

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: Floridians for Ethics in Judicial Elections**

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**Case No.: FEC 14-274**

**TO:** Emmett Mitchell, IV, Esquire  
Coates Law Firm, PL  
115 East Park Avenue, Suite 1  
Tallahassee, FL 32301

Heather L. Gray  
15820 Palmetto Club Drive  
Miami, FL 33157

**NOTICE OF HEARING (CONSENT ORDER)**

A hearing will be held in this case before the Florida Elections Commission on, **November 16, 2016 at 8:30 am, or as soon thereafter as the parties can be heard**, at the following location: **Senate Office Building, 404 South Monroe Street, Room 110-S, Tallahassee, Florida 32399**

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 1, 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 14-274**

**F.O. No.: FOFEC <#>**

**Floridians for Ethics in Judicial Elections,  
Respondent.**

\_\_\_\_\_ /

**CONSENT ORDER**

Respondent, Floridians for Ethics in Judicial Elections, 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 July 10, 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 August 26, 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 August 8, 2014, Floridians for Ethics in Judicial Elections violated Section 106.03(2), Florida Statutes, when it failed to include required information on its Statement of Organization of Political Committee form.

**Count 2:**

On or about August 8, 2014, Floridians for Ethics in Judicial Elections violated Section 106.19(1)(c), Florida Statutes, when it deliberately failed to include information required by Chapter 106, Florida Statutes.

3. For matters of administrative convenience and to minimize the use of additional time and resources, 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 is a political committee registered with the Division of Elections.
- B. Respondent disputed material issues of fact and elected to pursue a formal hearing before the Division of Administrative Hearings.

**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. Respondent neither admits nor denies that it violated the Florida Election Code.

**ORDER**

7. Respondent and the staff of the Commission have entered into this Consent Order voluntarily and upon advice of counsel.

8. Respondent shall bear its own attorney's fees and costs that are in anyway 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 September 13, 2016, the staff withdraws this offer of settlement and will proceed with the case.

13. Payment of the civil penalty is due within two weeks from the date of Respondent's execution of the Consent Order.

14. 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**

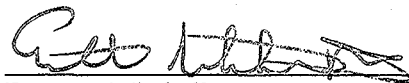
**WHEREFORE**, based upon the foregoing facts and conclusions of law, the Commission finds that the Respondent has violated Sections 106.03(2), and 106.19(1)(c), Florida Statutes, and imposes a fine of \$400.

Therefore it is

**ORDERED** that the Respondent shall remit to the Commission a civil penalty in the amount of \$400, 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

September 13, 2016.



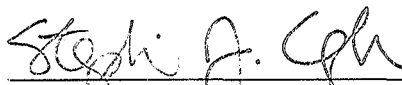
Emmett Mitchell, IV  
Coates Law Firm, PL  
115 East Park Ave., Suite 1  
Tallahassee, FL 32301



Nancy Watkins, Treasurer  
Floridians for Ethics in Judicial Elections  
610 South Boulevard  
Tampa, FL 33606

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

September 30, 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  
November 16 & 17, 2016 in Tallahassee, Florida.

\_\_\_\_\_  
M. Scott Thomas, Chairman  
Florida Elections Commission

Copies furnished to:  
Stephanie J. Cunningham, Assistant General Counsel  
Emmett Mitchell, IV, Attorney for Respondent  
Heather L. Gray, Complainant

**COATES LAW FIRM PL  
FLORIDA IOTA TRUST ACCOUNT**

200 W. COLLEGE AVE., STE. 311-B  
TALLAHASSEE, FL 32301

1054

DATE

9/26/16

63-4/630 FL  
552

PAY  
TO THE  
ORDER OF

Florida Elections Commission

\$ 400,00

Four hundred & 00/100

DOLLARS

Security  
Features  
Details on  
Back

**Bank of America**



ACH R/T 063100277

FOR

FEC 14-274

*Bill Elbert*

BP

FILED

15 DEC -4 AM 11:40

STATE OF FLORIDA  
ELECTIONS COMMISSION

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: Floridians for Ethics in Judicial Elections**

**Case No.: FEC 14-274**

**ORDER DENYING RESPONDENT'S MOTION TO DISMISS**

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

The Commission considered Respondent's Motion to Dismiss and Staff's response to the Motion to Dismiss. The Commission finds that pursuant to Section 106.03(6), Florida Statutes, the filing officer reviews a political committee's statement of organization form to determine if the information on the form is facially sufficient and consistent with the requirements of Section 106.03(2), Florida Statutes, however, the filing officer is not required to determine whether the information provided by the political committee is factually accurate. As such, the Commission has jurisdiction over alleged violations of Sections 106.03(2), and 106.19(1)(c), Florida Statutes. Therefore, it is

**ORDERED** that the Motion to Dismiss is **DENIED**.

**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  
Emmett Mitchell, IV, Attorney for Respondent  
Heather L. Gray, Complainant



FILED

15 DEC -4 AM 11:40

STATE OF FLORIDA  
ELECTIONS COMMISSION

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: Floridians for Ethics in Judicial Elections**

**Case No.: FEC 14-274**

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**ORDERED** that the Motion to Dismiss is **DENIED**.

**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  
Emmett Mitchell, IV, Attorney for Respondent  
Heather L. Gray, Complainant

FILED

15 SEP 15 PM 10:18

STATE OF FLORIDA  
ELECTIONS COMMISSION

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,  
Petitioner,**

**Case No.: FEC 14-274**

**v.**

**Floridians for Ethics in Judicial Elections,  
Respondent.**

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**ORDER OF PROBABLE CAUSE**

**THIS MATTER** was heard by the Florida Elections Commission (Commission) at its regularly scheduled meeting on August 26, 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 August 8, 2014, Floridians for Ethics in Judicial Elections violated Section 106.03(2), Florida Statutes, when it failed to include required information on its Statement of Organization of Political Committee form

**Count 2:**

On or about August 8, 2014, Floridians for Ethics in Judicial Elections violated Section 106.19(1)(c), Florida Statutes, when it deliberately failed to include information required by Chapter 106, Florida Statutes.

The Commission finds that there is **no probable cause** to charge Respondent with violating Sections 106.11(4), and 106.19(1)(d), Florida Statutes.

DONE AND ORDERED by the Florida Elections Commission on August 26, 2015.



M. Scott Thomas, Chairman  
Florida Elections Commission

Copies furnished to:  
Stephanie J. Cunningham, Assistant General Counsel  
Emmett Mitchell, IV, Attorney for Respondent  
Heather L. Gray, 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: Floridians for Ethics in Judicial Elections**

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**Case No.: FEC 14-274**

**TO:** Emmett Mitchell, IV, Esquire  
Coates Law Firm PL  
115 East Park Avenue, Ste. 1  
Tallahassee, FL 32301

Heather L. Gray  
15820 Palmetto Club Drive  
Miami, FL 33157

**NOTICE OF HEARING (OTHER MOTION)**

A hearing will be held in this case before the Florida Elections Commission on, **November 17, 2015 at 8:30 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.

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**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:

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

**Fw: FEJE, No. 14-274**

**Stephanie Cunningham** to: Donna Malphurs

10/27/2015 12:49 PM

From: Stephanie Cunningham/OAG

To: Donna Malphurs/OAG@OAG

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----- Forwarded by Stephanie Cunningham/OAG on 10/27/2015 12:48 PM -----

From: Bucky <bmittchell@rcoateslaw.com>  
To: Stephanie Cunningham <Stephanie.Cunningham@myfloridalegal.com>  
Date: 10/27/2015 12:28 PM  
Subject: Re: FEJE, No. 14-274

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That is correct. i wanted to preserve the right to a formal hearing at DOAH, if necessary.

Sent from iPhone

On Oct 27, 2015, at 11:31 AM, Stephanie Cunningham <[Stephanie.Cunningham@myfloridalegal.com](mailto:Stephanie.Cunningham@myfloridalegal.com)> wrote:

Bucky:

It is my understanding that under Section 120.569(2)(a), F.S., that FEC has an obligation to refer a matter to DOAH within 15 days of receipt of a request. As you are requesting a motion to dismiss be heard before FEC and also requesting that this matter be transferred to DOAH, should the motion be denied, I am assuming that you are waiving FEC's obligation to refer within 15 days.

Please confirm.

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](mailto:stephanie.cunningham@myfloridalegal.com)  
(850) 922-4539  
(850) 921-0783 fax  
[www.fec.state.fl.us](http://www.fec.state.fl.us)

<graycol.gif>---10/15/2015 10:59:57 AM---Good Morning Stephanie - I wanted to let you know that yesterday I filed a Motion to Dismiss in the

From: <[bmittchell@rcoateslaw.com](mailto:bmittchell@rcoateslaw.com)>  
To: "Stephanie Cunningham" <[Stephanie.Cunningham@myfloridalegal.com](mailto:Stephanie.Cunningham@myfloridalegal.com)>  
Date: 10/15/2015 10:59 AM  
Subject: FEJE, No. 14-274

Good Morning Stephanie -

I wanted to let you know that yesterday I filed a Motion to Dismiss in the above matter and also requested a hearing before DOAH, if the matter is not considered again by the FEC. My client is not interested in settling.

Best regards,

**Bucky Mitchell**

Coates Law Firm, PL  
115 East Park Ave., Suite 1  
Tallahassee, FL 32301

850.681.1029

CONFIDENTIALITY NOTE: The information contained in this transmission is privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this transmission in error, do not read it. Please immediately reply to the sender that you have received this communication in error and then delete it. Thank you.

CIRCULAR 230 NOTICE: To comply with U.S. Treasury Department and IRS regulations, we are required to advise you that, unless expressly stated otherwise, any U.S. federal tax advice contained in this e-mail, including any attachments to this e-mail, is not intended or written to be used, and cannot be used, by any person for the purpose of (i) avoiding penalties under the U.S. Internal Revenue Code, or (ii) promoting, marketing or recommending to another party any transaction or



matter addressed in this e-mail or attachment. [graycol.gif](#)



COATES LAW FIRM, PL  
ATTORNEYS AT LAW

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

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

October 14, 2015

Donna Malphurs  
Florida Elections Commission  
107 West Gaines Street  
The Collins Building, Suite 224  
Tallahassee, Florida 32399-1050

VIA HAND DELIVERY

RE: *REQUEST FOR HEARING, MOTION TO DISMISS*  
*FEC No 14-274; Respondent: Floridians for Ethics in Judicial Elections*

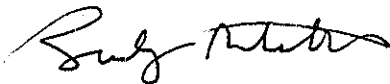
Dear Ms. Malphurs:

Please find enclosed a Motion to Dismiss on behalf of Floridians for Ethics in Judicial Elections (FEJE). I respectfully request that the Motion be heard at the next available meeting of the Florida Elections Commission.

Additionally, in order to preserve FEJE's right to a hearing, I request that if the Commission does not consider FEJE's Motion to Dismiss, that the matter be referred to the Division of Administrative Hearings for a formal hearing pursuant to sections 106.25(5) and 120.57, Florida Statutes.

Thank you for your consideration

Sincerely,



Bucky Mitchell

Enclosure

RECEIVED  
2015 OCT 14 PM 4:36

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

RECEIVED

In Re: Floridians for Ethics in Judicial  
Elections

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2015 OCT 14 P 4: 36  
Case No.: FEC 14-152

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**RESPONDENT'S MOTION TO DISMISS**

Respondent, Floridians for Ethics in Judicial Elections (FEJE or Respondent), hereby files this Motion to Dismiss, and in support says:

FEJE is an active political committee (PC) registered with the Division of Elections. It files regular campaign treasurer's reports disclosing all of its political activity. FEJE filed its *Statement of Organization of Political Committee*, Form DS-DE-5 (*Statement of Organization*) on August 8, 2014, with the Division of Elections. Miguel Diaz de la Portilla is listed as FEJE's Chairman on the *Statement of Organization*.

The Complainant alleged that FEJE did not list any candidates on its Form DS-DE-5, and because of this FEJE could not support any specific candidates in the 2014 election. Where it was asked what candidate(s) it would be supporting in Box 7 of the form, FEJE listed "To be determined."

At its August 26, 2015, meeting, the Commission found probable cause to believe that Respondent violated sections 106.03(2), 106.19(1)(c), Florida Statutes, by willfully failing to include information on its *Statement of Organization*.

The Commission should dismiss this matter for any of the following three reasons.

**I. SECTION 106.03(6), FLORIDA STATUTES, REQUIRES THE DIVISION OF ELECTIONS TO REVIEW AN ENTITY'S STATEMENT OF ORGANIZATION AND ACCEPT THE STATEMENT IF IT COMPLIES WITH SECTION 106.03(2), FLORIDA STATUTES.**

Section 106.03(6), Florida Statutes, provides:

(6) If the filing officer finds that a political committee has filed its statement of organization consistent with the requirements of subsection (2),<sup>1</sup> it shall notify the committee in writing that it has been registered as a political committee. If the filing officer finds that a political committee's statement of organization does not meet the requirements of subsection (2), it shall notify the committee of such finding and shall state in writing the reasons for rejection of the statement of organization.

As the filing officer, the Division of Elections found FEJE's *Statement of Organization* to comply with the requirements of subsection 106.03(2) and accordingly registered it as a political committee. Attached for consideration is an affidavit from Kristi Reid Bronson, which outlines the process for review of *Statements of Organization* filed with the Division of Elections. Ms. Bronson states in the affidavit that FEJE's *Statement of Organization* was reviewed by the Division and accepted as compliant. Ms. Bronson notified FEJE by letter, dated August 12, 2014, that it was registered as an active political committee. *See attached.*

The Division of Elections has the exclusive jurisdiction to make the determination as to whether a political committee's *Statement of Organization* complies with section 106.03, Florida Statutes. The Commission has no authority to determine whether a political committee's *Statement of Organization* complies with section 106.03, Florida Statutes, and it certainly cannot go back in time and prosecute the Respondent for filing a form that the Division has already determined to comply with section 106.03, Florida Statutes.

## **II. THE RESPONDENT IS ENTITLED TO RELY ON QUALIFIED LEGAL COUNSEL TO PREPARE AND FILE FEJE's *STATEMENT OF ORGANIZATION*.**

FEJE relied on undersigned counsel to prepare and file its *Statement of Organization*. Undersigned counsel prepared FEJE's *Statement of Organization* using guidance provided by the Division of Elections, and in accordance with the way he has prepared countless *Statements* for other political committees. Undersigned counsel used the verbiage "To be determined." in Box 7 of the form.

Undersigned counsel presented several *Statements of Organization* filed by various political committees with the Division of Elections over the past few years. Each one used the verbiage, "To be determined" in Box 7 of the *Statement of Organization* where it was asked what candidates the entity would be supporting - none were rejected by the Division of Elections. At the Division's recommendation, undersigned counsel continues to form new political committees using this verbiage.

---

<sup>1</sup> Subsection (2) of section 106.03, Florida Statutes, list the items to be included in a *Statement of Organization*.

FEJE and its Chairman, Senator Miguel Diaz de la Portilla, in good faith, sought and relied upon the advice of qualified legal counsel in setting up FEJE, which he is entitled to do. *Florida Elections Commission v. Harris*, FEC Case No. 98-087, DOAH Case 99-4766. FEJE cannot be penalized now for relying on the advice of that qualified legal counsel.

Further, there is no evidence that the *Statement of Organization* filed by FEJE was “illegal” and certainly no evidence that FEJE or its Chairman believed that completing FEJE’s formation documents in this manner was illegal. As such, the Florida Elections Commission will be unable to prove by clear and convincing evidence that FEJE *willfully* violated section 106.03(2)<sup>2</sup> or 106.19(1)(c)<sup>3</sup>, Florida Statutes. s. 106.25(3), *Fla. Stat.*

### **III. THE PUBLIC INTEREST WOULD NOT BE SERVED BY PROCEEDING FURTHER IN THIS MATTER.**

It makes no sense to punish FEJE for not specifically identifying the candidates it would support when it filed its *Statement of Organization* in 2014. No other political committee has ever been prosecuted for using similar information on its forms. Furthermore, the Respondent has provided ample evidence that the Division routinely accepts *Statements of Organization* with precisely the same verbiage that is the subject of the alleged violation in this case. FEJE’s *Statement of Organization* clearly was not prepared in an attempt to avoid compliance with section 106.03, or in a deliberate effort to exclude information required by chapter 106. Quite the opposite - FEJE filed its formation documents with the Division of Elections and the Division accepted those documents, including FEJE’s *Statement of Organization*, as compliant.

Section 106.25(4)(j), Florida Statutes, provides in part:

Notwithstanding any other provisions of this section, the commission may, at its discretion, dismiss any complaint at any stage of disposition if it determines that the public interest would not be served by proceeding further, in which case the commission shall issue a public report stating with particularity its reasons for the dismissal.

If the Senator Diaz de la Portilla had somehow wanted to avoid disclosure, he would not have named himself as Chairman of the entity and would not have included conspicuous FEJE disclaimers on the mail pieces FEJE published. Under these circumstances, it is difficult to conceive how prosecuting FEJE in this matter would not be a waste of time and resources of

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<sup>2</sup> Failure to include information on a *Statement of Organization*

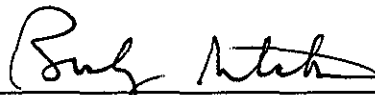
<sup>3</sup> Deliberate failure to include any information required by chapter 106

this Commission, or how it somehow would serve the public interest. As such, the Commission should dismiss this complaint under section 106.25(4)(j), Florida Statutes.

#### IV. CONCLUSION.

For the foregoing reasons, Respondent, FEJE, respectfully requests that the Florida Elections Commission consider this Motion to Dismiss at its next regularly scheduled meeting and dismiss this Complaint under section 106.25(4)(j), Florida Statutes.

Respectfully submitted this 14th day of October, 2015.



