delaware North Companies, Inc 40 Fountain Plaza Buffalo, NY 14202 | B | Corpora tion | CHE | | | \$500.00 |
| 1 / 21 / 2012 66 | DNC Parks and Resorts 40 Fountain Plaza Buffalo, NY 14202 | B | Resorts | CHE | | | \$500.00 |
| / / | | | | | | | |
| / / | | | | | | | |
| / / | | | | | | | |
| / / | | | | | | | |

CAMPAIGN TREASURER'S REPORT ITEMIZED EXPENDITURES AND DISTRIBUTION 2-10-12 PG3:00 IN

(1) Name Matt Willhite (2) I.D. Number _____

(3) Cover Period 1 / 21 / 12 through 2 / 3 / 12 (4) Page 1 of 1

Expenditures (Use separate sheets for Expenditures and Distributions. Do not combine sequence numbers with Distributions.)

Distributions (Use separate sheets for Expenditures and Distributions. Do not combine sequence numbers with Expenditures.)

| (5) Date | (7) Full Name (L, Suffix, F, M) Full Street Address City, State, Zip Code | (8) Purpose (add office sought for candidate contributions) | (9) Expenditure Type | (10) Related Expenditures | (11) Amended | (12) Amount |
|-------------|---|--|----------------------------|---------------------------------|-----------------|----------------|
| 1/27/12 | US Postmaster Wellington Branch 33414-9998 | Stamps | MON | | | \$135 |
| 1 | | | | | | |
| 1/27/12 | Town Crier 12794 W. Forest Hill Blvd. Ste 31, Wellington, FL 33414 | Advertising | MON | | | \$252 |
| 2 | | | | | | |
| 1/23/12 | The Mallard Group, 2861 Executive Drive #100, Clearwater, FL 33762 | Campaign Literature | MON | | | \$6,097 |
| 3 | | | | | | |
| 1/31/12 | Wellington, 12300 W Forest Hill Blvd., Wellington, FL 33414 | Qualifying | MON | | | \$144 |
| 4 | | | | | | |
| / / | | | | | | |
| / / | | | | | | |
| / / | | | | | | |

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

OFFICE USE ONLY

(1) Matt Willhite
Name

(2) 13833-E4 Wellington Trace PMB 107
Address (number and street)

Wellington, FL 33414
City, State, Zip Code

CHECK IF ADDRESS HAS CHANGED

(3) ID Number: _____

(4) Check appropriate box(es):

Candidate (office sought): Wellington Council Seat 4

Political Committee

CHECK IF PC HAS DISBANDED

Committee of Continuous Existence

CHECK IF CCE HAS DISBANDED

Party Executive Committee

Electioneering Communication

CHECK IF NO OTHER ELECTIONEERING COMMUNICATION REPORTS WILL BE FILED

(5) REPORT IDENTIFIERS

Cover Period: From 02 / 18 / 12 To 03 / 08 / 12 Report Type _____

Original Amendment Special Election Report Independent Expenditure Report

(6) CONTRIBUTIONS THIS REPORT

Cash & Checks \$ 16,958.00

Loans \$ _____

Total Monetary \$ 16,958.00

In-Kind \$ 485.00

(7) EXPENDITURES THIS REPORT

Monetary Expenditures \$ 28,921.71

Transfers to Office Account \$ _____

Total Monetary \$ 28,921.71

(8) Other Distributions \$ _____

(9) TOTAL Monetary Contributions To Date
\$ 60,726.40

(10) TOTAL Monetary Expenditures To Date
\$ 49,325.46

(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.

