

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Truth in Politics

Case No.: FEC 19-164

TO: Truth in Politics
Kristopher Guzman, Chair
1825 Ponce de Leon Blvd., # 373
Coral Gables, FL 33134-4418

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

NOTICE OF HEARING (INFORMAL HEARING)

A hearing will be held in this case before the Florida Elections Commission **on August 26, 2020 at 8:30 am, EST**, or as soon thereafter as the parties can be heard.

Please note that because of COVID-19, this will be a virtual meeting conducted by remote video or teleconference. Enclosed you will find additional details on joining the video conference via GoToWebinar, 9-Digit Meeting ID 602-468-659, or via teleconference by dialing (866) 901-6455 and entering the meeting access code 515-462-864, when prompted. If you wish to speak before the Commission, you will need to appear by webcam and will be sworn in remotely. Please be advised that the Commission will consider multiple cases, so you will need to wait until your case is considered. If you have any questions, please contact Commission staff at (850) 922-4539.

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 motions to dismiss 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 motions to dismiss 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. As an Appellant, Respondent or Complainant in one case, you will *not* be permitted to attend the hearings on other confidential cases.

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

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

See further instructions on the reverse side.

Tim Vaccaro

Executive Director
Florida Elections Commission
August 13, 2020

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

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

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



Florida Elections Commission

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

Telephone: (850) 922-4539 · Facsimile: (850) 921-0783

FEC@myfloridalegal.com · www.fec.state.fl.us



Commission Meeting August 26, 2020 at 8:30AM via GoToWebinar and OpenVoice

In order to participate in the public portion of the August 26, 2020, Florida Elections Commission meeting, please follow the instructions below:

- A. GoToWebinar – Remote Video Conferencing
 1. Open your web browser and search GoToWebinar or enter www.gotowebinar.com
 2. Select Join A Webinar in the upper right corner of the website
 3. Enter the 9-digit Webinar ID: 602-468-659
And your email address
 4. Register your name and email address
 5. You will automatically join to the meeting as an attendee. Attendees are muted and can choose to their webcam.

- B. OpenVoice - Teleconference
 1. Call 1-866-901-6455
 2. Enter Audio Access Code 515-462-864
 3. You will automatically join the meeting as an attendee. Attendees are muted.

While this is a public meeting and advanced registration is not mandatory, we ask that if you plan to attend via Video Conference or Teleconference, that you notify our office in advance. This will give the Commission the opportunity to organize the agenda as efficiently as possible. It will be the goal of the Commission to hear cases in which parties are present, first, in order to reduce the standby time of the parties in attendance.

You can call or email our office of your intent to participate or of any questions you may have regarding this meeting. Please provide the case number(s) when contacting our office.

Thank you,

Commission Staff

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Truth in Politics

Case No.: FEC 19-164

TO: Kristopher Guzman, Chair
1825 Ponce de Leon Blvd., # 373
Coral Gables, FL 33134-4418

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

NOTICE OF HEARING (INFORMAL HEARING)

A hearing will be held in this case before the Florida Elections Commission on August 26, 2020 at 8:30 am, EST, or as soon thereafter as the parties can be heard.

Please note that because of COVID-19, this will be a virtual meeting conducted by remote video conference only. Prior to the meeting, the Commission office will send you a set of participant instructions, which will include login information for the meeting. Please be advised that the Commission will consider multiple cases that day, so you will need to wait until your case is considered. If you have questions, please contact Commission staff at (850) 922-4539.

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See further instructions on the reverse side.

Tim Vaccaro

Executive Director
Florida Elections Commission
July 28, 2020

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 **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.

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

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Truth in Politics

Case No.: FEC 19-164

TO: Kristopher Guzman, Chair
1825 Ponce de Leon Blvd., # 373
Coral Gables, FL 33134-4418

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

NOTICE OF CANCELLATION OF HEARING (INFORMAL HEARING)

You are hereby notified that the previously scheduled **hearing for March 24-25, 2020 is cancelled**. It is anticipated that your case will be heard at the next regularly scheduled meeting, which is currently set for May 2020. A Notice of Hearing will be mailed approximately 14 days prior to the hearing date indicating the exact date, time, and location.