**EMMETT "BUCKY" MITCHELL IV**

Fla. Bar No. 0976687

Coates Law Firm, PL

115 East Park Avenue, Suite 1

Tallahassee, Florida 32301

850-681-1029

bmittell@rcoateslaw.com

*Counsel for Respondent FEJE*

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

FLORIDA ELECTIONS COMMISSION,  
Petitioner,

vs.

AGENCY CASE NO : FEC 14-274  
DOAH CASE NO :

FLORIDIANS FOR ETHICS IN  
JUDICIAL ELECTIONS,  
Respondent

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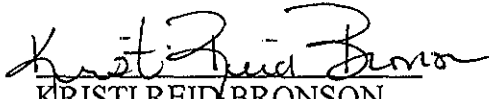
**DECLARATION OF KRISTI REID BRONSON**

I, Kristi Reid Bronson, do hereby attest to the following facts:

1. This affidavit is made upon my personal knowledge
2. I am of legal age and competent to testify to the matters stated herein.
3. I am currently the Chief of the Bureau of Election Records, Division of Elections, Department of State, in Tallahassee, Florida, and have served in this position for over 10 years
4. In my capacity as Chief of the Bureau of Election Records, I act as the state "filing officer" as that term is defined in section 106.011(11), Florida Statutes, and referenced throughout chapter 106, Florida Statutes.
5. On August 8, 2014, Floridians for Ethics in Judicial Elections (FEJE) filed a *Statement of Organization of Political Committee* (Form DS-DE 5) to register as a political committee with the Division of Elections.
6. Miguel Diaz de la Portilla is listed as Chairman on FEJE's *Statement of Organization of Political Committee*.
7. In Box 7 of its *Statement of Organization*, where it was asked what candidates it would be supporting, FEJE did not list any specific candidates. Instead, FEJE listed "To be determined" in Box 7. A copy of the *Statement of Organization* is attached.
8. Pursuant to §106.03(6), the Division of Elections determines whether a statement of organization complies with the requirements of subsection 106.03(2), Florida Statutes.

9. The Division of Elections determined the *Statement of Organization* filed by FEJE on August 8, 2014 to be consistent with the requirements of subsection (2) and registered it as a political committee. I notified FEJE by letter dated August 12, 2014, that it had been registered as a political committee. *See attached.* As of today's date, FEJE remains an active political committee registered with the Division of Elections.

Under penalties of perjury, I declare that I have read the foregoing declaration and that the facts stated in it are true.

  
KRISTI REID BRONSON

Executed on: October 9, 2015

COATES LAW FIRM, PL  
ATTORNEYS AT LAW

RICHARD E COATES  
EMMETT MITCHELL, IV  
ROGER N BEAUMEN

NOREEN A. FENNER\*  
\*Not an attorney

RECEIVED

14 AUG -8 AM 10:12

115 EAST PARK AVENUE, SUITE  
TALLAHASSEE, FLORIDA 323

August 8, 2014

DIVISION OF ELECTIONS  
SECRETARY OF STATE

(850) 681-10  
FAX: (208) 248-90

VIA HAND DELIVERY

Ms. Kristi Bronson  
Division of Elections  
RA Gray Building  
Tallahassee, Florida 32399

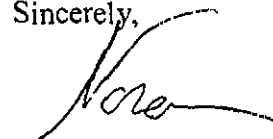
RE: Floridians for Ethics in Judicial Elections

Dear Kristi:

Enclosed for filing are the documents required to form a political committee entitled Floridians for Ethics in Judicial Elections, together with a Statement of Solicitation for Miguel Diaz de la Portilla. Also enclosed are Credential Request forms for the Chairman, Treasurer and Deputy Treasurer

Please let us know when the Division of Elections certifies the entity or if you need any additional information. Thank you for your assistance.

Sincerely,



Noreen A. Fenner  
Legal Assistant

Enclosures



**STATEMENT OF ORGANIZATION  
OF POLITICAL COMMITTEE**

(PLEASE TYPE)

OFFICE USE ONLY  
14 AUG -8 AM 10:42

DIVISION OF ELECTIONS  
SECRETARY OF STATE

1. Full Name of Committee  
Floridians for Ethics in Judicial Elections

Telephone  
813/254-3369

Mailing Address (include city, state and zip code)  
610 South Boulevard, Tampa, Florida 33606

Street Address (include city, state and zip code)  
610 South Boulevard, Tampa, Florida 33606

2. Affiliated or Connected Organizations (includes other committees of continuous existence and political committees)

Name of Affiliated or Connected Organization	Mailing Address	Relationship
N/A		

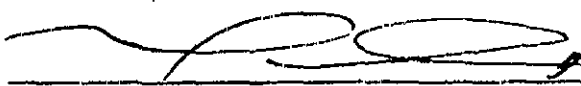
3. Area, Scope and Jurisdiction of the Committee

Statewide political committee to support or oppose candidates for statewide multi-county legislative county and municipal office and other activities not prohibited by Chapter 106 F.S.

4. Nature of Organization or Organization's Special Interest (e.g., medical, legal, education, etc.)  
Political

5. Identify by Name, Address and Position, the Custodian of Books and Accounts (include treasurer's name)

Full Name	Mailing Address	Committee Title or Position
Nancy Watkins Robert Watkins	610 South Boulevard Tampa, Florida 33606	Treasurer Deputy Treasurer

<b>6. List by Name, Address and Position, Other Principal Officers, Including Officers and Members of the Finance Committee, If Any (include chairman's name)</b>			
Full Name	Mailing Address	Committee Title or Position	
Miguel Diaz de la Portilla	610 South Boulevard Tampa, Florida 33606	Chairman	
<b>7. List by Name, Address, Office Sought and Party Affiliation Each Candidate or Other Individual that this Committee is Supporting (if none, please indicate)</b>			
Full Name	Mailing Address	Office Sought	Party
To be determined			
<b>8. List Any Issues this Committee is Supporting: To be determined</b>			
List Any Issues this Committee is Opposing: To be determined			
<b>9. If this Committee is Supporting the Entire Ticket of a Party, Give Name of Party</b>			
N/A			
<b>10. In the Event of Dissolution, What Disposition will be Made of Residual Funds?</b>			
Contribute to candidates, political parties, political committees or other activities not prohibited by law.			
<b>11. List all Banks, Safety Deposit Boxes, or Other Depositories Used for Committee Funds</b>			
Name of Bank or Depository & Account Number		Mailing Address	
Bank of Tampa		601 Bayshore Boulevard Tampa, Florida 33606	
<b>12. List all Reports Required to be Filed by this Committee with Federal Officials and the Names, Addresses and Positions of Such Officials, If Any</b>			
Report Title	Dates Required to be Filed	Name & Position of Official	Mailing Address
Form 8871 Form 1120POL Form 990, as may be required	Upon formation March 15, annually May 15, annually	Internal Revenue Service	Ogden, UT 84201
STATE OF <u>Florida</u>		<u>MIAMI DADE</u> COUNTY	
<u>Miguel Diaz de la Portilla</u>		certify that the information in this Statement of	
Organization is complete, true and correct			
<b>X</b>	 Signature of Chairman of Political Committee		<u>8/7/14</u> Date



## FLORIDA DEPARTMENT of STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

August 12, 2014

Miguel Diaz de la Portilla, Chairperson  
Floridians for Ethics in Judicial Elections  
610 South Boulevard  
Tampa, Florida 33606

Dear Mr. Diaz de la Portilla:

This will acknowledge receipt of the Statement of Organization and Appointment of Campaign Treasurer and Designation of Campaign Depository for **Floridians for Ethics in Judicial Elections**, which were placed on file in our office on August 8, 2014. This information appears to comply with the requirements of Section 106.03, Florida Statutes, and the name of this organization has been placed on our active committee list as a political committee.

### Campaign Treasurer's Reports

Your first campaign treasurer's report will be due on **August 15, 2014**. The report will cover the period of August 2-8, 2014 (P6). All political committees that file reports with the Division of Elections are required to file by means of the Division's Electronic Filing System (EFS).

### Credentials and Sign-ons

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

**EFS Website Address:** <https://efs.dos.state.fl.us>  
**Identification Number:** 64292

Division of Elections

R.A. Gray Bldg., Rm. 316 • 500 S Bronough St. • Tallahassee, Florida 32399-0250  
Telephone: (850) 245-6240 • Facsimile: (850) 245-6259 [elections.myflorida.com](http://elections.myflorida.com)

Miguel Diaz de la Portilla, Chairperson  
August 12, 2014  
Page Two

### **Pin Numbers**

Pin numbers are confidential secure credentials that allow you to submit reports and update information. The enclosed sealed envelope provides a confidential pin number for the chairperson. By copy of this letter, a confidential pin number to access the EFS was sent to the treasurer.

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

### **Timely Filing**

All reports must be completed and filed through the EFS no later than midnight, Eastern Standard Time, of the due date. Reports not filed by midnight of the due date are late filed and subject to the penalties in Section 106.07(8), Florida Statutes. In the event that the EFS is inoperable on the due date, the report will be accepted as timely filed if filed no later than midnight, Eastern Standard Time, of the first business day the EFS becomes operable. No fine will be levied during the period the EFS was inoperable.

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

### **Electronic Receipts**

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

Miguel de la Portilla, Chairperson  
August 12, 2014  
Page Three


**Instructions and Assistance**

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

All of the Division's publications and reporting forms are available on the Division of Elections' website at <http://elections.myflorida.com>. It is your responsibility to read, understand, and follow the requirements of Florida's election laws. Therefore, please print a copy of the following documents: Chapter 106, Florida Statutes, *2014 Political Committee Handbook*, *2014 Calendar of Reporting Dates*, and Rule 1S-2.017, Florida Administrative Code.

Please let me know if you need additional information

Sincerely,



Kristi Reid Bronson, Chief  
Bureau of Election Records

KRB/ljr

Enclosures

pc: Nancy Watkins, Treasurer  
Robert Watkins, Deputy Treasurer

SEP 15 2015  
15 SEP 15 PM 10:18  
STATE OF FLORIDA  
ELECTIONS COMMISSION

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,  
Petitioner,**

**Case No.: FEC 14-274**

**v.**

**Floridians for Ethics in Judicial Elections,  
Respondent.**

**ORDER OF PROBABLE CAUSE**

**THIS MATTER** was heard by the Florida Elections Commission (Commission) at its regularly scheduled meeting on August 26, 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 August 8, 2014, Floridians for Ethics in Judicial Elections violated Section 106.03(2), Florida Statutes, when it failed to include required information on its Statement of Organization of Political Committee form.

**Count 2:**

On or about August 8, 2014, Floridians for Ethics in Judicial Elections violated Section 106.19(1)(c), Florida Statutes, when it deliberately failed to include information required by Chapter 106, Florida Statutes.

The Commission finds that there is **no probable cause** to charge Respondent with violating Sections 106.11(4), and 106.19(1)(d), Florida Statutes.

**DONE AND ORDERED** by the Florida Elections Commission on August 26, 2015.



M. Scott Thomas, Chairman  
Florida Elections Commission

Copies furnished to:  
Stephanie J. Cunningham, Assistant General Counsel  
Emmett Mitchell, IV, Attorney for Respondent  
Heather L. Gray, 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: Floridians for Ethics in Judicial Elections**

**Case No.: FEC 14-274**

**TO:** Emmett Mitchell, IV, Esquire  
Coates Law Firm PL  
115 East Park Avenue, Suite 1  
Tallahassee, FL 32301

Heather L. Gray  
15820 Palmetto Club Drive  
Miami, FL 33157

**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

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

14-274 DM  
RECEIVED

In Re: Floridians for Ethics in Judicial  
Elections

Case No.: ~~FEC-14-152~~ A 11: 28  
JUL 22

STATE OF FLORIDA  
ELECTIONS COMMISSION

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RESPONSE TO STAFF RECOMMENDATION

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Respondent, Floridians for Ethics in Judicial Elections (FEJE or Respondent), hereby files this Response to Staff Recommendation and in support, says:

FEJE filed its Statement of Organization as a political committee on August 8, 2014, with the Division of Elections. Senator Miguel Diaz de la Portilla is listed as FEJE's Chairman on the *Statement of Organization of Political Committee*, Form DS-DE-5. FEJE remains an active political committee (PC)

The Complainant alleged that FEJE did not list any specific candidates on its Form DS-DE-5. Instead, FEJE listed "To be determined" where asked what candidate(s) it would be supporting (Box 7). The Complainant alleged that because FEJE's *Statement of Organization* listed "To be determined" relative to the candidates it would be supporting, it "was not allowed to send a mail piece supporting" a judicial candidate, Renier Diaz de la Portilla. Staff has taken the Complainant's allegation and turned it into a reporting violation, recommending probable cause for a violation of section 106.03(2), Florida Statutes, failing to include information in its *Statement of Organization*.

**I. SECTION 106.03(6), FLORIDA STATUTES, REQUIRES THE DIVISION OF ELECTIONS TO REVIEW AN ENTITY'S STATEMENT OF ORGANIZATION, AND ACCEPT THE STATEMENT IF IT COMPLIES WITH SECTION 106.03(2).**

Section 106.03(6), Florida Statutes, provides:

(6) If the filing officer finds that a political committee has filed its statement of organization consistent with the requirements of subsection (2),<sup>1</sup> it shall notify the committee in writing that it has been registered as a political committee. If the filing officer finds that a political committee's statement of organization does not meet the requirements of subsection (2), it shall notify the committee of such

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<sup>1</sup> Subsection (2) of section 106.03, Florida Statutes, sets forth the items required in a Statement of Organization.

finding and shall state in writing the reasons for rejection of the statement of organization.

The Division of Elections found the *Statement of Organization* filed by FEJE to be compliant with subsection (2) and registered it as a political committee. The Division of Elections regularly accepts such forms with "To be Determined," clearly acknowledging that it is simply not always practical for a political committee to identify who it may support in an upcoming election or elections. Unfortunately, the investigator in this matter did not contact the Division of Elections to confirm this, nor did she examine *Statements of Organization* filed by other political committees.

Attached to this response are several *Statements of Organization* filed by various entities with the Division of Elections over the past few years. Note that each one used the verbiage, "To be determined" in Box 7 of the *Statement of Organization* where asked what candidates the entity was supporting - none were rejected by the Division of Elections. Additionally, none of the other similarly situated entities have ever been fined by the Florida Elections Commission for using "To be determined" in Box 7 of their *Statement of Organization*.

## **II. THE RESPONDENT RELIED ON LEGAL COUNSEL WHEN FEJE'S STATEMENT OF ORGANIZATION WAS PREPARED.**

As noted in the Report of Investigation, FEJE relied on undersigned counsel to prepare and file its "Statement of Organization" using the words "To be determined" in Box 7. (Para. 14, 16, ROI) FEJE and its Chairman, Senator Miguel Diaz de la Portilla, in good faith, sought and followed the advice of qualified legal counsel in setting up FEJE. *Florida Elections Commission v Harris*, FEC Case No. 98-087, DOAH Case 99-4766. It cannot be penalized for relying on that counsel now.

## **III. THE PUBLIC INTEREST WOULD NOT BE SERVED BY PROCEEDING FURTHER IN THIS MATTER.**

It makes no sense to punish the Respondent for not specifically identifying the candidates it would support when it filed its Statement of Organization in 2014. The candidate supported by FEJE in the 2014 election is no longer a candidate and FEJE is back in the position of being an active political committee but not knowing what candidates it may support in the future. Most elections in Florida will not be held until 2016. Additionally, it is clear that FEJE's *Statement of Organization* wasn't prepared in an attempt to avoid compliance with section 106.03, or in a deliberate effort to exclude information required by chapter 106. On the contrary, FEJE filed the required organizational documents with the Division of Elections and the Division accepted those documents, along with FEJE's *Statement of Organization*, as compliant.

Section 106.25(4)(j), Florida Statutes, provides:

Notwithstanding any other provisions of this section, the commission may, at its discretion, dismiss any complaint at any stage of disposition if it determines that the public interest would not be served by proceeding further, in which case the commission shall issue a public report stating with particularity its reasons for the dismissal.

As such, the Commission should dismiss this matter as the public interest would not be served by proceeding further.

#### **IV. CONCLUSION.**

For the foregoing reasons, Respondent, Floridians for Ethics in Judicial Elections, respectfully requests that the Commission reject the Staff Recommendation made in this proceeding and find no probable cause that a violation of section 106.03(2) or 106.19(1)(c), Florida Statutes, occurred, or in the alternative, simply dismiss this action under section 106.25(4)(j), Florida Statutes

Respectfully submitted this 21st day of July, 2015.

  
**EMMETT "BUCKY" MITCHELL IV**  
Fla. Bar No. 0976687  
Coates Law Firm, PL  
115 East Park Avenue, Suite 1  
Tallahassee, Florida 32301  
850-681-1029  
bmitchell@rcoateslaw.com

*Counsel for Respondent*

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: Floridians for Ethics in Judicial  
Elections**

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**Case No.: FEC 14-274**

**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 106.03(2), and 106.19(1)(c), Florida Statutes**, and that there is **no probable cause** to charge Respondent with violating **Sections 106.11(4), and 106.19(1)(d), Florida Statutes**. Based upon a thorough review of the Report of Investigation submitted on May 13, 2015, the following facts and law support this staff recommendation:

1. On August 27, 2014, the Florida Elections Commission ("Commission") received a sworn complaint from Heather L. Gray ("Complainant"), alleging that Floridians for Ethics in Judicial Elections ("Respondent" or "Committee") violated Chapter 106, Florida Statutes

2. Respondent, a political committee registered with the Division of Elections, filed its Statement of Organization of Political Committee form ("DS-DE 5") on August 8, 2014. (ROI Exhibit 1, page 1)<sup>1</sup>

3. By letter dated November 12, 2014, the Executive Director notified Respondent that Commission staff would investigate the following statutory provisions:

**Section 106.03(2), Florida Statutes:** Respondent, a statewide political committee, failed to include required information in its Statement of Organization of Political Committee, as alleged in the complaint.