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

(Type name) Alexis T. Willhite

(Type name) Matt Willhite

Individual (only for electioneering commun.) Treasurer Deputy Treasurer

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

X *A. Willhite*
Signature

X *Matt Willhite*
Signature

**CAMPAIGN TREASURER'S REPORT ITEMIZED
CONTRIBUTIONS AND FUND TRANSFERS**

(1) Name

Matt Willhite

(2) I.D. Number

(3) Cover Period

02 / 17 / 12 through 03 / 08 / 12

(4) Page

1 of 7

Contributions (Use separate sheets for Contributions and Fund Transfers. Do not combine sequence numbers with Fund Transfers)

Fund Transfers (Use separate sheets for Contributions and Fund Transfers. Do not combine sequence numbers with Contributions)

| (5) Date | (7) Full Name(L, Suffix, F, M) Full Street Address & City, State, Zip Code | (8) Contributor | | (9) Contribution or Transfer Type | (10) In-kind Descrip or Nature of Acct. | (11) Amended | (12) Amount |
|--------------------|---|--------------------|-----------------|--|--|-----------------|----------------|
| (6) Seq Num | | Type | Occupation | | | | |
| 2 / 21 / 2012 1 | Marcia Radosevich 5221 Las Palmas Ave, Wellington, FL 33449 | I | Retired | INK | | | \$485.00 |
| 2 / 24 / 2012 2 | Management Services Corp 40 Fountain Plaza Buffalo, NY 14202 | B | Managem ent | CHE | | | \$500.00 |
| 2 / 24 / 2012 3 | Finger Lakes Racing Assn 40 Fountain Plaza Buffalo, NY 14202 | B | Racini ng | CHE | | | \$500.00 |
| 2 / 24 / 2012 4 | Manor House Designs, Inc 40 Fountain Plaza Buffalo, NY 14202 | B | Design | CHE | | | \$500.00 |
| 2 / 24 / 2012 5 | DNC Gaming Hospitality Mgmt 40 Fountain Plaza Buffalo, NY 14202 | B | Hospita lity | CHE | | | \$500.00 |
| 2 / 24 / 2012 6 | Finger Lakes Food Service, Inc 40 Fountain Plaza Buffalo, NY 14202 | B | Food Service | CHE | | | \$500.00 |
| 2 / 24 / 2012 7 | American Park 'N Swap, Inc. 40 Fountain Plaza Buffalo, NY 14202 | B | Parking | CHE | | | \$500.00 |

**CAMPAIGN TREASURER'S REPORT ITEMIZED
CONTRIBUTIONS AND FUND TRANSFERS**

(1) Name Matt Willhite **(2) I.D. Number** _____

(3) Cover Period 02 / 17 / 12 through 03 / 08 / 12 **(4) Page** 6 of 7

Contributions (Use separate sheets for Contributions and Fund Transfers. Do not combine sequence numbers with Fund Transfers)

Fund Transfers (Use separate sheets for Contributions and Fund Transfers. Do not combine sequence numbers with Contributions)

| (5) Date | (7) Full Name(L, Suffix, F, M) Full Street Address & City, State, Zip Code | (8) Contributor | | (9) Contribution or Transfer Type | (10) In-kind Descrip or Nature of Acct. | (11) Amended | (12) Amount |
|----------------|---|--------------------|-------------------------|--|--|-----------------|----------------|
| (6) Seq Num | | Type | Occupation | | | | |
| 03 / 07 / 2012 | Bergeron Land Development 19612 SW 69th Pl Ft Lauderdale, FL 33332 | B | Land Develop ment | CHE | | | \$500.00 |
| 36 | | | | | | | |
| 2 / 24 / 2012 | Marsha Wedell 125 Norwal Road Memphis, TN 38117 | I | Retired | CHE | | | \$500.00 |
| 37 | | | | | | | |
| 2 / 24 / 2012 | Henri Wedell 125 Norwal Road Memphis, TN 38117 | I | Retired | CHE | | | \$500.00 |
| 38 | | | | | | | |
| 2 / 22 / 2012 | Mid County Democratic Club 1444 RUDDER CV WELLINGTON FL 33414 | P | Polit ic Party | CHE | | | \$288.00 |
| 39 | | | | | | | |
| 3 / 8 / 2012 | Mark Samuel 2182 Lakeshore Rd east Oakville Ontario l6j1m3 | I | Busines sman | CHE | | | \$500.00 |
| 40 | | | | | | | |
| 3 / 8 / 2012 | Lisa Stellino 11123 PACIFICA ST WELLINGTON, FL 33449 | I | | CHE | | | \$20.00 |
| 41 | | | | | | | |
| 3 / 8 / 2012 | Richard Seamon 15895 Edgefield Road Wellington, FL 33414 | I | | CHE | | | \$50.00 |
| 42 | | | | | | | |