Tim Vaccaro

Executive Director
Florida Elections Commission
March 12, 2020

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Truth in Politics

Case No.: FEC 19-164

TO: Kristopher Guzman, Chair
1825 Ponce de Leon Blvd., # 373
Coral Gables, FL 33134-4418

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

NOTICE OF HEARING (INFORMAL HEARING)

A hearing will be held in this case before the Florida Elections Commission on, **March 24, 2020 at 1:00 p.m., or as soon thereafter as the parties can be heard**, at the following location: **House Office Building, 404 South Monroe Street, Room 28-H, Tallahassee, Florida 32399**. Due to heightened security access requirements, please bring only essential items into the building and plan to arrive early to allow for delays coming through security.

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

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

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

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

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

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

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

See further instructions on the reverse side.

Tim Vaccaro

Executive Director
Florida Elections Commission
March 9, 2019

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

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

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

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

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

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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.

FILED

19 DEC -9 AM 10:44

STATE OF FLORIDA
ELECTIONS COMMISSION

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,
Petitioner,**

Case No.: FEC 19-164

v.

**Truth In Politics,
Respondent.**

ORDER OF PROBABLE CAUSE

THIS MATTER was heard by the Florida Elections Commission (Commission) at its regularly scheduled meeting on November 19, 2019, in Tallahassee, Florida.

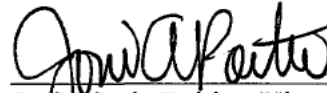
On September 27, 2019, Staff recommended to the Commission that there was probable cause to believe that the Florida Election Code was violated. The facts articulated in Staff's Recommendation are adopted by reference and incorporated herein. Based on the Complaint, Report of Investigation, Staff's Recommendation, and oral statements (if any) made at the probable cause hearing, the Commission finds that there is **probable cause** to charge Respondent with the following violation(s):

Count 1:

On or about January 10, 2019, Truth In Politics violated Section 106.07(7), Florida Statutes, when it failed to notify the filing officer in writing on the prescribed reporting date that it would not be filing its 2018 M12 Report.

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

DONE AND ORDERED by the Florida Elections Commission on November 19, 2019.



Joni Alexis Poitier, Vice Chair
Florida Elections Commission

Copies furnished to:
Michael T. McGuckin, Assistant General Counsel
Truth In Politics, Respondent
Division of Elections, 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: Truth in Politics

Case No.: FEC 19-164

TO: Truth in Politics
Kristopher Guzman, Chair
1825 Ponce de Leon Blvd., # 373
Coral Gables, FL 33134-4418

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

NOTICE OF HEARING (PROBABLE CAUSE DETERMINATION)

A hearing will be held in this case before the Florida Elections Commission on, **November 19, 2019 at 9:00 am, or as soon thereafter as the parties can be heard**, at the following location: **Senate Office Building, 404 South Monroe Street, Room 110-S, Tallahassee, Florida 32399**. Due to heightened security access requirements, please bring only essential items into the building and plan to arrive early to allow for delays coming through security.

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

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Tim Vaccaro

Executive Director
Florida Elections Commission
November 1, 2019

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**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Truth In Politics

Case No.: FEC 19-164

STAFF RECOMMENDATION FOLLOWING INVESTIGATION

Pursuant to Section 106.25(4)(c), Florida Statutes, undersigned staff counsel files this written recommendation for disposition of the referral in this case recommending that there is **probable cause** to charge Respondent with violating **Section 106.07(7), Florida Statutes**, and that there is **no probable cause** to charge Respondent with violating **Section 106.19(1)(c), Florida Statutes**. Based upon a thorough review of the Report of Investigation submitted on August 20, 2019, the following facts and law support this staff recommendation:

1. On March 21, 2019, the Florida Elections Commission (“Commission”) received a referral from the Department of State, Division of Elections (“Division”), alleging that Truth In Politics (“Respondent”) violated Chapter 106, Florida Statutes.
2. Respondent is a political committee registered with the Division. (ROI Exhibit 1)¹
3. By letter dated April 17, 2019, the Executive Director notified Respondent that Commission staff would investigate the following statutory provisions:

Section 106.07(7), Florida Statutes: As alleged in the complaint, Respondent, a political committee registered with the Division of Elections, failed to notify the filing officer on the prescribed reporting date that no report would be filed on that date because it had not received funds, made contributions, or expended reportable funds during the following reporting period:

- 2018 M12

Section 106.19(1)(c), Florida Statutes: As alleged in the complaint, Respondent, a political committee registered with the Division of Elections, may have falsely reported or deliberately failed to include information required by Chapter 106, Florida Statutes, when it failed to file a report on the prescribed reporting date for the following reporting period:

- 2018 M12

4. By letter dated November 7, 2018, Kristi Reid Willis, Chief, Bureau of Election Records, sent Respondent a letter acknowledging that the Division had received its Statement of

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

Organization and Appointment of Campaign Treasurer and Designation of Campaign Depository for Political Committees forms. (ROI Exhibit 3, page 1)

5. The acknowledgment letter advised Respondent that all political committees filing reports with the Division are required to use the electronic filing system (“EFS”), and provided Respondent with a user identification number and initial password to grant access to the EFS. (ROI Exhibit 3, page 1) The letter further advised Respondent that all of the Division’s publications and reporting forms were available on its website and directed Respondent to print out the *Calendar of Reporting Dates* as well as other relevant documents. (ROI Exhibit 3, page 2)

6. Respondent’s 2018 M12 Report was due to be filed by January 10, 2019; however, Respondent failed to timely file the report or notify the filing officer that no report would be filed. (ROI Exhibit 8, page 1) By letters dated January 11, 2019, January 23, 2019, and March 1, 2019, the Division notified Respondent that its 2018 M12 Report had not been received. The letters also notified Respondent that it was still required to notify the Division if the committee had no reportable financial activity. (ROI Exhibits 4-6) The March 1, 2019 letter was confirmed delivered. (ROI Exhibit 7)

7. A subpoena was issued to Respondent’s designated campaign depository to ascertain whether any financial activity occurred during the relevant reporting period, i.e., December 1, 2018 – December 31, 2018. The financial institution did not have any records responsive to Commission staff’s subpoena. (ROI Exhibit 9)

8. Respondent failed to respond to Commission staff’s investigation. (ROI Exhibit 10)

9. As it appears that Respondent had no financial activity, Respondent was required to notify the filing officer in writing that it would not be filing its 2018 M12 Report on the prescribed reporting date, but failed to do so. Therewith, it does not appear that Respondent falsely reported or deliberately failed to include information in its 2018 M12 Report as the report was waived due to a lack of reportable financial activity.

10. As of July 26, 2019, Respondent had not filed the report or submitted a notice of no activity. (ROI Exhibit 8, page 1)

11. “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).

12. The facts set forth above show that Respondent is a political committee registered with the Division. Respondent failed to timely file its 2018 M12 Report or notify the filing

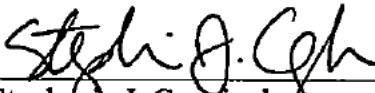
officer that no report would be filed. It appears that Respondent had no financial activity during the relevant reporting period, and therefore, was required to notify the filing officer in writing that it would not be filing the committee's 2018 M12 Report on the prescribed reporting date, but failed to do so. Therewith, it does not appear that Respondent falsely reported or deliberately failed to include information in its 2018 M12 Report as the report was waived due to a lack of reportable financial activity.

Based upon these facts and circumstances, I recommend that the Commission find **no probable cause** to charge Respondent with violating **Section 106.19(1)(c), Florida Statutes**, and find **probable cause** to charge Respondent with violating the following:

Count 1:


On or about January 10, 2019, Truth In Politics violated Section 106.07(7), Florida Statutes, when it failed to notify the filing officer in writing on the prescribed reporting date that it would not be filing its 2018 M12 Report.

Respectfully submitted on September 27, 2019.



Stephanie J. Cunningham
Assistant General Counsel

I reviewed this Staff Recommendation this 27th day of September 2019.