**Section 106.11(4), Florida Statutes:** Respondent, a statewide political committee, incurred one or more expenses for the purchase of goods or services, without sufficient funds on deposit in its primary depository account.

**Section 106.19(1)(c), Florida Statutes:** Respondent, a statewide political committee, falsely reported or deliberately failed to include information required by Chapter 106, Florida Statutes, as alleged in the complaint.

---

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

**Section 106.19(1)(d), Florida Statutes:** Respondent, a statewide political committee, made or authorized one or more expenditures prohibited by Chapter 106, Florida Statutes.

4. Complainant alleged that Respondent violated Florida's election laws by failing to include required information in the Committee's DS-DE 5, and by incurring an expense for the purchase of political mailers without sufficient funds on deposit in the Committee's primary depository account to pay the full amount of the expense. (ROI Exhibits 1 & 3)

**Alleged Violation: Section 106.03(2), Florida Statutes**

5. Under Section 106.03(2)(f), Florida Statutes, political committees are required to include the name, address, office sought, and party affiliation of each candidate whom the committee is supporting in the committee's DS-DE 5.

6. On August 8, 2014, Respondent filed its DS-DE 5. Respondent's DS-DE 5 does not provide the name, address, office sought, or party affiliation of the candidate(s) it is supporting but rather includes the language "To be determined". (ROI Exhibit 1, page 2) On August 11, 2014, three days later, Respondent ordered political mailers supporting Renier Diaz de la Portilla for Circuit Court Judge, Group 70. (ROI Exhibits 3, 7, & 12, page 1)

7. Respondent stated that it listed "To be determined" on its DS-DE 5 because it is a routine practice by political committees to do so when organizing if they do not know which candidates they will support or oppose. Respondent stated that the Division of Elections regularly accepts DS-DE 5 forms containing the phrase "To be determined". (ROI Exhibit 5, page 1) Respondent also stated that it supported Renier Diaz de la Portilla during the 2014 election. (ROI Exhibit 12, page 1)

8. Miguel Diaz de la Portilla, chairperson for Floridians for Ethics in Judicial Elections, stated that the Committee's DS-DE 5 was completed by Bucky Mitchell and Noreen Fenner of Coates Law Firm, PL. (ROI Exhibit 6, page 2) Mr. Diaz de la Portilla stated that he relied upon his attorneys to complete the Committee's DS-DE 5. (ROI Exhibit 6, page 3)

9. It appears that Respondent knew that it would be supporting Renier Diaz de la Portilla when it filed its DS-DE 5 on August 8, 2014. Three days after filing its DS-DE 5, Respondent ordered a political mailer supporting Renier Diaz de la Portilla. The Committee was organized only 18 days before the August 26<sup>th</sup> primary election and chose a name including the phrase "judicial elections" thereby showing its intent to support or oppose judicial candidates in the upcoming elections. Further, the candidate that was supported is the brother of the chairperson of the Committee. These facts tend to suggest that the Committee may have been organized for the sole purpose of supporting Renier Diaz de la Portilla as a candidate in the 2014 elections.

10. Respondent was required to include the name, address, office sought, and party affiliation of each candidate whom the Committee was supporting on the Committee's DS-DE 5, but failed to do so.

**Alleged Violation: Section 106.19(1)(c), Florida Statutes**

11. Under Section 106.19(1)(c), Florida Statutes, political committees are prohibited from falsely reporting or deliberately failing to include any information required by Chapter 106, Florida Statutes.

12. Chapter 106, Florida Statutes, requires political committees to include the name, address, office sought, and party affiliation of each candidate whom the committee is supporting on the committee's DS-DE 5. Respondent ordered political mailers supporting Renier Diaz de la Portilla three days after filing its DS-DE 5. Respondent's DS-DE 5 did not disclose that it was supporting Renier Diaz de la Portilla. (ROI Exhibits 1, 3, 7, & 12, page 1) For the reasons stated in paragraph nine above, Respondent knew that it would be supporting Renier Diaz de la Portilla when it filed its DS-DE 5 on August 8, 2014, but deliberately failed to include that information which was required by Chapter 106, Florida Statutes.

**Alleged Violation: Section 106.11(4), Florida Statutes**

13. Under Section 106.11(4), Florida Statutes, political committees are prohibited from incurring an expense for the purchase of goods or services without sufficient funds on deposit in the primary depository account the pay the full amount of the incurred expense.

14. Complainant stated that "On or about August 11, 2014, [Floridians for Ethics in Judicial Elections] sent a campaign mail piece supporting Renier Diaz de la Portilla, a candidate for Circuit Court Judge in Miami-Dade County . . . from the campaign reports filed, [Floridians for Ethics in Judicial Elections] had no money in which to send a mail piece on August 8<sup>th</sup>. . . . Accordingly, the mail piece was sent without any funds being collected." (Attachment A, page 3) An exhibit attached to the complaint shows no reportable financial activity during the Committee's initial reporting period (2014 P6) which covered the period of August 2-8, 2014. (Attachment B, page 3)

15. Respondent stated that the Committee reported receiving multiple contributions during the period ending August 21, 2014, and making an expenditure on August 11, 2014 (ROI Exhibit 5, page 2) Respondent stated that the mailer was ordered on August 11, 2014, and that a check was issued to the vendor, Cornerstone Management Partners, and sent by FedEx overnight mail on August 11, 2014. (ROI Exhibit 12, page 1) Miguel Diaz de la Portilla, chairperson for Floridians for Ethics in Judicial Elections, stated that he believes the mailer was distributed on or about August 12, 2014. (ROI Exhibit 6, page 3)

16. The Committee's 2014 P7 Report, which covered the reporting period of August 9-21, 2014, shows a contribution from Foundation for Conservative Values PC in the amount of \$40,000 on August 11, 2014. (ROI Exhibit 9, page 2) The report also shows an expenditure to Cornerstone Management Partners, LLC for "Direct Mail Services" in the amount of \$35,750 on August 11, 2014. (ROI Exhibit 9, page 3)

17. The Committee's August 2014 bank statement shows a transfer by telephone on August 11, 2014 in the amount of \$40,000. (ROI Exhibit 10, page 2) The bank records show Check #1001 was issued to Cornerstone Management Partners in the amount of \$35,750 on August 11, 2014. (ROI Exhibit 11) The check cleared the bank on August 14, 2014. (ROI Exhibit 10, page 2) Respondent provided an invoice from Cornerstone Management Partners dated August 11, 2014 in the amount of \$35,750. (ROI Exhibit 7)

18. On December 22, 2014, an affidavit was mailed to Complainant to ascertain whether she personally received the mailer and on what date the mailer was received. (Attachment C, page 2) Complainant failed to respond. Between April 15, 2015 and May 12, 2015, Commission staff made seven attempts to contact Complainant by telephone at several different telephone numbers in an effort to obtain further information regarding Complainant's allegation, but Complainant failed to respond. (Attachment D, Phone Log Entries 7-13)

19. Complainant bases her allegation on the Committee's initial campaign treasurer's report which shows no reportable financial activity as of August 8, 2014, and her belief that the mailer was sent by the Committee "[o]n or about August 11, 2014." Complainant does not allege or provide any evidence to show that the mailer was received by her on or prior to August 11, 2014, when the expense appears to have been incurred according to the vendor's invoice and the Committee's 2014 P7 Report. Complainant did not provide any evidence to demonstrate that she has personal knowledge that the Committee incurred the expense prior to August 11, 2014 or that the vendor distributed the mailer prior to August 11, 2014, but rather alleges that three days prior to the mailer being distributed there were no funds in the Committee's primary depository account. Therefore, it does not appear that Respondent incurred an expense for the purchase of goods without sufficient funds on deposit in the Committee's primary depository.

#### **Alleged Violation: Section 106.19(1)(d), Florida Statutes**

20. Under Section 106.19(1)(d), Florida Statutes, political committees are prohibited from making or authorizing expenditures prohibited by Chapter 106, Florida Statutes.

21. Complainant's allegation that Respondent violated this section of law is based solely upon Complainant's contention that Respondent incurred an expense for the purchase of political mailers without sufficient funds on deposit in the Committee's primary depository account to pay the full amount of the expense. Therefore, based upon the above analysis, it does not appear that Respondent made or authorized one or more expenditures prohibited by Chapter 106, Florida Statutes.

22. "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).



23. The facts set forth above show that Respondent is a political committee registered with the Division of Elections. Respondent was required to include the name, address, office sought, and party affiliation of each candidate whom the Committee was supporting on the Committee's DS-DE 5, but failed to do so. Respondent also deliberately failed to include information required by Chapter 106, Florida Statutes, when it failed to disclose Renier Diaz de la Portilla as a candidate it was supporting.

24. Respondent provided evidence that appears to show that an expense for a political mailer was incurred on August 11, 2014 in the amount of \$35,750, the same day that a contribution was deposited into the Committee's primary depository account in the amount of \$40,000. Complainant failed to respond to Commission staff's investigation. Complainant did not provide evidence to show that Complainant received the mailer on or prior to August 11, 2014, or that she has personal knowledge of when the Committee incurred the expense or when the vendor distributed the mailer. Therefore, it does not appear that Respondent incurred an expense for the purchase of goods without sufficient funds on deposit in the Committee's primary depository. Therewith, it does not appear that Respondent made or authorized one or more expenditures prohibited by Chapter 106, Florida Statutes.

Based upon these facts and circumstances, I recommend that the Commission find no probable cause that the Respondent violated Sections 106 11(4), and 106 19(1)(d), Florida Statutes, and find probable cause to charge Respondent with violating the following:

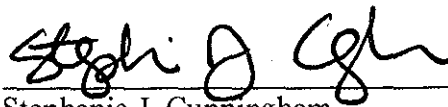
**Count 1:**

On or about August 8, 2014, Floridians for Ethics in Judicial Elections violated Section 106.03(2), Florida Statutes, when it failed to include required information on its Statement of Organization of Political Committee form.

**Count 2:**

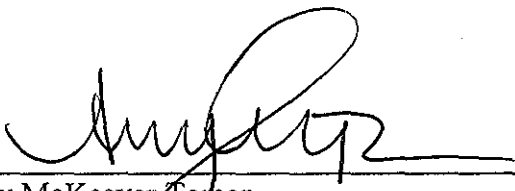
On or about August 8, 2014, Floridians for Ethics in Judicial Elections violated Section 106 19(1)(c), Florida Statutes, when it deliberately failed to include information required by Chapter 106, Florida Statutes.

Respectfully submitted on July 10, 2015.



Stephanie J. Cunningham  
Assistant General Counsel

I reviewed this Staff Recommendation this 10<sup>th</sup> day of July 2015.

  
\_\_\_\_\_  
Amy McKeever Toman  
Executive Director

14-214

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

107 West Gaines Street, Suite 224, Tallahassee, Florida 32399-1050

Telephone Number: (850) 922-4539

www.fec.state.fl.us

RECEIVED

2014 JUL 27 PM 2:22

CONFIDENTIAL COMPLAINT FORM

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

1. PERSON BRINGING COMPLAINT:

Name: Heather L. Gray Work Phone: ( )  
Address: 15820 Palmetto Club Drive Home Phone: ( )  
City: Miami County: Miami-Dade State: FL Zip Code: 33157

2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:

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

Name of individual or entity: Floridians for Ethics in Judicial Elections  
Address: 610 South Boulevard Phone: ( )  
City: Tampa County: State: FL Zip Code: 33606

If individual is a candidate, list the office or position sought: \_\_\_\_\_

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

3. ALLEGED VIOLATION(S):

Please list the provisions of The Florida Election Code that you believe the person named above may have violated. The Commission has jurisdiction only to investigate the following provisions: **Chapter 104, Chapter 106, and Section 105.071, Florida Statutes** Also, please include:

- ✓ The facts and actions that you believe support the violations you allege,
- ✓ The names and telephone numbers of persons you believe may be witnesses to the facts,
- ✓ A copy or picture of the political advertisements you mention in your statement,
- ✓ A copy of the documents you mention in your statement, and
- ✓ Other evidence that supports your allegations

See attached

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Additional materials attached (check one)? ☐ Yes ☐ No

4. OATH

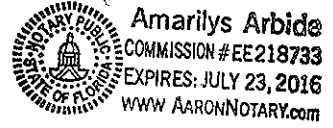
STATE OF FLORIDA  
COUNTY OF Miami Dade

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

*Heather B. Gray*  
Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this 15<sup>th</sup> day of August 2014

*Amarilys Arbide*  
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 AUG 27 P 12 23

STATE OF FLORIDA  
ELECTIONS DIVISION

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

COMPLAINT AGAINST  
"FLORIDIANS FOR ETHICS IN JUDICIAL ELECTIONS"

The Political Committee "Floridians for Ethics in Judicial Elections" ("FEJE") has violated the Florida Campaign Finance laws in several ways. FEJE was formed as a Political Committee under §106.03. In their form DS-DE 5, Statement of Organization (See Exhibit "A"), FEJE states that it is both an issues and candidate based Political Committee but does not list any candidate it is supporting in its organizational documents. The statute states that any political committee that conducts either electioneering communications or political advertising for a candidate must list the name and address of the candidate on the DS-DE 5.

On or about August 11, 2014, FEJE sent a campaign mail piece supporting Renier Diaz de la Portilla, a candidate for Circuit Court Judge in Miami-Dade County. (See Exhibit "B"). While the piece stated that it was "electioneering communication" the content was more akin to "Political Advertising". Either way, without naming Diaz de la Portilla in the DS-DE 5, FEJE was not allowed to send a piece supporting him.

Additionally, from the campaign reports filed, FEJE had no money in which to send a mail piece on August 8<sup>th</sup>. (See Exhibit "C"). Because the Chairman of FEJE is Senator Miguel Diaz de la Portilla, FEJE was prevented from raising any contributions between August 7<sup>th</sup> and August 12, 2014 while the Florida Legislature was in special session. Accordingly, the mail piece was sent without any funds being collected.

Even more troublesome is that of the date of this complaint, FEJE has still not reported any contributions which could have paid for the mail piece. F.S. §106.0701 requires any committee who's chair is a member of the Florida Legislature to disclose all contributions and expenditures within 5 days of receipt on a specifically designated website. As of the date this complaint, the website: <http://floridajudicialectionsethics.com/> has reported no contributions or expenditures. (See Exhibit "D", Blank pages indicating no contributions or expenditures reported) This is a logical impossibility considering that FEJE sent the attached mail piece.

FEJE has obviously violated Chapter 106 of the Florida Statutes.

# EXHIBIT "C"

000020  
Attachment B

## Florida Department of State

Room 316, R.A. Gray Building  
500 South Bronough Street  
Tallahassee, FL 32399-0250  
(850)245-6200

## Division of Elections

*Committee Tracking System***Floridians for Ethics in Judicial Elections****Type:** Political Committee**Status:** Active**Address:** 610 South Boulevard  
Tampa, FL 33606**Phone:** (813)254-3369**Chairperson:** Miguel Diaz de la Portilla**Treasurer:** Nancy Watkins  
610 South Boulevard  
Tampa, FL 336060000**Registered Agent:** Nancy Watkins  
610 South Boulevard  
Tampa, FL 336060000**Purpose:****Affiliates:**

Campaign Finance Activity

Campaign Documents

000001



# Florida Department of State Division of Elections

## Floridians for Ethics in Judicial Elections

### Campaign Finance Activity

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

	Filing Period	Contributions			Expend	Other	Transfers
		Monetary	Loans	InKind			
W	08/02/2014 - 08/08/2014	0.00	0.00	0.00	0.00	0.00	0.00
e	All Dates (Totals)	0.00	0.00	0.00	0.00	0.00	0.00

Note: (E) indicates that report was filed electronically

X Indicates that detail has not been released

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

Select Detail Type

Contributions ▼

Select Sort Order

Date(Ascending) ▼

Select Output Type

Display On Screen ▼

Submit Query Now

[Query the Campaign Finance Data Base](#)

[\[Department of State\]](#) [\[Division of Elections\]](#) [\[Candidates and Races\]](#) [\[Campaign Finance Information\]](#)





**FLORIDA ELECTIONS COMMISSION**

**The Collins Building, Suite 224  
107 West Gaines Street  
Tallahassee, Florida 32399-1050  
(850) 922-4539**

December 22, 2014

Ms. Heather L. Gray  
15820 Palmetto Club Drive  
Miami, Florida 33157

**RE: Case No.: FEC 14-274 and 14-275**

Dear Ms. Gray:

The Florida Elections Commission is charged with the responsibility of investigating violations of Chapter 104, Section 105.071, and Chapter 106, Florida Statutes. As part of that responsibility, the Commission is required to obtain information from individuals who may have information about the subject of the Commission's investigation. Therefore, the Commission requests that you complete the enclosed affidavit, have it notarized, and return it to me by January 5, 2015.

Thank you for your cooperation in this matter. Please let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Margie B. Wade".