CAMPAIGN TREASURER'S REPORT ITEMIZED EXPENDITURES AND DISTRIBUTION

(1) Name Matt Willhite (2) I.D. Number _____
(3) Cover Period 2 / 18 / 12 through 3 / 8 / 12 (4) Page 1 of 2

- Expenditures** (Use separate sheets for Expenditures and Distributions. Do not combine sequence numbers with Distributions.)
 Distributions (Use separate sheets for Expenditures and Distributions. Do not combine sequence numbers with Expenditures.)

| (5) Date | (7) Full Name (L, Suffix, F, M) Full Street Address City, State, Zip Code | (8) Purpose (add office sought for candidate contributions) | (9) Expenditure Type | (10) Related Expenditures | (11) Amended | (12) Amount |
|-------------|---|--|----------------------------|---------------------------------|-----------------|-----------------|
| 2/21/12 | Sign A Rama 1367 N Military Trail, West Palm Beach, FL 33409 | Signs | MON | | | \$1,931. 85 |
| 1 | | | | | | |
| 2/22/12 | Carol Porter, Wellington, FL 33414 | Photography | MON | | | \$100.00 |
| 2 | | | | | | |
| 2/28/12 | The Mallard Group, 2861 Executive Drive #100, Clearwater, FL 33762 | Campaign Literature | MON | | | \$19,89 3.94 |
| 3 | | | | | | |
| 3/6/12 | Green Atom, Inc 4556 Concordia Lane Boynton Beach, FL 33435 | Web Design | MON | | | \$275 |
| 4 | | | | | | |
| 2/22/12 | Print it Plus 11420 Okeechobee Blvd, Royal Palm Beach, FL 33411 | Printing | MON | | | \$292.24 |
| 5 | | | | | | |
| 2/28/2012 | Lowe's 103 South SR7 Royal Palm Beach, FL 33411 | Supplies | MON | | | \$106.1 7 |
| 6 | | | | | | |
| 2/29/12 | Pak Mail 13833 Wellington Trace #E4, Wellington, FL 33414 | Mailbox | MON | | | \$26.50 |
| 7 | | | | | | |

DS-DE 14B (Rev. 1/08)

SEE REVERSE FOR INSTRUCTIONS AND CODE VALUES

000032

**CAMPAIGN TREASURER'S REPORT ITEMIZED
EXPENDITURES AND DISTRIBUTION**

(1) Name Matt Willhite (2) I.D. Number _____

(3) Cover Period 2 / 18 / 12 through 3 / 8 / 12 (4) Page 2 of 2

Expenditures (Use separate sheets for Expenditures and Distributions. Do not combine sequence numbers with Distributions.)

Distributions (Use separate sheets for Expenditures and Distributions. Do not combine sequence numbers with Expenditures.)

| (5) Date | (7) Full Name (L, Suffix, F, M) Full Street Address City, State, Zip Code | (8) Purpose (add office sought for candidate contributions) | (9) Expenditure Type | (10) Related Expenditures | (11) Amended | (12) Amount |
|-------------------|---|--|----------------------------|---------------------------------|-----------------|----------------|
| (6) Seq Num | | | | | | |
| 3/6/12 | Scott Siegel Amazing Images 21459 Juego Cir 30D, Boca Raton, FL 33433 | Commercial Shoot | MON | | | \$1,740 |
| 8 | | | | | | |
| 3/2/12 | United States Postal Service | Postage | MON | | | \$135.00 |
| 9 | | | | | | |
| 3/4/12 | Village Voice 1266 Beacon Cir Wellington, FL 33414 | Advertising | MON | | | \$375 |
| 10 | | | | | | |
| 3/6/12 | Community Proj Solutions 125 SW 1st Ave Boynton Beach, FL 33435 | Campaign Management | MON | | | \$3,976 |
| 11 | | | | | | |
| 3/7/12 | Supervisor of Elections 50 S Military Trail, West Palm Beach, FL | Absentee Addresses | MON | | | \$40.50 |
| 12 | | | | | | |
| 3/8/12 | Pay Pal PO Box 45950 Omaha, NE 68145-0950 | Processing Fees | MON | | | \$29.51 |
| 13 | | | | | | |
| / / | | | | | | |

Campaign of Matt Willhite

13833-El Wellington Trace

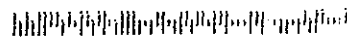
PMB 109

Wellington, FL 33414



U.S. POSTAGE
PAID
ROYAL PALM BEACH FL
33414
MAR 08 '12
AMOUNT
\$1.30
0010009-11

City of Wellington
Clerk's Office
12300 Forest Hill Blvd
Wellington, FL 33414



000034

DE 02-15 - October 14, 2002

**Use of Campaign Funds for Legal Expenses Associated with Contesting an Election
§ 102.168, 106.011(3)(a), 106.011(4), 106.11(5), Florida Statutes**

To: The Honorable Renier Diaz de la Portilla, State Representative, Post Office Box 3800, Miami, Florida 33245-3800

Prepared by: Division of Elections

Dear Representative Diaz de la Portilla:

This is in response to your request for an advisory opinion regarding the use of campaign funds to pay for legal expenses related to your legal contest of the September 10, 2002 Primary Election in which you were a Republican candidate for the office of State Representative, House District 115. You are a candidate and pursuant to section 106.23(2), Florida Statutes, the Division of Elections has authority to issue an opinion to you.

You state in your letter that on September 27, 2002 you filed a complaint in the 11th Judicial Circuit Court contesting the certified results of the September 10, 2002 Primary Election as they relate to your candidacy as a Republican candidate for State Representative, District 115. You ask several questions relating to the use of your campaign funds both during the period following the September 10, 2002 Primary Election but prior to filing your contest on September 27, 2002 and the period after the filing of the contest of the election.

A primary election for the office of State Representative, District 115 was held on September 10, 2002. You were a qualified candidate on that ballot. On September 17, 2002, pursuant to section 102.112(2), Florida Statutes, the local canvassing board through the Supervisor of Elections certified the results of the election to the Division of Elections. On September 18, 2002 the Election Canvassing Commission certified the results of the primary election. Mr. Juan-Carlos Planas was certified as the winner of the Republican Party primary race for State Representative, District 115. Pursuant to Section 102.168, Florida Statutes, as an unsuccessful candidate, you filed a contest of the election.

The Florida Legislature, through section 102.168, Florida Statutes, has devised a mechanism by which unsuccessful candidates for office may contest the certified outcome of their race. Such contests must be filed within 10 days of the certification of the election results. These cases are handled in an expeditious manner by the courts and the court, if the contesting party is successful, may fashion various remedies, including, but not limited to, ordering the holding of another election with regard to a particular race or declaring a different winner.

Chapter 106, Florida Statutes, through various sections, outlines the procedures under which a candidate for office can receive campaign contributions and make expenditures from their duly

000035

established campaign accounts. In addition, Chapter 106 also outlines the purposes for which campaign funds can be spent.

Section 106.11, Florida Statutes, allows candidates to deposit contributions received into and make expenditures from the campaign accounts. Pursuant to section 106.011(4), Florida Statutes, an "expenditure" is, "a purchase, payment, distribution, loan, advance, transfer of funds by a campaign treasurer or deputy campaign treasurer between a primary depository and a separate interest-bearing account or certificate of deposit, or gift of money or anything of value made for the purpose of influencing the results of an election."