Margie B. Wade  
Investigation Specialist

Enclosure: Affidavit

AFFIDAVIT  
Case Number FEC 14-274 and 14-275

STATE OF FLORIDA  
County of Miami-Dade

Heather L. Gray, 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 \_\_\_\_\_ as \_\_\_\_\_.
3. Please provide your contact number. \_\_\_\_\_
4. Did you personally receive the mailer (Attachment A)? ☐ Yes ☐ No
5. If yes, when (on what date) did you receive the mailer? \_\_\_\_\_
6. If no, please list the name and contact information for the person who received the mailer and explain how you came into possession of the mailer.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. Are you aware of anyone else who received the mailer? ☐ Yes ☐ No If yes, please provide the names and contact information of the persons who received the mailer.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
8. In the complaint narrative you stated "even more troublesome is that of the date of this complaint, FEJE has still not reported any contributions which could have paid for the mail piece." Did you check FEJE's website on the day you filed the report? ☐ Yes ☐ No If no, when (on what date) did you check the website for reported contributions? \_\_\_\_\_
9. Did you receive any other campaign literature (door hangers, palm cards, etc.) from FEJE? ☐ Yes ☐ No If yes, please describe the type of literature you received?  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
10. Did you observe any political advertisements (yard signs, billboards, etc.) in the local community? ☐ Yes ☐ No If yes, please described the advertisements that you observed.  
\_\_\_\_\_

11 To your knowledge, did FEJE support any other candidates? ( ) Yes ( ) No If yes,  
please provide the of the candidate and the office they were seeking

I HEREBY SWEAR OR AFFIRM THAT THE FOREGOING 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

\_\_\_\_\_, 20\_\_\_\_\_

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: MBW

**FLORIDA ELECTIONS COMMISSION  
PHONE LOG  
Case No.: FEC 14-274**

**Respondent: Floridians for Ethics in Judicial Elections**

**Complainant: Heather Gray**

1. **Date and time:** November 21, 2014 @ 3:31 p.m.  
**Name:** Emmett Mitchell, IV, R's attorney  
**Phone #:** (850) 681-1029  
**Summary:** I returned a call from Mr. Mitchell. I asked if he was interested in settling the case. He stated, "Not at this time." He stated he called to see what information was needed for the case. I explained that I had not had an opportunity to thoroughly review the case. I told him I would call him back next week. He agreed.  
**Memo to File?** No  
**Entered by:** MBW
2. **Date and time:** November 25, 2014 @ 4:01 p.m.  
**Name:** Emmett Mitchell, IV  
**Phone #:** (850) 681-1029  
**Summary:** I called Mr. Mitchell to discuss the case. I told him that I would prepare a questionnaire affidavit for his client within the next couple of weeks. He agreed and asked that the questionnaire be sent via email. His email address is [bmitchell@rcoateslaw.com](mailto:bmitchell@rcoateslaw.com)  
**Memo to File?** No  
**Entered by:** MBW
3. **Date and time:** December 29, 2014 @ 11:47 a.m.  
**Name:** Nancy Barrs, Bank of Tampa  
**Phone #:** Called me  
**Summary:** Ms. Barrs called regarding the subpoena from our office. She stated that there were several committees with Nancy Watkins as the signatory. She asked if I needed the records for all committees or just Respondent. I told her that I only needed Respondent's records. She stated that she would get them in the mail either today or tomorrow.  
**Memo to File?** No  
**Entered by:** MBW
4. **Date and time:** March 9, 2015 @ 8:45 a.m.  
**Name:** Emmett Mitchell, IV  
**Phone #:** (850) 681-1029  
**Summary:** Mr. Mitchell called me to discuss the status of the case. I told him I had not completed the report of investigation. I told him that I would review the affidavit and call him with any additional questions.  
**Memo to File?** No  
**Entered by:** MBW
5. **Date and time:** April 10, 2015 @ 1:51 p.m.  
**Name:** Emmett Mitchell, IV  
**Phone #:** (850) 681-1029

**Summary:** I called Mr. Mitchell for the final interview. He was not in; I left a message on his voicemail.

**Memo to File?** No

**Entered by:** MBW

6. **Date and time:** April 13, 2015 @ 3:59 p.m.

**Name:** Bucky Mitchell, R's attorney

**Phone #:** Called me

**Summary:** Mr. Mitchell returned my call. I explained that I had called him for the final interview. I summarized the information on the ROI. I informed Mr. Mitchell that I also had a couple of questions. I asked him when (on what date) was the order placed for the mailers. He stated he would check and get back to me; he said he thought it was the same date as the invoice but he was not certain. I asked how payment was made since the printer seems to be located in New Jersey. He stated that he thought the check was sent overnight but he would check and get back to me. I asked if the committee support any other candidates. He stated that he thought Mr. Renier Diaz de la Portilla was the only candidate they supported but he wasn't sure; he would check and get back with me. I asked that if the committee did support other candidates, please provide the names of the other candidates. Mr. Mitchell agreed.

**Memo to File?** No

**Entered by:** MBW

7. **Date and time:** April 15, 2015 @ 10:14 a.m.

**Name:** Complainant (Heather L. Gray)

**Phone #:** (305) 553-2501

**Summary:** I attempted to call Complainant to query about the date she received Respondent's mailer. I reached a recording that stated the number was no longer in service.

**Memo to File?** No

**Entered by:** MBW

8. **Date and time:** April 24, 2015 @ 8:24 a.m.

**Name:** Heather L. Gray

**Phone #:** 801-547-8084

**Summary:** I attempted to call Complainant to query about the date she received Respondent's mailer. No one answered; I left a message.

**Memo to File?** No

**Entered by:** MBW

9. **Date and time:** April 24, 2015 @ 8:32 a.m.

**Name:** Heather Gray

**Phone #:** 714-547-8084

**Summary:** I attempted to call Complainant to query about the date she received Respondent's mailer. I reached a recording that indicated that the number has been disconnected.

**Memo to File?** No

**Entered by:** MBW

10. **Date and time:** April 24, 2015 @ 8:36 a.m.

**Name:** Heather Gray

**Phone #:** 281-547-8084

**Summary:** I attempted to call Complainant to query about the date she received Respondent's mailer. The lady who answered the phone stated that I had the wrong number

**Memo to File?** No

**Entered by:** MBW

11. **Date and time:** April 24, 2015 @ 8:41 a.m.

**Name:** Heather L. Gray

**Phone #:** 786-547-8084

**Summary:** I attempted to call Complainant to query about the date she received Respondent's mailer. No one answered; I left a message

**Memo to File?** No

**Entered by:** MBW

12. **Date and time:** May 12, 2015 @ 8:26 a.m.

**Name:** Heather L. Gray

**Phone #:** 801-547-8084

**Summary:** I attempted to call Complainant to query about the date she received Respondent's mailer. I reached a mechanical message that stated the number has been disconnected.

**Memo to File?** No

**Entered by:** MBW

13. **Date and time:** May 12, 2015 @ 8:29 a.m.

**Name:** Heather L. Gray

**Phone #:** 786-547-8084

**Summary:** I attempted to call Complainant to query about the date she received Respondent's mailer. No one answered and the mailbox was full

**Memo to File?** No

**Entered by:** MBW

14. **Date and time:**

**Name:**

**Phone #:**

**Summary:**

**Memo to File?** No

**Entered by:**

15. **Date and time:**

**Name:**

**Phone #:**

**Summary:**

**Memo to File?** No

**Entered by:**

16. **Date and time:**

**FLORIDA ELECTIONS COMMISSION**  
**REPORT OF INVESTIGATION**  
**Case No.: FEC 14-274**

**Respondent: Floridians for Ethics in Judicial Elections**

Counsel for Respondent: Emmett Mitchell, IV

**Complainant: Heather L. Gray**

Counsel for Complainant: None

On August 27, 2014, the Florida Elections Commission received a sworn complaint alleging that Respondent violated Chapter 106, Florida Statutes. Commission staff investigated whether Respondent violated the following statutes:

Section 106.03(2), Florida Statutes, failure of a political committee that filed a statement of organization form to include the required information on the statement of organization;

Section 106.11(4), Florida Statutes, prohibiting a political committee from incurring an expense for the purchase of goods or services without sufficient funds on deposit in the primary depository account;

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

Section 106.19(1)(d), Florida Statutes, prohibiting a person or organization from making or authorizing any expenditure prohibited by Chapter 106, Florida Statutes.

**I. Preliminary Information:**

1. Respondent is a statewide political committee. A Statement of Organization of Political Committee was filed with the Division of Elections (DOE) on August 8, 2014. The Statement of Organization discloses the "area, scope and jurisdiction" of the committee was "Statewide political committee to support or oppose candidates for statewide, multi-county legislative, county and municipal office and other activities not prohibited by Chapter 106, FS." Miguel Diaz de la Portilla was named as the chairman. To review the Statement of Organization, refer to Exhibit 1.

2. Two Appointment of Campaign Treasurer and Designation of Campaign Depository for Political Committee form (DS-DE 6) were filed with the DOE on August 8, 2014. Nancy Watkins was listed as treasurer and Robert Watkins was named deputy treasurer. To review the DS-DE 6 forms, refer to Exhibit 2.

3. Emmett Mitchell, IV represented Respondent during this investigation.

4. Complainant is a resident of Miami-Dade County. Complainant is listed as the president of Miami Marketing, Inc.; however, the Division of Corporations indicates that the corporation is currently "inactive." She is also listed as the chairman of a statewide political committee, Equal Marriage Florida.

## II. Alleged Violation of Section 106.03(2), Florida Statutes:

5. I investigated whether Respondent violated this section of the election laws by not listing the candidates that Respondent was supporting on the statement of organization.

6. According to Complainant, Respondent filed its statement of organization with the DOE but did not include as a part of that statement the name, address, office sought, and party affiliation for each candidate whom the committee was supporting. Complainant provided a copy of Respondent's statement of organization. The statement of organization was filed with the DOE on August 8, 2014. To review the statement of organization, refer to Exhibit 1.

7. Question #7 on the statement of organization asks for the name, address, office sought and party affiliation of each candidate that this committee is supporting. Respondent answered, "To be determined." To review the statement of organization, refer to Exhibit 1.

8. Complainant stated, "on or about August 11, 2014, FEJE [Respondent] sent a campaign mail piece supporting Renier Diaz de la Portilla, a candidate for Circuit Court Judge in Miami-Dade County. Candidate Renier Diaz de la Portilla is the brother of Respondent's chairman. Complainant argues that Respondent knew or should have known when the statement of organization was filed that the committee was supporting the brother of Respondent's chairman.

9. Complainant provided a copy of the mailer published by Respondent. The mailer reads, "Circuit Court Judge Group 70 Candidate Renier Diaz De La Portilla Honest. Fair. Qualified." The other side of the mailer reads, "The Miami Herald recommends, Renier Diaz De La Portilla."<sup>1</sup> To review a copy of the mailer, refer to Exhibit 3.

10. The table below is a timeline of events.

TABLE 1: TIME LINE OF EVENTS		
Date	Event	Comment
12/16/13	Candidate Renier Diaz de la Portilla filed his appointment of treasurer form.	Exhibit 4
04/17/14	Candidate Renier Diaz de la Portilla filed a second appointment of treasurer form.	Exhibit 4
08/08/14	Statement of Organization for Respondent filed with the DOE.	Exhibit 1
08/11/14	According to Complainant, Respondent's mailer was received by voters.	Exhibit 3

11. I mailed a questionnaire affidavit to Complainant on December 22, 2014, to query whether she personally received the mailer. Complainant did not return the questionnaire affidavit. I made numerous attempts to contact Complainant by telephone; however, all attempts

<sup>1</sup> The primary election was August 26, 2014. Mr. Renier Diaz de la Portilla was not successful; he received 43.32% of the vote. His challenger, Veronica Diaz, was elected.



were unsuccessful.

12. Mr. Mitchell, Respondent's attorney, filed a response to the complaint on October 1, 2014. The statement reads, "The Division of Elections regularly accepts such forms (with "To be Determined") acknowledging that it is simply not practical for a political committee to identify who may be a candidate in an upcoming election or who it may support." To review the written response, refer to Exhibit 5

13. The response also states, "Simply because a specific candidate(s) was not mentioned on the political committee's DS-DE-5 does not prevent it from conducting an electioneering communication on behalf of that candidate. A political committee is not required to amend or file a new DS-DE-5 each time it produces an electioneering communication for a different candidate." To review the written response, refer to Exhibit 5.

14. I sent a questionnaire affidavit to Respondent's attorney on January 12, 2015. The questionnaire was returned on January 30, 2015. When asked who completed the DS-DE-5, Respondent replied, "Bucky Mitchell [Respondent's attorney] and Noreen Fenner [the paralegal for the law firm] completed the statement of organization." To review the questionnaire affidavit, refer to Exhibit 6

15. When asked who reviewed the statement of organization before the form was submitted to the filing officer, Respondent's chairman replied, "Bucky Mitchell." To review the questionnaire affidavit, refer to Exhibit 6.

16. When asked why the name of the candidate the committee was supporting did not appear on the statement of organization, Respondent's chairman replied, "I relied on my attorneys to complete the statement of organization..." To review the questionnaire affidavit, refer to Exhibit 6.

17. When asked the date the mailer was published, Respondent's chairman replied, "It is my understanding that the mailer was sent out on or about August 12, 2014." Respondent's attorney provided a copy of the invoice for the mailer. The invoice is dated August 11, 2014. To review the invoice, refer to Exhibit 7.

18. According to records from the DOE, the last apparent reported campaign activity for Respondent was during the 2014 G1 reporting period which covers August 23, 2014 through August 29, 2014. To review the printout from the DOE website, refer to Exhibit 8.

19. No record of Respondent having previously violated this section of the election laws was found.

### **III. Alleged Violation of Section 106.11(4), Florida Statutes:**

20. I investigated whether Respondent violated this section of the election laws by not having sufficient funds on deposit when the committee incurred an expense; specifically, it was alleged that Respondent published a mailer before receiving any contributions.

21. As previously discussed, Respondent published a mailer to support Renier Diaz de la Portilla for Circuit Judge in the August 26, 2014 primary. According to Complainant, the mailer was published on or about August 11, 2014. Complainant argues that Respondent incurred the cost of the mailer without sufficient funds because Respondent did not receive its first contribution until August 11, 2014. To review the mailer, refer to Exhibit 3. To review Respondent's CTR, refer to Exhibit 9. To review the monthly bank statement, refer to Exhibit 10.

22. Respondent's attorney filed a written response. The response reads, "Complainant fails to mention that FEJE [Respondent] received multiple contributions during the period ending on August 21, 2014, and that FEJE reported an expenditure for an electioneering communication on August 11, 2014, in the amount of \$35,750.00." To review the written response, refer to Exhibit 5.

23. Respondent provided an invoice dated August 11, 2014. The invoice is from Cornerstone Management Partners, Teaneck, New Jersey. The invoice shows 70,000 mail pieces were ordered. The total cost was \$35,750. To review the invoice, refer to Exhibit 7.

24. Respondent's chairman stated in a questionnaire affidavit, that it was his understanding that the mailer was sent out on or about August 12, 2014. The table below shows the sequence of events.

TABLE 2: TIME LINE OF EVENTS		
Date	Event	Comment
08/08/14	Statement of Organization for Respondent filed with the DOE.	Exhibit 1
08/11/14	Respondent ordered mailer.	Exhibit 12
08/11/14	Invoice from Cornerstone Management Partners <sup>2</sup>	Exhibit 7
08/11/14	Respondent receives first contribution of \$40,000	Exhibit 10
08/11/14	Respondent issued check to Cornerstone Management Partners	Exhibit 11
08/11/14	Complainant states mailer was published.	Exhibit 3
08/12/14	Respondent states mailer was published.	Exhibit 3
08/14/14	Check to printer (Cornerstone) posted at the bank	Exhibit 10

25. Respondent's attorney stated that the mailers were ordered on August 11, 2014, "after it was approved by the chairman and after review by and with the advise (sic) of FEJE's legal counsel, the Coates Law Firm." The attorney added that "Nancy Watkins issued the check to Cornerstone from FEJE's Bank of Tampa account and sent the check by FedEx overnight mail." He acknowledged that Mr. Renier Diaz de la Portilla was the only candidate the committee supported during the 2014 election. To review Mr. Mitchell's email, refer to Exhibit 12.

26. No record of Respondent having previously violated this section of the election laws was found.

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

<sup>2</sup> Cornerstone Management Partners is the printer that produced the mailer. The company is located in Teaneck, New Jersey.

27. I investigated whether Respondent violated this section of the election laws by failing to report information required by Chapter 106, Florida Statutes.

28. As previously stated, Respondent did not list the name, mailing address, office sought and the party affiliation of each candidate the committee will support.

29. To review information pertaining to this section of law, refer to paragraphs 6 through 18 of this report.

30. No record of Respondent having previously violated this section of the election laws was found.

**V. Alleged Violation of Section 106.19(1)(d), Florida Statutes:**

31. I investigated whether Respondent violated this section of the election laws by making an expenditure that is prohibited by Chapter 106, Florida Statutes.

32. To review the information pertaining to this section of law, refer to paragraphs 21 through 25 of this report.

33. No record of Respondent having previously violated this section of the election laws was found.

**VI. FEC History:**

34. Respondent has no prior cases with the Commission.

35. Complainant also filed the complaint in FEC 14-275

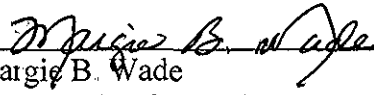
**Conclusion:**

36. I called Mr. Mitchell on April 13, 2015. I summarized the issues addressed in the Report of Investigation. I informed Mr. Mitchell that it was still not clear when the order was placed for the mailer and how payment was made. Mr. Mitchell provided clarification of these issues by electronic mail. He stated that the order was placed on August 11, 2014 and a check from the committee's depository was sent to the vendor via FedEx. Mr. Mitchell also stated in an electronic mail that he did not have any additional comments.

37. According to records from the DOE, the DOE mailed Respondent's chairman a letter on August 12, 2014. The letter reads, "All of the Division's publications and reporting forms are available on the Division of Elections' website at <http://elections.myflorida.com>. It is your responsibility to read, understand, and follow the requirements of Florida's election laws. Therefore, please print a copy of the following documents: Chapter 106, Florida Statutes, 2014 Political Committee Handbook, 2014 Calendar of Reporting Dates, and Rule 1S-2.017, Florida Administrative Code." To review a copy of the acknowledgement letter, refer to Exhibit 13.

38. Respondent's chairman is a member of the Florida Senate. He was elected to the Senate in 2010. He acknowledged on a questionnaire affidavit that he had received and read Chapter 106, Florida Statutes. He stated that he serves as the chairman for Respondent as well as three additional political committees. He also stated that he was elected to the Miami-Dade County Commission in 1993 and 1996. Additionally, he was a candidate for Miami-Dade County Mayor in 2000 and 2004. To review the affidavit, refer to Exhibit 6.

Respectfully submitted on May 13, 2015.

  
Margie B. Wade  
Investigation Specialist

**Current address of Respondent**

Floridians for Ethics in Judicial Elections  
610 South Boulevard  
Tampa, Florida 33606

**Current address of Complainant**

Ms. Heather L. Gray  
15820 Palmetto Club Drive  
Miami, Florida 33157

**Current Address of Respondent's Atty.:**

Emmett Mitchell, IV, Esquire  
115 East Park Avenue, Suite 1  
Tallahassee, Florida 32301

**Name and Address of Filing Officer:**

Ms. Kristi R. Bronson, Chief  
Bureau of Election Records  
500 South Bronough Street, Room 316  
Tallahassee, Florida 32399-0250

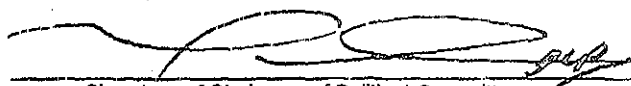
Copy furnished to:

David Flagg, Investigations Manager

**FLORIDA ELECTIONS COMMISSION**  
**REPORT OF INVESTIGATION**  
**Floridians for Ethics in Judicial Elections -- FEC 14-274**

LIST OF EXHIBITS	
Exhibits #s	Description of Exhibits
Exhibit 1	Statement of Organization
Exhibit 2	DS-DE 6
Exhibit 3	Mailer Published by Respondent
Exhibit 4	Appointment of Treasurers for Renier de la Portilla
Exhibit 5	Written Response
Exhibit 6	Respondent's Affidavit
Exhibit 7	Invoice from Printer
Exhibit 8	DOE Printout
Exhibit 9	2014 P7 Report
Exhibit 10	Monthly Bank Statement
Exhibit 11	Campaign Check
Exhibit 12	Mr. Mitchell's Email
Exhibit 13	Acknowledgement letter

<b>STATEMENT OF ORGANIZATION OF POLITICAL COMMITTEE</b>  (PLEASE TYPE)		RECEIVED  OFFICE USE ONLY <b>14 AUG -8 AM 10:42</b>  DIVISION OF ELECTIONS SECRETARY OF STATE
<b>1. Full Name of Committee</b> Floridians for Ethics in Judicial Elections		<b>Telephone</b> 813/254-3369
<b>Mailing Address (include city, state and zip code)</b> 610 South Boulevard, Tampa, Florida 33606		
<b>Street Address (include city, state and zip code)</b> 610 South Boulevard, Tampa, Florida 33606		
<b>2. Affiliated or Connected Organizations (includes other committees of continuous existence and political committees)</b>		
Name of Affiliated or Connected Organization	Mailing Address	Relationship
N/A		
<b>3. Area, Scope and Jurisdiction of the Committee</b> <small>Statewide political committee to support or oppose candidates for statewide multi county legislative county and municipal office and other activities not prohibited by Chapter 106, F.S.</small>		
<b>4. Nature of Organization or Organization's Special Interest (e.g., medical, legal, education, etc.)</b> Political		
<b>5. Identify by Name, Address and Position, the Custodian of Books and Accounts (include treasurer's name)</b>		
Full Name	Mailing Address	Committee Title or Position
Nancy Watkins Robert Watkins	610 South Boulevard Tampa, Florida 33606	Treasurer Deputy Treasurer

<b>6. List by Name, Address and Position, Other Principal Officers, Including Officers and Members of the Finance Committee, If Any (include chairman's name)</b>			
Full Name	Mailing Address	Committee Title or Position	
Miguel Diaz de la Portilla	610 South Boulevard Tampa, Florida 33606	Chairman	
<b>7. List by Name, Address, Office Sought and Party Affiliation Each Candidate or Other Individual that this Committee is Supporting (if none, please indicate)</b>			
Full Name	Mailing Address	Office Sought	Party
To be determined			
<b>8. List Any Issues this Committee is Supporting: To be determined</b>			
List Any Issues this Committee is Opposing: To be determined			
<b>9. If this Committee is Supporting the Entire Ticket of a Party, Give Name of Party</b>			
N/A			
<b>10. In the Event of Dissolution, What Disposition will be Made of Residual Funds?</b>			
Contribute to candidates, political parties, political committees or other activities not prohibited by law.			
<b>11. List all Banks, Safety Deposit Boxes, or Other Depositories Used for Committee Funds</b>			
Name of Bank or Depository & Account Number		Mailing Address	
Bank of Tampa		601 Bayshore Boulevard Tampa, Florida 33606	
<b>12. List all Reports Required to be Filed by this Committee with Federal Officials and the Names, Addresses and Positions of Such Officials, If Any</b>			
Report Title	Dates Required to be Filed	Name & Position of Official	Mailing Address
Form 8871 Form 1120POL Form 990, as may be required	Upon formation March 15, annually May 15, annually	Internal Revenue Service	Ogden, UT 84201
STATE OF <u>Florida</u> <u>MIAMI DADE</u> COUNTY			
<u>Miguel Diaz de la Portilla</u> certify that the information in this Statement of			
Organization is complete, true and correct			
X 		<u>8/7/14</u>	
Signature of Chairman of Political Committee		Date	

**APPOINTMENT OF CAMPAIGN TREASURER  
AND DESIGNATION OF CAMPAIGN  
DEPOSITORY FOR  
POLITICAL COMMITTEES**  
(Sections 106.011(1) and 106.021(1), F.S.)

14 AUG -8 AM 10:42

DIVISION OF ELECTIONS  
SECRETARY OF STATE

CHECK APPROPRIATE BOX:

OFFICE USE ONLY

☒ Original Appointment of Treasurer      ☐ Reappointment of Treasurer      ☐ Deputy Treasurer

1 Committee or Organization  
Floridians for Ethics in Judicial Elections

2 Telephone  
(813 ) 254-3369

3 Name of Treasurer or Deputy Treasurer      4 Email (optional)  
Nancy Watkins      nwatkins@robertwatkins.com

5 Telephone (optional)  
(813 ) 254-3369

6 Mailing Address  
610 South Boulevard, Tampa, Florida 33606

7 Street Address  
610 South Boulevard, Tampa, Florida 33606

8 The following bank has been designated as the      ☒ Primary Depository      ☐ Secondary Depository

9 Name of Bank  
Bank of Tampa

10 Street Address  
601 Bayshore Boulevard

11 City  
Tampa

12 State  
Florida

13 Zip Code  
33606

14 Signature of Chairman

X 

15 Name of Chairman (Print or Type)

Miguel Diaz de la Portilla

**Campaign Treasurer's Acceptance of Appointment**

I, Nancy Watkins

do hereby accept the appointment as

(Please Print or Type)

treasurer or deputy treasurer for

Floridians for Ethics in Judicial Elections

(Committee or Organization)

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING CAMPAIGN TREASURER'S  
ACCEPTANCE OF APPOINTMENT AND THAT THE FACTS STATED ARE TRUE

8/6/14

Date

X 

Signature of Campaign Treasurer or Deputy Treasurer



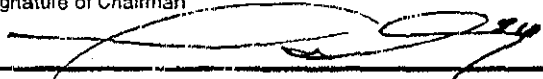
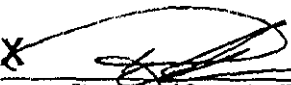
APPOINTMENT OF CAMPAIGN TREASURER  
AND DESIGNATION OF CAMPAIGN  
DEPOSITORY FOR  
POLITICAL COMMITTEES  
(Sections 106.011(1) and 106.021(1), F.S.)

RECEIVED  
14 AUG -8 AM 10:42  
DIVISION OF COLLECTIONS  
SECRETARY OF STATE

CHECK APPROPRIATE BOX:

OFFICE USE ONLY

☐ Original Appointment of Treasurer ☐ Reappointment of Treasurer ☒ Deputy Treasurer

1. Committee or Organization Floridians for Ethics in Judicial Elections		2. Telephone (813 ) 254-3369	
3. Name of Treasurer or Deputy Treasurer Robert Watkins		4. Email (optional) rwatkins@robertwatkins.com	
5. Telephone (optional) (813 ) 254-3369			
6. Mailing Address 610 South Boulevard, Tampa, Florida 33606			
7. Street Address 610 South Boulevard, Tampa, Florida 33606			
8. The following bank has been designated as the <input checked="" type="checkbox"/> Primary Depository <input type="checkbox"/> Secondary Depository			
9. Name of Bank Bank of Tampa		10. Street Address 601 Bayshore Boulevard	
11. City Tampa		12. State Florida	13. Zip Code 33606
14. Signature of Chairman X 		15. Name of Chairman (Print or Type) Miguel Diaz de la Portilla	
<b>Campaign Treasurer's Acceptance of Appointment</b>			
I, <u>Robert Watkins</u>		do hereby accept the appointment as	
(Please Print or Type)			
treasurer or deputy treasurer for		<u>Floridians for Ethics in Judicial Elections</u>	
		(Committee or Organization)	
UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING CAMPAIGN TREASURER'S ACCEPTANCE OF APPOINTMENT AND THAT THE FACTS STATED ARE TRUE.			
8/6/14 Date		 Signature of Campaign Treasurer or Deputy Treasurer	

DS-DE 6 (Rev 7/10)

EXHIBIT 2 page 2 of 3

Florida Department of State

Room 316 R A Gray Building  
500 South Bronough Street  
Tallahassee FL 32399-0250  
(850)245-6200

Division of Elections

*Committee Tracking System*

**Floridians for Ethics in Judicial Elections**

**Type:** Political Committee

**Status:** Active

**Address:** 610 South Boulevard  
Tampa, FL 33606

**Phone:** (813)254-3369

**Chairperson:** Miguel Diaz de la Portilla

**Treasurer:** Nancy Watkins  
610 South Boulevard  
Tampa FL 336060000

**Registered Agent:** Nancy Watkins  
610 South Boulevard  
Tampa FL 336060000

**Purpose:**

**Affiliates:**

Campaign Finance Activity

Campaign Documents

**EXHIBIT** 2 page 3 of 3

CIRCUIT COURT JUDGE GROUP 70 CANDIDATE

RENIER DIAZ DE LA

PORTILLO

HONEST. FAIR. QUALIFIED.



# The Miami Herald

RECOMMENDS

## RENIER DIAZ DE LA PORTILLA

"The Miami Herald recommends  
RENIER DIAZ DE LA PORTILLA."

-The Miami Herald, "The Herald Recommends", July 22, 2014

PRST STD  
U.S. Postage  
PAID  
Miami, FL  
Permit No. 4270

WE COMMEND RENIER DIAZ DE LA PORTILLA FOR BEING  
RECOMMENDED BY THE FOLLOWING ORGANIZATIONS:

Paid electioneering communication paid for by  
FLORIDIANS FOR ETHICS IN JUDICIAL ELECTIONS  
610 South Blvd  
Tampa, FL 33606

|||||  
T48 P1 24209 \*\*\*\*\*AUTO\*\*5-DIGIT 33156



FRATERNAL ORDER  
OF POLICE



POLICE BENEVOLENT  
ASSOCIATION



INTERNATIONAL  
ASSOCIATION  
OF FIREFIGHTERS



United Faculty of Miami-Dade College

UNITED FACULTY  
OF MIAMI-DADE  
COLLEGE

EXHIBIT 3 page 2 of 3

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

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

(PLEASE PRINT OR TYPE)

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

RECEIVED  
DEPARTMENT OF STATE

2013 DEC 16 AM 9:47

DIVISION OF ELECTIONS  
TALLAHASSEE, FL

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)

Benier Diaz de la Portilla

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

1481 NW 22nd ST  
MIAMI, FL 33142

**4 Telephone**

(305) 528 6409

**5 E-mail address**

rdlportilla@gmail.com

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

Circuit Judge 11th Circuit,  
group 16

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

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

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

☐ Write-In    ☒ No Party Affiliation    ☐ \_\_\_\_\_ Party candidate

**9 I have appointed the following person to act as my** ☒ Campaign Treasurer    ☐ Deputy Treasurer

**10 Name of Treasurer or Deputy Treasurer**

Benier Diaz de la Portilla

**11 Mailing Address**

1481 NW 22nd ST

**12 Telephone**

(305) 325 1079

**13 City**

Miami

**14 County**

Dade

**15 State**

FL

**16 Zip Code**

33142

**17 E-mail address**

rdlportilla@gmail.com

**18 I have designated the following bank as my**

☐ Primary Depository

☐ Secondary Depository COM

**19 Name of Bank**

Chase Bank

**20 Address**

1450 Brickell Ave Ste. 150

**21 City**

Miami

**22 County**

Dade

**23 State**

FL

**24 Zip Code**

33131

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**

12/13/13

**26 Signature of Candidate**

X Benier Diaz de la Portilla

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

I, Benier Diaz de la Portilla, do hereby accept the appointment  
(Please Print or Type Name)

designated above as:

☒ Campaign Treasurer

☐ Deputy Treasurer

12/13/13  
Date

X

Signature of Campaign Treasurer or Deputy Treasurer

12/13/13

Dear Fla. Division of Elections:

Please accept forms DE 9, DE 83  
and DE 84 for the office of Circuit  
Court Judge, 11th Circuit Group 16, 2014 election.

Please contact me at the submitted contact  
number should you require more information.

Thank you,  
Rocio Quirap  
rdlportillapa@gmail.com

RECEIVED  
FLORIDA DEPARTMENT OF STATE

2013 DEC 16 AM 9:47

DIVISION OF ELECTIONS  
TALLAHASSEE, FL

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

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

(PLEASE PRINT OR TYPE)

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

RECEIVED  
DEPARTMENT OF STATE

2014 APR 17 AM 7:35

DIVISION OF ELECTIONS  
TALLAHASSEE, FL

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)

Renier Diaz de la Portilla

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

1481 NW 22nd Street  
Miami, FL 33142

**4 Telephone**

(305 ) 5286909

**5 E-mail address**

rdlportillapa@gmail.com

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

Miami-Dade Circuit Judge- 11th Circuit, Group 70

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

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

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

☐ Write-In    ☒ No Party Affiliation    ☐ \_\_\_\_\_ Party candidate

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

**10 Name of Treasurer or Deputy Treasurer**

Renier Diaz de la Portilla

**11 Mailing Address**

1481 NW 22nd Street

**12. Telephone**

( 305 ) 528-6909

**13 City**

Miami

**14. County**

Miami-Dade

**15. State**

FL

**16. Zip Code**

33142

**17 E-mail address**

diazdelaportillaforjudge@gmail.com

**18 I have designated the following bank as my**

☒ Primary Depository    ☐ Secondary Depository

**19. Name of Bank**

JP Morgan Chase

**20 Address**

1450 Brickell Avenue

**21. City**

Miami

**22. County**

Miami-Dade

**23 State**

FL

**24 Zip Code**

33131

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**

04/16/2014

**26 Signature of Candidate**

X

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

I, Renier Diaz de la Portilla do hereby accept the appointment  
(Please Print or Type Name)

designated above as:    ☒ Campaign Treasurer    ☐ Deputy Treasurer

04/16/2014

Date

X

Signature of Campaign Treasurer or Deputy Treasurer

COATES LAW FIRM, P.C.  
ATTORNEYS AT LAW

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

NOREEN A. FENNER\*  
\*Not an attorney

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

October 1, 2014

Amy McKeever Toman  
Florida Elections Commission  
107 West Gaines Street  
The Collins Building, Suite 224  
Tallahassee, Florida 32399-1050

VIA HAND DELIVERY

**RE: Case No. FEC 14-274; Respondent – Floridians for Ethics in Judicial Elections**

Dear Ms. Toman:

This firm represents Floridians for Ethics in Judicial Elections (FEJE or Respondent), the Respondent in the above-referenced matter. Our firm has previously filed a Notice of Appearance on its behalf.

FEJE filed its Statement of Organization as a political committee on August 8, 2014, with the Division of Elections. Senator Miguel Diaz de la Portilla is listed as FEJE's Chairman on the *Statement of Organization of Political Committee*, Form DS-DE-5. FEJE remains an active political committee (PC).

The Complainant states that FEJE did not list any specific candidates on its DS-DE-5, and therefore could not produce a mail piece on behalf of a judicial candidate, Renier Diaz de la Portilla. In this case, FEJE listed "To be Determined" when asked what candidate(s) it would be supporting. This is a routine practice by a political committee when filing its organizational documents because it may not know at the time of filing which candidates it will be support or oppose. The Division of Elections regularly accepts such forms (with "To be Determined"), acknowledging that it is simply not practical for a political committee to identify who may be a candidate in an upcoming election or who it may support.

Simply because a specific candidate(s) was not mentioned on the political committee's DS-DE-5 does not prevent it from conducting an electioneering communication on behalf of that

EXHIBIT

5 pages 1 of 2



candidate. A political committee is not required to amend or file a new DS-DE-5 each time it produces an electioneering communication for a different candidate.

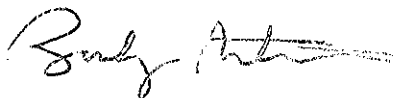
The Complainant states that "FEJE had no money in [SIC] which to send a mail piece on August 8th," and that a mail piece was sent "[O]n or about August 11, 2014." Complainant fails to mention that FEJE received multiple contributions during the period ending on August 21, 2014, and that FEJE reported an expenditure for an electioneering communication on August 11, 2014, in the amount of \$35,750.00.

Finally, FEJE has reported all of its activity to the Division of Elections, as required by section 106.07. All of FEJE's activity can be accessed and reviewed on the Division of Elections' website.<sup>1</sup> And contrary to the assertions by the Complainant, FEJE's contributions and expenditures have also been reported at <http://floridajudicialectionsethics.com>. Under section 106.0701, Florida Statutes, the Respondent is required to promptly create a website and has five days to update the website showing an associated entity's contributions and expenditures. The blank pages included as Exhibit "D" in the Complaint were printed on August 14, 2014, and FEJE's first activity was on August 11, 2014. Complaint's review of the website was apparently conducted just three days after FEJE's initially reported activity (August 11, 2014).