A "contribution" is defined in section 106.011(3)(a), Florida Statutes, as, "a gift, subscription, conveyance, deposit, loan, payment, or distribution of money or anything of value, including contributions in kind having an attributable monetary value in any form, made for the purpose of influencing the results of an election."

Chapter 106, Florida Statutes, does not define an "eliminated candidate." However, section 106.11(5), Florida Statutes, provides that:

- (5) A candidate who withdraws his or her candidacy, becomes an unopposed candidate, or is eliminated as a candidate or elected to office may expend funds from the campaign account to:
 - (a) Purchase "thank you" advertising for up to 75 days after he or she withdraws, becomes unopposed, or is eliminated or elected.
 - (b) Pay for items which were obligated before he or she withdrew, became unopposed, or was eliminated or elected.
 - (c) Pay for expenditures necessary to close down the campaign office and to prepare final campaign reports.
 - (d) Dispose of surplus funds as provided in s. 106.141.

The determination of the correct election results relating to your race goes to the very heart of your candidacy. Because section 102.168, Florida Statutes, provides a timely legal process by which an unsuccessful candidate for office can contest the certified results of their race, it was clearly contemplated by the Legislature that limited circumstances might occur, the types of which are specifically outlined in statute, which could cause certified election results as to a particular candidate's race to be called into question. The contest provision then allows the candidate to seek review of the election results by a court of law and obtain a final determination of the validity of those results. It seems logical then to conclude that the Legislature did not intend for a candidate to be considered to be "eliminated" for purposes of Chapter 106 until after the conclusion of any contest action that they were lawfully permitted to file under section 102.168, Florida Statutes.

With all of this in mind, let us now address your specific questions. They are as follows:

- 1) As a defeated candidate following the September 10th election, but prior to the filing of the September 27th complaint, what were my restrictions as to the use of my campaign funds?

2) As a losing candidate contesting the certified election results after September 27th, what are my restrictions as they pertain to the following:

- a) My ability to loan my campaign funds for the use of campaign activities?
- b) My ability to collect contributions for the use of campaign related activity?
- c) My ability to loan my campaign funds for the use of legal costs related to my election complaint?
- d) My ability to collect contributions for the use of legal costs related to my election contest?

As to question 1, normally election day marks the point after which campaign funds not spent or obligated may not be expended for purposes other than those specified in statute. Therefore, you would be limited during the period following the September 10, 2002 election through the actual filing of your contest of the election to those types of expenditures permitted under section 106.11(5), Florida Statutes.

As to question 2, by exercising your right as a candidate by filing the contest of election on September 27, 2002, you effectively removed your candidacy from the definition of "eliminated" for the purposes of Chapter 106, Florida Statutes, until the outcome of your contest of the election is determined. During the pendency of the contest of the election, you would be limited to expenditures from your campaign account solely for the purposes of that legal action and for paying for any items obligated on or before election day. As to contributions, you would be able to accept contributions, subject to the limitations contained in section 106.08, Florida Statutes, for the primary election, but only for the very narrow purpose of paying for the legal fees and costs associated with your contest of the election results. This would include contributions or loans made by you personally to your campaign during this time. You would also need to report any expenditures from or contributions to your campaign during that time.

SUMMARY

In general, a candidate can only expend funds from their campaign account after election day for the type of expenditures permitted under section 106.11(5), Florida Statutes. However, a candidate who timely files a contest of the election pursuant to section 102.168, Florida Statutes, is also permitted to expend funds from the campaign account for legal fees and costs associated with litigating the contest of the election. During the period of the legal contest, a candidate may also accept contributions to their campaign account for the sole purpose of paying for the legal fees and costs associated with that litigation.