The Complainant would have been well advised to review and confirm FEJE's reported campaign activity on these websites before preparing her complaint on August 15, 2014 and filing the complaint on August 27, 2014. As such, the Complaint in this matter is wholly without merit.

For the above reasons, the Complaint should be found legally insufficient and dismissed immediately.

Sincerely,



Bucky Mitchell

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<sup>1</sup> <http://election.dos.state.fl.us/committees/ComLkup.asp>

**AFFIDAVIT OF BACKGROUND INFORMATION**

**Case Numbers: FEC 14-274 and 14-275**

**STATE OF FLORIDA**  
**County of Miami-Dade**

705 J 4 30 P 4 37

**Miguel Diaz de la Portilla, being duly sworn, says:**

1. This affidavit is made upon my personal knowledge and information provided to me by my campaign treasurer and attorneys.

2. I am of legal age and competent to testify to the matters stated herein. I am currently employed by Arnstein & Lehr, Miami, FL as an Attorney/Partner.

3. Other than your current office, have you ever run for any other public office? If so, please name the office(s) you ran for and the date(s) of the election(s) you ran in.

Miami-Dade County Commission - elected in 1993 and subsequently in 1996;

Miami-Dade County Mayor - candidate in 2000 and 2004.

4. Have you ever been appointed to act as a campaign treasurer for a candidate? If so, please name the candidate(s) you served as treasurer, the office(s) the candidate ran for, and the dates of the election(s).

I may have initially listed myself on initial campaign documents as the treasurer or deputy treasurer as a candidate, but don't recall for which races. I would then turn over the candidate treasurer duties to a CPA to handle after the initial documents were filed.

5. Have you ever held the office of chairperson, treasurer, board member, or other similar position for a political committee? If so, please list the names and addresses of the committees and dates when you held the position.

I currently serve as Chairman of the following entities:

1. FEJE (PC), 610 South Blvd., Tampa, FL 33606

2. Conservatives for Florida, Inc. (ECO), 610 South Blvd., Tampa, FL 33606

3. Foundation for Conservative Values (PC), 610 South Blvd., Tampa, FL 33606

6. Have you ever prepared or signed a campaign treasurer's report? If so, please list the name of the candidate or committee whose report you prepared or signed.

I have signed candidate reports and those of the entities listed above, but have not prepared campaign treasurer's reports.

**EXHIBIT** to page 1 of 4

7. What action have you taken to determine your responsibilities under Florida's election laws?

I generally familiarized myself with chapter 106 over the years. I also hired and relied upon a highly trained and competent campaign treasurer (licensed C.P.A.'s, Robert Watkins & Co.) and attorneys (Coates Law Firm, PL) to assist with the PC's activities.

8. Do you possess a copy of Chapter 106, Florida Statutes? ☒ Yes ☐ No

9. If so, when did you first obtain it? Don't recall. Several years ago.

10. Have you read Chapter 106, Florida Statutes? ☒ Yes ☐ No

11. Do you possess a copy of Chapter 104, Florida Statutes? ☒ Yes ☐ No

12. If so, when did you first obtain it? Don't recall. Several years ago.

13. Have you read Chapter 104, Florida Statutes? ☒ Yes ☐ No

14. Do you possess a copy of the *Handbook for Candidates*? ☐ Yes ☒ No

15. If so, when did you first obtain it? N.A.

16. Have you read the *Handbook for Candidates*? ☐ Yes ☒ No

17. List any additional materials you received from the Supervisor of Elections.  
None.

18. Who completed the statement of organization form (DS DE 5) for the committee? Please provide their name and contact information.

Bucky Mitchell and Noreen Fenner completed the statement of organization.

Coates Law Firm, PL, 115 East Park Ave., Ste. 1, Tallahassee 32301

850-681-1029

19. Did anyone review the form before it was submitted to the Division of Elections? Yes. If so, please provide the name and contact information of the person who reviewed the form.

Bucky Mitchell reviewed the DS-DE 5 form.

Coates Law Firm, PL, 115 East Park Ave., Ste. 1, Tallahassee, FL 32301

850-681-1029

20. Who submitted the form to the Division of Elections? Please provide their name and contact information.

Noreen Fenner submitted the form. See attached form and cover letter.

See contact info in answer to No. 19 above.

EXHIBIT 6 page 2 of 4

21. Please explain why you did not list the name of the candidate the political committee was supporting on its statement of organization.

I relied on my attorneys to complete the statement of organization and did not make an independent judgment as to what should be contained in the fields of the form. It's my understanding that practitioners in this area routinely use "To be determined" when asked on the statement about candidates that a PC may support/oppose, instead of attempting to identify any and all possible candidates a PC may support/oppose in future elections. It's also my understanding that "To be determined" is used at the direction of Kristi Bronson in the Division of Elections, and is routinely accepted on forms by the Division. Attached are a host of examples from statements of organization using the Division-recommended verbiage, "To be determined."

FEJE remains an active PC and may be used in future elections.

22. When (on what date) was the mailer in support of Candidate Renier Diaz de la Portilla published?

It is my understanding that the mailer was sent out on or about August 12, 2014.

23. Please provide a copy of the invoice for the mailer, the payment instrument, the artwork and any and all communications with the vendor.

See attached.

24. Please provide copies of the committee's bank records that show when the depository was opened and the activity in the account during the month of August of 2014, including but not limited to bank statements, checks issued from the account and deposits slips

See attached, provided by FEJE's treasurer, Nancy Watkins. I never handled any money, wrote any checks or made any deposits to the PC's account - all of that was done by Ms. Watkins. A campaign depository for the PC was opened at the Bank of Tampa with an initial deposit (via internal telephone transaction) of \$40,000 on August 11, 2014.

25. In your response to the complaint regarding when the contributions and expenditures were disclosed on your website, you stated "Complainant would have been well-advised to review the Respondent and FEJE's campaign activity on theses websites before preparing her complaint on August 15, 2014..." Is this the date (August 15, 2014) that the website was


EXHIBIT 6 page 3 of 4

updated to disclose the committee's contributions and expenditures? If not, please provide the date that the website was updated. Please provide the contact information of the person who updated the website and explain why there was a delay in updating the website.

Nancy Watkins, the campaign treasurer, used a firm called Taproot Creative to set up the web site. It was completed at 3 pm on August 13, 2014. Ms. Watkins or someone in her CPA firm would then update the web site and enter transactions as they were made.


There was no delay in updating the website after it was created. Section 106.0701, F.S., provides that contributions must be disclosed within five business days after deposit and expenditures must be disclosed within five business days after being made. The first deposit was made on Monday, August 11, 2014. The web site may have been updated on the fourth business day after the deposit was made, Friday, August 15, 2014. The screen shot of the web site provided by the Complainant is dated Thursday, August 14, 2014. The Complaint was filed the following day.

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

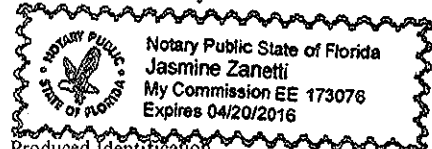
  
Signature of Affiant

Sworn to (or affirmed) and subscribed before me this 27 day of

January, 20 15

  
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: MBW

EXHIBIT 6 page 4 of 4

Cornerstone Management Partners

202 The Plaza  
Teaneck, NJ 07666

# Invoice

Date	Invoice #
8/11/2014	12311

Bill To
Floridians for Ethics in Judicial Elections 610 South Blvd Tampa, FL 33606

**PAID**  
08/13/2014

P.O. No.	Terms	Project

Quantity	Description	Rate	Amount
70K Mail pieces		35,000.00	35,000.00
Art Design		750.00	750.00

	<b>Total</b>	\$35,750.00
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# Florida Department of State Division of Elections

## Floridians for Ethics in Judicial Elections

### Campaign Finance Activity

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

Contributions							
	Filing Period	Monetary	Loans	InKind	Expend	Other	Transfers
W	08/02/2014 - 08/08/2014	0 00	0 00	0 00	0 00	0 00	0 00
○	08/09/2014 - 08/21/2014	109,000 00	0 00	0 00	99,865 41	0 00	0 00
W	08/22/2014 - 08/22/2014	0 00	0 00	0 00	0 00	0 00	0 00
●	08/23/2014 - 08/29/2014	55,000 00	0 00	0 00	53,020 00	0 00	0 00
W	08/30/2014 - 09/05/2014	0 00	0 00	0 00	0 00	0 00	0 00
○	09/06/2014 - 09/12/2014	0 00	0 00	0 00	170 21	0 00	0 00
W	09/13/2014 - 09/19/2014	0 00	0 00	0 00	0 00	0 00	0 00
W	09/20/2014 - 09/26/2014	0 00	0 00	0 00	0 00	0 00	0 00
W	09/27/2014 - 10/03/2014	0 00	0 00	0 00	0 00	0 00	0 00
○	10/04/2014 - 10/10/2014	0 00	0 00	0 00	4,956 25	0 00	0 00
W	10/11/2014 - 10/17/2014	0 00	0 00	0 00	0 00	0 00	0 00
W	10/18/2014 - 10/24/2014	0 00	0 00	0 00	0 00	0 00	0 00
W	10/25/2014 - 10/25/2014	0 00	0 00	0 00	0 00	0 00	0 00
W	10/26/2014 - 10/26/2014	0 00	0 00	0 00	0 00	0 00	0 00
W	10/27/2014 - 10/27/2014	0 00	0 00	0 00	0 00	0 00	0 00
W	10/28/2014 - 10/28/2014	0 00	0 00	0 00	0 00	0 00	0 00
W		0 00	0 00	0 00	0 00	0 00	0 00

EXHIBIT

8 page 1 of 2

	10/29/2014 - 10/29/2014						
<b>W</b>	10/18/2014 - 10/30/2014	0 00	0 00	0 00	0 00	0 00	0 00
<b>W</b>	10/31/2014 - 10/31/2014	0 00	0 00	0 00	0 00	0 00	0 00
<input type="radio"/>	11/01/2014 - 11/30/2014	0 00	0 00	0 00	150 00	0 00	0 00
<input type="radio"/>	12/01/2014 - 12/31/2014	0 00	0 00	0 00	2,650 00	0 00	0 00
<b>W</b>	01/01/2015 - 01/31/2015	0 00	0 00	0 00	0 00	0 00	0 00
<input type="radio"/>	02/01/2015 - 02/28/2015	0 00	0 00	0 00	250 00	0 00	0 00
<input type="radio"/>	03/01/2015 - 03/31/2015	0 00	0 00	0 00	1,570 00	0 00	0 00
<input type="radio"/>	04/01/2015 - 04/30/2015	0 00	0 00	0 00	75 00	0 00	0 00
<input type="radio"/>	<b>All Dates (Totals)</b>	164,000 00	0 00	0 00	162,706 87	0 00	0 00

Note: <sup>(E)</sup> indicates that report was filed electronically

**X** Indicates that detail has not been released

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

Select Detail Type

Expenditures

Select Sort Order

Date(Ascending)

Select Output Type

Display On Screen

[Query the Campaign Finance Data Base](#)

[\[Department of State\]](#) [\[Division of Elections\]](#) [\[Candidates and Races\]](#) [\[Campaign Finance Information\]](#)

**EXHIBIT**

8 page 2 of 2



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

(1) Floridians for Ethics in Judicial Elections (2) 64292  
 Candidate Committee or Party Name I D Number

(3) 610 South Boulevard Tampa FL 33606  
 Address (number and street) City State Zip Code  
☐ Check box if address has changed since last report

(4) Check appropriate box(es):  
☐ Candidate (office sought)  
☒ Political Committee ☐ Check If PC has DISBANDED  
☐ Committee of Continuous Existence ☐ Check If CCE has DISBANDED  
☐ Party Executive Committee

**(5) REPORT IDENTIFIERS**

Cover Period: From 08/09/2014 To 08/21/2014 Report Type: P7  
☒ Original ☐ Amendment ☐ Special Election Report

**(6) CONTRIBUTIONS THIS REPORT**

Cash & Checks \$109 000 00  
 Loans \$0 00  
*Total Monetary* \$109 000 00  
 In-Kind \$0 00

**(7) EXPENDITURES THIS REPORT**

Monetary Expenditures \$99 865 41  
 Transfers to Office Account \$0 00  
*Total Monetary* \$99,865 41

(8) Other Distributions

**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

Name of ☐ Treasurer ☐ Deputy Treasurer

X  
 Signature

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

Name of ☐ Candidate ☒ Chairman (PC/PTY Only)

X  
 Signature

## CAMPAIGN TREASURER'S REPORT - ITEMIZED CONTRIBUTIONS

Name: Floridians for Ethics in Judicial ElectionsReport: 2014 P7Period: 08/09/2014 to 08/21/2014

\*\* Records in Filed Report \*\*

Seq # Date	Full Name (Last, Suffix First, Middle Street Address & City, State, Zip	Contributor	Occupation	Amount Amend
		Type	In-Kind Description	
1 08/11/2014	FOUNDATION FOR CONSERVATIVE VALUES PC 610 S. BOULEVARD TAMPA, FL 33606	F	POLITICAL ORG.	\$40,000.00
		CHE		
2 08/13/2014	FOUNDATION FOR CONSERVATIVE VALUES PC 610 S. BOULEVARD TAMPA FL 33606	F	POLITICAL ORG.	\$4,000.00
		CHE		
3 08/20/2014	FOUNDATION FOR CONSERVATIVE VALUES PC 610 S. BOULEVARD TAMPA, FL 33606	F	POLITICAL ORG.	\$65,000.00
		CHE		

## CAMPAIGN TREASURER'S REPORT - ITEMIZED EXPENDITURES

Name: Floridians for Ethics in Judicial ElectionsReport: 2014 P7Period: 08/09/2014to 08/21/2014

\*\* Records in Filed Report \*

Seq # Date	Full Name (Last, Suffix First, Middle Street Address & City, State, Zip)	Type	Purpose	Amount Amend
1 08/11/2014	CORNERSTONE MANAGEMENT PARTNERS LLC 202 THE PLAZA TEANECK, NJ 07666	ECC	DIRECT MAIL SERVICES	\$35,750 00
2 08/21/2014	CORNERSTONE MANAGEMENT PARTNERS LLC 202 THE PLAZA TEANECK, NJ 07666	ECC	DIRECT MAIL SERVICES	\$50 000 00
3 08/21/2014	CORNERSTONE MANAGEMENT PARTNERS LLC 202 THE PLAZA TEANECK, NJ 07666	ECC	TELEPHONE CALLS	\$14 000 00
4 08/21/2014	BANK OF TAMPA P O BOX 1 TAMPA, FL 33601	MON	SERVICE CHARGE	\$20 00
5 08/20/2014	BANK OF TAMPA P O BOX 1 TAMPA, FL 33601	MON	DEPOSIT SUPPLIES	\$43 62
6 08/20/2014	BANK OF TAMPA P O BOX 1 TAMPA, FL 33601	MON	DEPOSIT SUPPLIES	\$51 79

ID:

**CAMPAIGN TREASURER'S REPORT - ITEMIZED FUND TRANSFERS**

Page 1 of 1

Name: Floridians for Ethics in Judicial Elections

Report: 2014 P7

Period: 08/09/2014

to 08/21/2014

**\*\* Records in Filed Report \*\***

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

ID:

**CAMPAIGN TREASURER'S REPORT - ITEMIZED DISTRIBUTIONS**

Page 1 of 1

Name: Floridians for Ethics in Judicial Elections

Report: 2014 P7

Period: 08/09/2014 to 08/21/2014

**\*\* Records in Filed Report \*\***

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



Account Number:  
Statement Period:  
Through:  
30 - 3

Statement  
Aug 11, 2014  
Aug 29, 2014  
Page 1

GO PAPERLESS WITH E-STATEMENTS

\*\*\*\*\*  
THIS SERVICE GIVES YOU THE OPTION OF VIEWING, PRINTING OR DOWNLOADING  
YOUR STATEMENT THROUGH COMMERCIAL ONLINE BANKING AS OPPOSED TO RECEIVING  
STATEMENTS IN THE MAIL. IT'S QUICK, SECURE, CONVENIENT, AND WILL EVEN  
HELP TO SAVE SOME TREES. TO ENROLL, SIMPLY CLICK ON eSTATEMENTS IN  
ONLINE BANKING.  
\*\*\*\*\*



FLORIDIANS FOR ETHICS  
IN JUDICIAL ELECTIONS

610 S BOULEVARD  
TAMPA FL 33606-2693

☎ Call: 813-872-1200  
✉ Write: P.O. Box One  
Tampa, FL 33601-0001  
🌐 Visit: www.bankoftampa.com  
☎ Call: Telebanc (24 Hours)  
813-872-1275

----- COMMERCIAL CHECKING -----

ACCOUNT #		BEGINNING BALANCE	\$0.00
ACCOUNT NAME	COMMERCIAL CHECKING	DEPOSITS / CREDITS	\$164,000.00
AVG. AVAILABLE BALANCE	\$17,829.78	CHECKS / DEBITS	\$152,885.41
AVG. BALANCE	\$17,829.78	ENDING BALANCE	\$11,114.59
		# DEPOSITS / CREDITS	4
		# CHECKS / DEBITS	7

ACCOUNT ACTIVITY DETAIL

DEPOSITS

Ref #	Date	Amount	Ref #	Date	Amount	Ref #	Date	Amount
0	08-20	65,000.00						

EXHIBIT 10 page 1 of 4

**Statement**

Account Number:  
Statement Period:  
Through:

Aug 11, 2014  
Aug 29, 2014  
Page 2

**OTHER CREDITS**

Description	Date	Amount
DDA To DDA Telephone Transfer/7637 Requested By Jamie Jodoin/CKW DTO 1268	08-11	40,000 00
Online Transfer 21107637 INTERNAL TRANSFER	08-13	4 000 00
Online Transfer 21107637 INTERNAL TRANSFER	08-25	55,000 00
Total		99,000.00

**CHECKS**

Check#	Date	Amount	Check#	Date	Amount	Check#	Date	Amount
1001	08-14	35 750.00						
Total Checks		1						
Total Amt:		35 750.00						

**OTHER DEBITS**

Description	Date	Amount
HARLAND CLARKE CHK ORDER DUPT52630125400	08-20	43 62
HARLAND CLARKE CHK ORDER DUPT96280221200	08-20	51 79
Online Wire Out Fee 106696	08-21	20 00
Outgoing Wire-Cornerstone Management Partners LLC	08-21	64 000 00
Online Wire Out Fee 106871	08-25	20 00
Outgoing Wire-Cornerstone Management Partners LLC	08-25	53 000 00

**DAILY BALANCE**

Date	Balance	Date	Balance	Date	Balance
08-11-14	\$40,000 00	08-14-14	\$8,250 00	08-21-14	\$9,134 59
08-13-14	\$44,000 00	08-20-14	\$73,154 59	08-25-14	\$11,114 59

EXHIBIT 10 page 2 of 4

Account Number:  
Statement Period:  
Through:

List any checks, ATM withdrawals, POS transactions, payments, transfers, or other withdrawals from your account that are not on this statement (i.e. outstanding items). Then follow the steps below, making sure you have added into your checkbook any deposits, loan advances or other credits, and deducted any automatic payments or transfers, service charges or other items. After following these steps, the adjusted bank balance and the adjusted checkbook balance should equal each other.

[illegible]

Bank balance  
shown on this  
statement \$

Your checkbook balance \$ \_\_\_\_\_

Add +  
Any deposits not  
credited on this  
statement

Add +  
Any interest  
credited on this  
statement \_\_\_\_\_

Subtract -  
Outstanding  
checks, etc. \_\_\_\_\_Subtract -  
Service  
Charges

Adjusted  
bank  
balance      \$ \_\_\_\_\_

Adjusted  
checkbook  
balance \$ \_\_\_\_\_

### In Case of Errors or Questions About Your Statement

**In Case of Errors or Questions About Your Statement** Statements are a valuable tool to help prevent fraudulent or mistaken transactions or transfers. Your statement shows the transactions that occurred in connection with your account during the statement period. Your statement provides sufficient information for you to reasonably identify the items paid (item number, amount, date of payment). You should keep a record of each transaction as it is made so that when we give you the information in the statement, you will have a complete understanding of each transaction listed.

Call us at (813) 872-1250 or write us at the following address as soon as you can. If you think your statement is wrong or if you need more information about a transaction or transfer on the statement. Write us at:

The Bank of Tampa  
Claim Resolution Department  
P.O. Box 31319  
Tampa, FL 33633-1129

We must hear from you no later than 30 days after we sent you the FIRST statement on which the error or problem appeared. Please tell us your name and account number, describe the error, transfer or transaction (date, place/type, dollar amount of suspected error) you are unsure about, and explain as clearly as you can why you believe it is an error or why you need more information. If you tell us orally, we may require that you send us your complaint or question in writing within 10 business days.




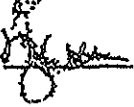
Floridians for Ethics in  
Judicial Elections, 610 S Boulevard, Tampa, FL 33606  
Vendor ID: CORNERSTON

1001

Name: Cornerstone Management Partners  
Check Date: 08/11/14  
Check Amount: 35,750.00

MEMO:

Invoice #: 12311

Payers for Ethics in Judicial Elections 610 S. Boulevard, Tampa, FL 33600		Bank of Tampa Tampa, FL 33601 08-000-001 007	1001
PAY TO THE ORDER OF COMMERCIAL MANAGEMENT PARTNERS 202 THE PLAZA TAMPA, FL 33601	THIRTY FIVE THOUSAND SEVEN HUNDRED FIFTY TWO DOLLARS DATE 08/14/14		ACCOUNT 750.00
			

1001 \$35,750.00 08/14/2014



RE: FEC 14-274 and 14-275  
bmitchell  
to:  
Margie Wade  
04/16/2015 08:46 AM  
Show Details

Good Morning Margie -

Listed below are your questions and the answers to each in italics.  
Please let me know if you need anything further.

1. What was the date the Renier Diaz de la Portilla mail piece in question was "ordered"? *The mail piece was ordered on August 11, 2014, after it was approved by the chairman and after review by and with the advise of FEJE's legal counsel, the Coates Law Firm, and FEJE's accounting firm, Robert Watkins and Associates. FEJE was also informed by the vendor, Cornerstone, as to the mailer's cost on that date.*
2. How did FEJE issue the check for payment to Cornerstone? *Nancy Watkins issued the check to Cornerstone from FEJE's Bank of Tampa account and sent the check by FedEx overnight mail to Cornerstone on the afternoon of August 11, 2014. The check cleared FEJE's account on 8/14/2014.*
3. Was Renier Diaz de la Portilla the only candidate that FEJE supported during the 2014 election? *Yes, however FEJE remains an active entity and may conduct electioneering communications on behalf of other candidates in future elections.*

## Bucky Mitchell

Coates Law Firm, PL  
115 East Park Ave., Suite 1  
Tallahassee, FL 32301

850.681.1029

CONFIDENTIALITY NOTE: The information contained in this transmission is privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this transmission in error, do not read it. Please immediately reply to the sender that you

EXHIBIT 12 page 1 of 2

have received this communication in error and then delete it. Thank you.

CIRCULAR 230 NOTICE: To comply with U.S. Treasury Department and IRS regulations, we are required to advise you that, unless expressly stated otherwise, any U.S. federal tax advice contained in this e-mail, including any attachments to this e-mail, is not intended or written to be used, and cannot be used, by any person for the purpose of (i) avoiding penalties under the U.S. Internal Revenue Code, or (ii) promoting, marketing or recommending to another party any transaction or matter addressed in this e-mail or attachment.

----- Original Message -----

Subject: FEC 14-274 and 14-275

From: Margie Wade <[Margie.Wade@myfloridalegal.com](mailto:Margie.Wade@myfloridalegal.com)>

Date: Wed, April 15, 2015 2:15 pm

To: <[bmitchell@rcoateslaw.com](mailto:bmitchell@rcoateslaw.com)>

Hi Bucky,

I was just following up on the requested information on the cases above. Please let me know the status of my request.

Thanks.

Margie B. Wade  
Investigation Specialist II  
Florida Elections Commission  
107 West Gaines Street, Suite 224  
Tallahassee, FL 32399  
850-922-4539 (phone)  
850-921-0783 (fax)

EXHIBIT 12 page 3 of 2



## FLORIDA DEPARTMENT of STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

August 12, 2014

Miguel Diaz de la Portilla, Chairperson  
Floridians for Ethics in Judicial Elections  
610 South Boulevard  
Tampa, Florida 33606

Dear Mr. Diaz de la Portilla:

This will acknowledge receipt of the Statement of Organization and Appointment of Campaign Treasurer and Designation of Campaign Depository for **Floridians for Ethics in Judicial Elections**, which were placed on file in our office on August 8, 2014. This information appears to comply with the requirements of Section 106.03, Florida Statutes, and the name of this organization has been placed on our active committee list as a political committee.

### Campaign Treasurer's Reports

Your first campaign treasurer's report will be due on **August 15, 2014**. The report will cover the period of August 2-8, 2014 (P6). All political committees that file reports with the Division of Elections are required to file by means of the Division's Electronic Filing System (EFS)

### Credentials and Sign-ons

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

EFS Website Address: <https://efs.dos.state.fl.us>  
Identification Number: 64292

**EXHIBIT** 13 page 1 of 3

Division of Elections

R.A. Gray Bldg., Rm. 316 • 500 S Bronough St. • Tallahassee, Florida 32399-0250  
Telephone: (850) 245-6240 • Facsimile: (850) 245-6259 [elections.myflorida.com](http://elections.myflorida.com)  
Commemorating 500 years of Florida history [www.fl500.com](http://www.fl500.com)



Miguel Diaz de la Portilla, Chairperson  
August 12, 2014  
Page Two

### Pin Numbers

Pin numbers are confidential secure credentials that allow you to submit reports and update information. The enclosed sealed envelope provides a confidential pin number for the chairperson. By copy of this letter, a confidential pin number to access the EFS was sent to the treasurer.

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

### Timely Filing

All reports must be completed and filed through the EFS no later than midnight, Eastern Standard Time, of the due date. Reports not filed by midnight of the due date are late filed and subject to the penalties in Section 106 07(8), Florida Statutes. In the event that the EFS is inoperable on the due date, the report will be accepted as timely filed if filed no later than midnight, Eastern Standard Time, of the first business day the EFS becomes operable. No fine will be levied during the period the EFS was inoperable.

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

### Electronic Receipts

The person submitting the report on the EFS will be issued an electronic receipt indicating and verifying the report was filed. Each campaign treasurer's report filed by means of the EFS is considered to be under oath by the chairperson and campaign treasurer and such persons are subject to the provisions of Section 106 07(5), Florida Statutes.

Miguel de la Portilla, Chairperson  
August 12, 2014  
Page Three

**Instructions and Assistance**

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

All of the Division's publications and reporting forms are available on the Division of Elections' website at <http://elections.myflorida.com>. It is your responsibility to read, understand, and follow the requirements of Florida's election laws. Therefore, please print a copy of the following documents: Chapter 106, Florida Statutes, *2014 Political Committee Handbook*, *2014 Calendar of Reporting Dates*, and Rule 1S-2.017, Florida Administrative Code.

Please let me know if you need additional information.

Sincerely,



Kristi Reid Bronson, Chief  
Bureau of Election Records

KRB/ljr

Enclosures

pc: Nancy Watkins, Treasurer  
Robert Watkins, Deputy Treasurer



RE: FEC 14-274 and 14-275  
bmitchell  
to:  
Margie Wade  
04/16/2015 08:46 AM  
[Show Details](#)

Good Morning Margie -

Listed below are your questions and the answers to each in italics.  
Please let me know if you need anything further.

1. What was the date the Renier Diaz de la Portilla mail piece in question was "ordered"? *The mail piece was ordered on August 11, 2014, after it was approved by the chairman and after review by and with the advise of FEJE's legal counsel, the Coates Law Firm, and FEJE's accounting firm, Robert Watkins and Associates. FEJE was also informed by the vendor, Cornerstone, as to the mailer's cost on that date.*

2. How did FEJE issue the check for payment to Cornerstone? *Nancy Watkins issued the check to Cornerstone from FEJE's Bank of Tampa account and sent the check by FedEx overnight mail to Cornerstone on the afternoon of August 11, 2014. The check cleared FEJE's account on 8/14/2014.*

3. Was Renier Diaz de la Portilla the only candidate that FEJE supported during the 2014 election? *Yes, however FEJE remains an active entity and may conduct electioneering communications on behalf of other candidates in future elections.*

## **Bucky Mitchell**

Coates Law Firm, PL  
115 East Park Ave., Suite 1  
Tallahassee, FL 32301

850 681.1029

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----- Original Message -----

Subject: FEC 14-274 and 14-275

From: Margie Wade <[Margie.Wade@myfloridalegal.com](mailto:Margie.Wade@myfloridalegal.com)>

Date: Wed, April 15, 2015 2:15 pm

To: <[bmitchell@rcoateslaw.com](mailto:bmitchell@rcoateslaw.com)>

Hi Bucky,

I was just following up on the requested information on the cases above. Please let me know the status of my request.

Thanks.

Margie B. Wade

Investigation Specialist II

Florida Elections Commission

107 West Gaines Street, Suite 224

Tallahassee, FL 32399

850-922-4539 (phone)

850-921-0783 (fax)

question was "ordered"? *The mail piece was ordered on August 11, 2014, after it was approved by the chairman and after review by and with the advise of FEJE's legal counsel, the Coates Law Firm, and FEJE's accounting firm, Robert Watkins and Associates. FEJE was also informed by the vendor, Cornerstone, as to the mailer's cost on that date.*

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----- Original Message -----

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From: Margie Wade <[Margie.Wade@myfloridalegal.com](mailto:Margie.Wade@myfloridalegal.com)>

Date: Wed, April 15, 2015 2:15 pm

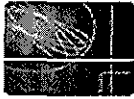
To: <[bmitchell@rcoateslaw.com](mailto:bmitchell@rcoateslaw.com)>


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Thanks

Margie B. Wade  
Investigation Specialist II  
Florida Elections Commission  
107 West Gaines Street, Suite 224  
Tallahassee, FL 32399  
850-922-4539 (phone)  
850-921-0783 (fax)



RE: FEC 14-274 and 14-275   
Margie Wade to: bmittchell

04/20/2015 10:28 AM

Thanks Bucky. Do you have any final comments or do you want to wait to receive the ROI before making your final comments?

Margie B Wade  
Investigation Specialist II  
Florida Elections Commission  
107 West Gaines Street, Suite 224  
Tallahassee, FL 32399  
850-922-4539 (phone)  
850-921-0783 (fax)

Good Morning Margie - Listed below are your qu

04/16/2015 08:46:49 AM

From: <bmittchell@rcoateslaw.com>  
To: "Margie Wade" <Margie.Wade@myfloridalegal.com>  
Date: 04/16/2015 08:46 AM  
Subject: RE: FEC 14-274 and 14-275

Good Morning Margie -

Listed below are your questions and the answers to each in italics.  
Please let me know if you need anything further.

1. What was the date the Renier Diaz de la Portilla mail piece in question was "ordered"? *The mail piece was ordered on August 11, 2014, after it was approved by the chairman and after review by and with the advise of FEJE's legal counsel, the Coates Law Firm, and FEJE's accounting firm, Robert Watkins and Associates. FEJE was also informed by the vendor, Cornerstone, as to the mailer's cost on that date.*

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**Bucky Mitchell**

Coates Law Firm, PL

115 East Park Ave., Suite 1  
Tallahassee, FL 32301

850.681.1029

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----- Original Message -----

Subject: FEC 14-274 and 14-275  
From: Margie Wade <[Margie.Wade@myfloridalegal.com](mailto:Margie.Wade@myfloridalegal.com)>  
Date: Wed, April 15, 2015 2:15 pm  
To: <[bmitchell@rcoateslaw.com](mailto:bmitchell@rcoateslaw.com)>

Hi Bucky,

I was just following up on the requested information on the cases above. Please let me know the status of my request.

Thanks.

Margie B. Wade  
Investigation Specialist II  
Florida Elections Commission  
107 West Gaines Street, Suite 224  
Tallahassee, FL 32399  
850-922-4539 (phone)  
850-921-0783 (fax)



RE: FEC 14-274 and 14-275  
bmitchell  
to:  
Margie Wade  
04/15/2015 02:26 PM  
Show Details

Getting close. Was waiting for the treasurer to provide additional information and she's a CPA (tax day!). I suspect she is swamped, but will follow up with her now

Thanks,

## Bucky Mitchell

Coates Law Firm, PL  
115 East Park Ave., Suite 1  
Tallahassee, FL 32301

850.681.1029

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----- Original Message -----

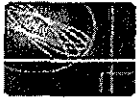
Subject: FEC 14-274 and 14-275  
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To: <[bmitchell@rcoateslaw.com](mailto:bmitchell@rcoateslaw.com)>

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Thanks.

Margie B. Wade  
Investigation Specialist II  
Florida Elections Commission  
107 West Gaines Street, Suite 224  
Tallahassee, FL 32399  
850-922-4539 (phone)  
850-921-0783 (fax)



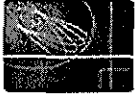
FEC 14-274 and 14-275  
Margie Wade to: bmittchell

04/15/2015 02:15 PM

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FEC 14-274 and 14-275  
Margie Wade to: bmittchell

04/15/2015 02:15 PM

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Florida Elections Commission  
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## FLORIDA ELECTIONS COMMISSION

107 W. Gaines Street,  
Suite 224 Collins Building  
Tallahassee, Florida 32399-1050  
Telephone: (850) 922-4539  
Fax: (850) 921-0783

November 12, 2014

Bucky Mitchell, Esquire  
Coates Law Firm, PL  
115 East Park Avenue, Suite 1  
Tallahassee, FL 32301

**RE: Case No.: FEC 14-274; Respondent: Floridians for Ethics in Judicial Elections**

Dear Mr. Mitchell:

On August 27, 2014, the Florida Elections Commission received a complaint alleging that your client 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 106.03(2), Florida Statutes:** Respondent, a statewide political committee, failed to include required information in its Statement of Organization of Political Committee, as alleged in the complaint.

**Section 106.11(4), Florida Statutes:** Respondent, a statewide political committee, incurred one or more expenses for the purchase of goods or services, without sufficient funds on deposit in its primary depository account.

**Section 106.19(1)(c), Florida Statutes:** Respondent, a statewide political committee, falsely reported or deliberately failed to include information required by Chapter 106, Florida Statutes, as alleged in the complaint.

**Section 106.19(1)(d), Florida Statutes:** Respondent, a statewide political committee, made or authorized one or more expenditures prohibited by Chapter 106, Florida Statutes.

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.

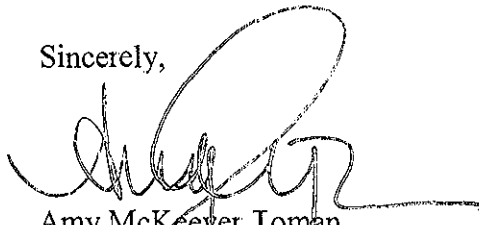
At any time before a probable cause finding, you may notify us in writing that you want to enter into negotiations directed towards reaching a settlement via consent agreement.

**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 **Margie Wade**, the investigator assigned to this case.

Sincerely,



Amy McKeever Toman  
Executive Director

AMT/enr

✓

COATES LAW FIRM, PLLC

ATTORNEYS AT LAW

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

NOREEN A. FENNER\*  
\*Not an attorney

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

October 1, 2014

Amy McKeever Toman  
Florida Elections Commission  
107 West Gaines Street  
The Collins Building, Suite 224  
Tallahassee, Florida 32399-1050

VIA HAND DELIVERY

**RE: Case No. FEC 14-274; Respondent – Floridians for Ethics in Judicial Elections**

Dear Ms. Toman:

This firm represents Floridians for Ethics in Judicial Elections (FEJE or Respondent), the Respondent in the above-referenced matter. Our firm has previously filed a Notice of Appearance on its behalf.