Sincerely,

Edward C. Kast
Director, Division of Elections

Prepared by:
Sharon D. Larson
Assistant General Counsel

EK/SDL/ees

000038

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

(1) Matt Willhite
Name

(2) 13833-E4 Wellington Trace PMB 107
Address (number and street)

Wellington, FL 33414
City, State, Zip Code

OFFICE USE ONLY

06-11-12 P02:45 12

CHECK IF ADDRESS HAS CHANGED

(3) ID Number: _____

(4) Check appropriate box(es):

- Candidate (office sought): Wellington Council Seat 4
- Political Committee CHECK IF PC HAS DISBANDED
- Committee of Continuous Existence CHECK IF CCE HAS DISBANDED
- Party Executive Committee
- Electioneering Communication CHECK IF NO OTHER ELECTIONEERING COMMUNICATION REPORTS WILL BE FILED

(5) REPORT IDENTIFIERS

Cover Period: From 03 / 09 / 12 To 06 / 11 / 12 Report Type _____

- Original Amendment Special Election Report Independent Expenditure Report

(6) CONTRIBUTIONS THIS REPORT

Cash & Checks \$ 2,994.75

Loans \$ _____

Total Monetary \$ 2,994.75

In-Kind \$ _____

(7) EXPENDITURES THIS REPORT

Monetary Expenditures \$ 13,587.29

Transfers to Office Account \$ _____

Total Monetary \$ 13,587.29

(8) Other Distributions

\$ _____

(9) TOTAL Monetary Contributions To Date

\$ 62,912.75

(10) TOTAL Monetary Expenditures To Date

\$ 62,912.75

(11) CERTIFICATION

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

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

(Type name) Alexis T. Willhite

Individual (only for electioneering commun) Treasurer Deputy Treasurer

X *Alexis T. Willhite*
Signature

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

(Type name) Matt Willhite

Candidate Chairperson (only for PC, PTY & electioneering commun organization)

X *Matt Willhite*
Signature

**CAMPAIGN TREASURER'S REPORT ITEMIZED
CONTRIBUTIONS AND FUND TRANSFERS**

(1) Name Matt Willhite (2) I.D. Number

(3) Cover Period 03 / 09 / 12 through 06 / 11 / 12 (4) Page 2 of 2

Contributions (Use separate sheets for Contributions and Fund Transfers. Do not combine sequence numbers with Fund Transfers)

Fund Transfers (Use separate sheets for Contributions and Fund Transfers. Do not combine sequence numbers with Contributions)

| (5) Date | (7) Full Name(L, Suffix, F, M) Full Street Address & City, State, Zip Code | (8) Contributor | | (9) Contribution or Transfer Type | (10) In-kind Descrip or Nature of Acct. | (11) Amended | (12) Amount |
|----------------|---|--------------------|---------------|--|--|-----------------|----------------|
| (6) Seq Num | | Type | Occupation | | | | |
| 04 / 04 / 2012 | Dan Robinson 14652 Horseshoe Trace Wellington, FL 33414 | I | | CHE | | | \$30.00 |
| 8 | | | | | | | |
| 4 / 6 / 2012 | Unknown contributor - Western Union money order 14-468074553 | | | CHE | | | \$25.00 |
| 9 | | | | | | | |
| 4 / 18 / 2012 | Regis Wenham 1309 Pine Valley Dr, Wellington, FL 3414 | I | Homemak er | CHE | | | \$200.00 |
| 10 | | | | | | | |
| 4 / 5 / 2012 | Barbara Richardson 1335 Lake Breeze Dr, Wellington, FL 33414 | I | Attorne y | CHE | | | \$100.00 |
| 11 | | | | | | | |
| 4 / 4 / 2012 | Michael Smith 14295 Flora Lane Wellington, FL 33414 | I | | CHE | | | \$10.00 |
| 12 | | | | | | | |
| 4 / 4 / 2012 | Marysue Jacobs 1641 Clydesdale Ave Wellington, FL 33414 | I | | CHE | | | \$50.00 |
| 13 | | | | | | | |
| / / | | | | | | | |
| | | | | | | | |

**CAMPAIGN TREASURER'S REPORT ITEMIZED
EXPENDITURES AND DISTRIBUTION**

(1) Name Matt Willhite (2) I.D. Number _____

(3) Cover Period 3 / 9 / 12 through 6 / 11 / 12 (4) Page 2 of 2

Expenditures (Use separate sheets for Expenditures and Distributions. Do not combine sequence numbers with Distributions.)