FEJE filed its Statement of Organization as a political committee on August 8, 2014, with the Division of Elections. Senator Miguel Diaz de la Portilla is listed as FEJE's Chairman on the *Statement of Organization of Political Committee*, Form DS-DE-5. FEJE remains an active political committee (PC).

The Complainant states that FEJE did not list any specific candidates on its DS-DE-5, and therefore could not produce a mail piece on behalf of a judicial candidate, Renier Diaz de la Portilla. In this case, FEJE listed "To be Determined" when asked what candidate(s) it would be supporting. This is a routine practice by a political committee when filing its organizational documents because it may not know at the time of filing which candidates it will be support or oppose. The Division of Elections regularly accepts such forms (with "To be Determined"), acknowledging that it is simply not practical for a political committee to identify who may be a candidate in an upcoming election or who it may support.

Simply because a specific candidate(s) was not mentioned on the political committee's DS-DE-5 does not prevent it from conducting an electioneering communication on behalf of that

RECEIVED  
2014 SEP 31 PM 4:26  
ELECTIONS

candidate. A political committee is not required to amend or file a new DS-DE-5 each time it produces an electioneering communication for a different candidate.

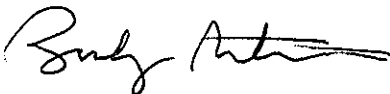
The Complainant states that "FEJE had no money in [SIC] which to send a mail piece on August 8th," and that a mail piece was sent "[O]n or about August 11, 2014." Complainant fails to mention that FEJE received multiple contributions during the period ending on August 21, 2014, and that FEJE reported an expenditure for an electioneering communication on August 11, 2014, in the amount of \$35,750.00.

Finally, FEJE has reported all of its activity to the Division of Elections, as required by section 106.07. All of FEJE's activity can be accessed and reviewed on the Division of Elections' website.<sup>1</sup> And contrary to the assertions by the Complainant, FEJE's contributions and expenditures have also been reported at <http://floridajudicialectionsethics.com>. Under section 106.0701, Florida Statutes, the Respondent is required to promptly create a website and has five days to update the website showing an associated entity's contributions and expenditures. The blank pages included as Exhibit "D" in the Complaint were printed on August 14, 2014, and FEJE's first activity was on August 11, 2014. Complaint's review of the website was apparently conducted just three days after FEJE's initially reported activity (August 11, 2014).

The Complainant would have been well advised to review and confirm FEJE's reported campaign activity on these websites before preparing her complaint on August 15, 2014 and filing the complaint on August 27, 2014. As such, the Complaint in this matter is wholly without merit.

For the above reasons, the Complaint should be found legally insufficient and dismissed immediately.

Sincerely,




Bucky Mitchell

---

<sup>1</sup> <http://election.dos.state.fl.us/committees/ComLkup.asp>.



Re: FEC 14-274 and 14-275 

Donna Malphurs to: nfenner

09/10/2014 11:51 AM

From: Donna Malphurs/OAG  
To: <nfenner@rcoateslaw.com>

---

Noreen,

Your request for an extension of time to respond to the complaints is granted

Donna Ann Malphurs  
Agency Clerk  
Florida Elections Commission  
donna.malphurs@myfloridalegal.com  
850-922-4539; Fax 850-921-0783

---

Good morning, Donna. Pursuant to our telephon 09/10/2014 10:09:48 AM

From: <nfenner@rcoateslaw.com>  
To: "Donna Malphurs" <Donna.Malphurs@myfloridalegal.com>  
Cc: "Bucky Mitchell" <bmmitchell@rcoateslaw.com>  
Date: 09/10/2014 10:09 AM  
Subject: FEC 14-274 and 14-275

---

Good morning, Donna. Pursuant to our telephone conversation, we understand that you have granted an extension of time for filing the initial response in the above two cases until COB October 1, 2014.

Please confirm my understanding by return email.

Thanx so much!

N

Noreen A. Fenner  
Legal Assistant  
Coates Law Firm, PL  
115 East Park Avenue, Suite 1  
Tallahassee, Florida 32301  
850/681-1029

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FEC 14-274 and 14-275  
nfenner  
to:  
Donna Malphurs  
09/10/2014 10:09 AM  
Cc:  
"Bucky Mitchell"  
Show Details

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Thanx so much!

N

Noreen A. Fenner  
Legal Assistant  
Coates Law Firm, PL  
115 East Park Avenue, Suite 1  
Tallahassee, Florida 32301  
850/681-1029

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**COATES LAW FIRM, PL**

Attorneys at Law  
115 East Park Avenue, Suite 1  
Tallahassee, Florida 32301  
850/681-1029  
208/248-9038 Facsimile

**FAX COVER SHEET**

TO: Donna Malphurs FROM: Noreen  
FAX: 921-0783 PAGES: 2  
PHONE: \_\_\_\_\_ DATE: 9-2-14  
RE: \_\_\_\_\_ CC: \_\_\_\_\_  
URGENT \_\_\_\_\_ FOR REVIEW \_\_\_\_\_ PLEASE REPLY \_\_\_\_\_ PLEASE COMMENT \_\_\_\_\_  
COMMENTS: \_\_\_\_\_

IF PROBLEMS OCCUR WITH THIS TRANSMISSION, PLEASE CALL (850) 681-1029

MEMORANDUM: THE INFORMATION CONTAINED IN THIS TELECOPY MESSAGE IS CONFIDENTIAL, AND PRIVILEGED INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, PLEASE BE NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED.



STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

In Re: Floridians for Ethics in  
Judicial Elections

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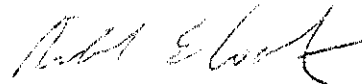
Case Number: FEC 14-274

NOTICE OF APPEARANCE

Coates Law Firm, PL, attorneys for Floridians for Ethics in Judicial Elections, hereby files this Notice of Appearance in this proceeding. All pleadings, notices, and other documents shall be served on the undersigned as follows: Coates Law Firm, PL, 115 East Park Avenue, Suite 1, Tallahassee, Florida, 32301

Dated September 2, 2014

Respectfully submitted,



---

RICHARD E. COATES  
Florida Bar Number 930032  
EMMETT MITCHELL, IV  
Florida Bar Number 0976687  
Coates Law Firm, PL  
115 East Park Avenue  
Suite 1  
Tallahassee, Florida 32301  
(350) 681-1029 Fax: (208) 248-9038  
ATTORNEYS FOR  
FLORIDIANS FOR ETHICS IN  
JUDICIAL ELECTIONS

14-274

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

107 West Gaines Street, Suite 224, Tallahassee, Florida 32399-1050

Telephone Number: (850) 922-4539

[www.fec.state.fl.us](http://www.fec.state.fl.us)

RECEIVED

2014 AUG 27 P 12:22

**CONFIDENTIAL COMPLAINT FORM**

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

**1. PERSON BRINGING COMPLAINT:**

Name: Heather L. Gray Work Phone: ( ) \_\_\_\_\_  
 Address: 15820 Palmetto Club Drive Home Phone: ( ) \_\_\_\_\_  
 City: Miami County: Miami-Dade State: FL Zip Code: 33157

**2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:**

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

Name of individual or entity: Floridians for Ethics in Judicial Elections  
 Address: 610 South Boulevard Phone: ( ) \_\_\_\_\_  
 City: Tampa County: \_\_\_\_\_ State: FL Zip Code: 33606

If individual is a candidate, list the office or position sought: \_\_\_\_\_

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

**3. ALLEGED VIOLATION(S):**

Please list the provisions of The Florida Election Code that you believe the person named above may have violated. The Commission has jurisdiction only to investigate the following provisions: **Chapter 104, Chapter 106, and Section 105.071, Florida Statutes**. Also, please include:

- ✓ The facts and actions that you believe support the violations you allege,
- ✓ The names and telephone numbers of persons you believe may be witnesses to the facts,
- ✓ A copy or picture of the political advertisements you mention in your statement,
- ✓ A copy of the documents you mention in your statement, and
- ✓ Other evidence that supports your allegations.

See attached

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Additional materials attached (check one)? ☐ Yes ☐ No

4. OATH

STATE OF FLORIDA

COUNTY OF Miami Dade

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

Heather B. Shay

Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this 18<sup>th</sup> day of  
August 20 14

Amarilis Arbide

Signature of Officer Authorized to Administer Oaths or Notary public



Amarilis Arbide  
COMMISSION #EE218733  
EXPIRES: JULY 23, 2016  
WWW.AARONNOTARY.com

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

Personally known \_\_\_\_\_ Or Produced Identification ☒

Type of Identification Produced DL # [REDACTED]

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

**COMPLAINT AGAINST**  
**"FLORIDIANS FOR ETHICS IN JUDICIAL ELECTIONS"**

The Political Committee "Floridians for Ethics in Judicial Elections" ("FEJE") has violated the Florida Campaign Finance laws in several ways. FEJE was formed as a Political Committee under §106.03. In their form DS-DE 5, Statement of Organization (See Exhibit "A"), FEJE states that it is both an issues and candidate based Political Committee but does not list any candidate it is supporting in its organizational documents. The statute states that any political committee that conducts either electioneering communications or political advertising for a candidate must list the name and address of the candidate on the DS-DE 5.

On or about August 11, 2014, FEJE sent a campaign mail piece supporting Renier Diaz de la Portilla, a candidate for Circuit Court Judge in Miami-Dade County. (See Exhibit "B"). While the piece stated that it was "electioneering communication" the content was more akin to "Political Advertising". Either way, without naming Diaz de la Portilla in the DS-DE 5, FEJE was not allowed to send a piece supporting him.

Additionally, from the campaign reports filed, FEJE had no money in which to send a mail piece on August 8<sup>th</sup>. (See Exhibit "C"). Because the Chairman of FEJE is Senator Miguel Diaz de la Portilla, FEJE was prevented from raising any contributions between August 7<sup>th</sup> and August 12, 2014 while the Florida Legislature was in special session. Accordingly, the mail piece was sent without any funds being collected.

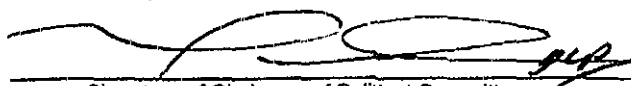
Even more troublesome is that of the date of this complaint, FEJE has still not reported any contributions which could have paid for the mail piece. F.S. §106.0701 requires any committee who's chair is a member of the Florida Legislature to disclose all contributions and expenditures within 5 days of receipt on a specifically designated website. As of the date this complaint, the website: <http://floridajudicialectionsethics.com/> has reported no contributions or expenditures. (See Exhibit "D", Blank pages indicating no contributions or expenditures reported) This is a logical impossibility considering that FEJE sent the attached mail piece.

FEJE has obviously violated Chapter 106 of the Florida Statutes.

# **EXHIBIT “A”**

000004

<b>STATEMENT OF ORGANIZATION OF POLITICAL COMMITTEE</b>  (PLEASE TYPE)		RECEIVED  OFFICE USE ONLY 14 AUG -8 AM 10:42  DIVISION OF ELECTIONS SECRETARY OF STATE
<b>1. Full Name of Committee</b> Floridians for Ethics in Judicial Elections		<b>Telephone</b> 813/254-3369
<b>Mailing Address (include city, state and zip code)</b> 610 South Boulevard, Tampa, Florida 33606		
<b>Street Address (include city, state and zip code)</b> 610 South Boulevard, Tampa, Florida 33606		
<b>2. Affiliated or Connected Organizations (includes other committees of continuous existence and political committees)</b>		
Name of Affiliated or Connected Organization	Mailing Address	Relationship
N/A		
<b>3. Area, Scope and Jurisdiction of the Committee</b> <small>Statewide political committee to support or oppose candidates for statewide multi-county legislative, county and municipal office and other activities not prohibited by Chapter 106 F.S.</small>		
<b>4. Nature of Organization or Organization's Special Interest (e.g., medical, legal, education, etc.)</b> Political		
<b>5. Identify by Name, Address and Position, the Custodian of Books and Accounts (include treasurer's name)</b>		
Full Name	Mailing Address	Committee Title or Position
Nancy Watkins Robert Watkins	610 South Boulevard Tampa, Florida 33606	Treasurer Deputy Treasurer

<b>6. List by Name, Address and Position, Other Principal Officers, Including Officers and Members of the Finance Committee, If Any (include chairman's name)</b>			
Full Name	Mailing Address	Committee Title or Position	
Miguel Diaz de la Portilla	610 South Boulevard Tampa, Florida 33606	Chairman	
<b>7. List by Name, Address, Office Sought and Party Affiliation Each Candidate or Other Individual that this Committee is Supporting (if none, please indicate)</b>			
Full Name	Mailing Address	Office Sought	Party
To be determined			
<b>8. List Any Issues this Committee is Supporting: To be determined</b>  List Any Issues this Committee is Opposing: To be determined			
<b>9. If this Committee is Supporting the Entire Ticket of a Party, Give Name of Party</b> N/A			
<b>10. In the Event of Dissolution, What Disposition will be Made of Residual Funds?</b> Contribute to candidates, political parties, political committees or other activities not prohibited by law.			
<b>11. List all Banks, Safety Deposit Boxes, or Other Depositories Used for Committee Funds</b>			
Name of Bank or Depository & Account Number		Mailing Address	
Bank of Tampa		601 Bayshore Boulevard Tampa, Florida 33606	
<b>12. List all Reports Required to be Filed by this Committee with Federal Officials and the Names, Addresses and Positions of Such Officials, If Any</b>			
Report Title	Dates Required to be Filed	Name & Position of Official	Mailing Address
Form 8871 Form 1120POL Form 990, as may be required	Upon formation March 15, annually May 15, annually	Internal Revenue Service	Ogden, UT 84201
STATE OF <u>Florida</u> <u>MIAMI DADE</u> COUNTY			
I, <u>Miguel Diaz de la Portilla</u> certify that the information in this Statement of			
Organization is complete, true and correct			
X 		<u>8/7/14</u>	
Signature of Chairman of Political Committee		Date	

# **EXHIBIT “B”**



# The Miami Herald

RECOMMENDS

## RENIER DIAZ DE LA PORTILLA

**“The Miami Herald recommends  
RENIER DIAZ DE LA PORTILLA.”**

-The Miami Herald, “The Herald Recommends”, July 22, 2014

**WE COMMEND RENIER DIAZ DE LA PORTILLA FOR BEING  
RECOMMENDED BY THE FOLLOWING ORGANIZATIONS:**



**FRATERNAL ORDER  
OF POLICE**



**POLICE BENEVOLENT  
ASSOCIATION**



**INTERNATIONAL  
ASSOCIATION  
OF FIREFIGHTERS**



**United Faculty of Miami Dade College**

**UNITED FACULTY  
OF MIAMI-DADE  
COLLEGE**

PRST STD  
U.S. Postage  
PAID  
Miami, FL  
Permit No. 4270

Paid electioneering communication paid for by  
FLORIDIANS FOR ETHICS IN JUDICIAL ELECTIONS  
610 South Blvd  
Tampa, FL 33606

T48 P1 24209 \*\*\*\*\*AUTO\*\*5-DIGIT 33156

**CIRCUIT COURT JUDGE GROUP 70 CANDIDATE**

**RENIER DIAZ DE LA**

**PORTILLA**

**HONEST. FAIR. QUALIFIED.**



# EXHIBIT "C"

**Florida Department of State**

Room 316, R.A. Gray Building  
500 South Bronough Street  
Tallahassee, FL 32399-0250  
(850)245-6200

**Division of Elections*****Committee Tracking System*****Floridians for Ethics in Judicial Elections**

**Type:** Political Committee

**Status:** Active

**Address:** 610 South Boulevard  
Tampa, FL 33606

**Phone:** (813)254-3369

**Chairperson:** Miguel Diaz de la Portilla

**Treasurer:** Nancy Watkins  
610 South Boulevard  
Tampa, FL 336060000

**Registered Agent:** Nancy Watkins  
610 South Boulevard  
Tampa, FL 336060000

**Purpose:**

**Affiliates:**

Campaign Finance Activity

Campaign Documents

000011



# Florida Department of State Division of Elections

## Floridians for Ethics in Judicial Elections

### Campaign Finance Activity

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

	Filing Period	Contributions			Expend	Other	Transfers
		Monetary	Loans	InKind			
<b>W</b>	08/02/2014 - 08/08/2014	0.00	0.00	0.00	0.00	0.00	0.00
<input checked="" type="radio"/>	<b>All Dates (Totals)</b>	0.00	0.00	0.00	0.00	0.00	0.00

Note: (E) indicates that report was filed electronically

**X** Indicates that detail has not been released

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

Select Detail Type

Contributions ▼

Select Sort Order

Date(Ascending) ▼

Select Output Type

Display On Screen ▼

[Submit Query Now](#)

[Query the Campaign Finance Data Base](#)

[\[Department of State\]](#) [\[Division of Elections\]](#) [\[Candidates and Races\]](#) [\[Campaign Finance Information\]](#)

# **EXHIBIT “D”**

# **EXHIBIT “D”**

## IN JUDICIAL ELECTIONS

- Contributions
- Expenditures



## Purpose and Mission

The purpose and mission of the Committee is to identify and support issues and candidates promoting conservative values in Florida. The Committee is empowered to raise funds for the purpose of furthering these principles; to make contributions from such funds to those persons seeking public office, who by their acts have demonstrated an interest in implementing these principles; to employ such persons as necessary to further the purposes of the Committee.

## Associated Legislators

- Miguel Diaz de la Portilla

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**Contact Information**

*610 South Boulevard  
Tampa, FL 33606*

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