Distributions (Use separate sheets for Expenditures and Distributions. Do not combine sequence numbers with Expenditures.)

| (5) Date | (7) Full Name (L, Suffix, F, M) Full Street Address City, State, Zip Code | (8) Purpose (add office sought for candidate contributions) | (9) Expenditure Type | (10) Related Expenditures | (11) Amended | (12) Amount |
|---------------|---|--|----------------------------|---------------------------------|-----------------|----------------|
| 6/7/12 8 | Matt Willhite 15820 Rolling Meadows Cir Wellington, FL 33414 | Refund | REF | | | \$94.80 |
| 6/6/12 9 | Pay Pal PO Box 45950 Omaha, NE 68145-0950 | Processing Fees | MON | | | \$6.71 |
| 3/21/12 10 | Players Club Restaurant 13410 South Shore Blvd Wellington 33414 | Reception | MON | | | \$2,024 |
| / / | | | | | | |
| / / | | | | | | |
| / / | | | | | | |
| / / | | | | | | |

FIREFIGHTER FACT PAC

Matthew Willhite
Chairman

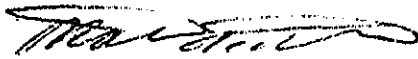
2328 S. Congress Ave
West Palm Beach, FL 33406

July 1, 2004

To Whom It may Concern:

Please accept this letter as my appointment as the new chairman of the REFIGHTERS
FACT PAC as of July 1, 2004. Thank you in advance for your time related to this matter

Thank you,



Matthew Willhite

000044

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

FILED
05 AUG 26 PM 4: 21
STATE OF FLORIDA
ELECTIONS COMMISSION

In Re: Firefighter FACT PAC
_____ /

Case No.: FEC 05-075
F.O. No.: DOSFEC 05-163 A
REPORT DUE DATE: 1/10/05

FINAL ORDER

THIS CAUSE came on to be heard by the Florida Elections Commission at its regularly scheduled meeting held on August 18, and 19, 2005, in Tallahassee, Florida.

FINDINGS OF FACT

1. The Commission is charged with enforcing Chapter 106, Florida Statutes, the campaign financing law.
2. The Respondent's campaign treasurer's report was not filed with the filing officer on the designated due date.
3. The filing officer fined the Respondent \$671.75 for the late filing of the report. The Respondent timely appealed, claiming unusual circumstances.

CONCLUSIONS OF LAW

4. The Commission has jurisdiction over the parties to and subject matter of this case, pursuant to Section 106.04, 106.07, or 106.29, Florida Statutes.
5. The Respondent's claim of unusual circumstances, as defined in Rule 2B-1.0055, Florida Administrative Code, does not justify the Respondent's failure to timely file the report

ORDER

Based on the foregoing facts and conclusions of law, the Commission finds that the Respondent failed to file the report on the designated due date. Therefore, it is

ORDERED that the assessed fine of \$671.75 is affirmed. The fine shall be paid to the filing officer within 30 days of the date this Final Order is received by the Respondent.

DONE AND ENTERED by the Florida Elections Commission and filed with the Clerk of the Commission on August 26, 2005, in Tallahassee, Florida.

Chance Irvine

Chance Irvine, Chairman
Florida Elections Commission
107 West Gaines Street
Collins Building, Suite 224
Tallahassee, FL 32399-1050

NOTICE OF RIGHT TO APPEAL

Pursuant to Section 120.68, Florida Statutes, the Respondent may appeal the Commission's Final Order to the appropriate district court of appeal by filing a notice of appeal both with the Clerk of the Florida Elections Commission and the Clerk of the district court of appeal. The notice must be filed within 30 days of the date this Final Order was filed and must be accompanied by the appropriate filing fee.

Copies furnished to:

Barbara M. Linthicum, Executive Director
Matthew Willhite, Respondent (certified mail)
Division of Elections, Filing Officer