Tim Vaccaro
Executive Director

FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Case No.: FEC 19-164

Respondent: Truth In Politics

Complainant: Division of Elections

Pursuant to Section 106.25(2), Florida Statutes, on March 21, 2019, the Florida Elections Commission (“Commission”) received information from the Division of Elections (“Division”) that Respondent violated Chapter 106, Florida Statutes. Therefore, Commission staff investigated whether Respondent violated the following statutes:

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

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

I. Preliminary Information:

1. Respondent is a political committee (“PC”) registered with the Division since November 6, 2018; Respondent’s account number with the Division is #73903. Kristopher Guzman is its chairman and treasurer. Respondent is a statewide committee to support or oppose candidates for statewide, legislative, multi-county, county or municipal office and other activities allowed under Florida Statutes, and Election Law. To review its Statement of Organization of Political Committee (Form DS-DE 5) and Appointment of Campaign Treasurer and Designation of Campaign Depository for Political Committees (Form DS-DE 6), refer to Exhibits 1 and 2, respectively.

2. Complainant is the Division. Respondent’s filing officer is Kristi Reid Willis, Chief, Bureau of Election Records.

3. By letter dated November 7, 2018, Ms. Willis acknowledged Respondent’s name has been placed on the active committee list as a political committee and provided its identification number 73903. To review her acknowledgment letter, refer to Exhibit 3.

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

4. I investigated whether Respondent violated this section of the election laws by not notifying the filing officer on the prescribed reporting date that no report would be filed on that date because the political committee had not received funds, made contributions, or expended

reportable funds during the 2018 M12 reporting period of December 1 through 31, 2018. A report or notice-of-no-activity was due on January 10, 2019.

5. Complainant alleges that Respondent failed to file a report after notice or failure to file a notification to the filing officer in writing that no report was being filed on the prescribed reporting date.

6. On January 11, 2019, the Division mailed Mr. Guzman notification that the 2018 M12 report had not been filed. To review the first notice, refer to Exhibit 4.

7. On January 23, 2019, the Division mailed Mr. Guzman a second notification that the 2018 M12 report had not been filed. To review the Division's second notice, refer to Exhibit 5.

8. On March 1, 2019, the Division mailed Mr. Guzman final notification with delivery confirmation that the 2018 M12 report had not been filed. To review the Division's final notice with delivery confirmation, refer to Exhibits 6 and 7, respectively.

9. In her Affidavit, Ms. Willis affirmed that Mr. Guzman did not notify the Division prior to or on the prescribed reporting date for the 2018 M12 reporting period that no report was to be filed. And as of March 20, 2019, Mr. Guzman has not filed the 2018 M12 report.

10. On July 26, 2019, according to its filing history, Respondent's 2018 M12 report or notice-of-no-activity has not been filed. However, notices-of-no-activity for the 2018 M11 and 2019 M1 reporting periods—the reporting periods before and after the 2018 M12 reporting period—were filed. To review its filing history and campaign finance activity, refer to Exhibit 8.

11. I attempted to obtain Respondent's bank records by subpoena to the campaign depository (Chase Bank now known as JPMorgan Chase Bank, N.A.) identified on its Form DS-DE 6; however, Bank staff have been unable to locate an account for Respondent and records responsive to the subpoena. To review Bank staff's letter, refer to Exhibit 9.

12. On June 12, 2019, I mailed a questionnaire to Respondent's chairman, Kristopher Guzman, to ascertain why the 2018 M12 report or notice-of-no-activity had not been filed; however, at the time of this report of investigation ("ROI"), he has not completed the questionnaire, and it was not returned by the USPS.

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

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

14. I investigated whether Respondent violated this section of the election laws by falsely reporting or deliberately failing to report information required by Chapter 106, Florida Statutes.

15. To review information regarding this section of the election laws, refer to paragraphs 5 through 12 in this ROI.

16. I found no records of previous complaints to indicate that Respondent had violated this section of Florida's election laws.

IV. FEC History:

17. Respondent had no history of additional complaints filed against it with the Commission at the time of our receipt of the referral from the DOE.

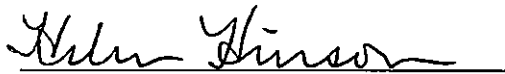
Conclusion:

18. Respondent's chairman was offered an opportunity to make comments regarding the referral and investigation, however, he did not complete and return a questionnaire that was mailed on June 12, 2019, and I was unable to reach him by telephone. To review the phone log, refer to Exhibit 10.

19. In the November 7, 2018 acknowledgment letter (Exhibit 3), Respondent's chairman was informed that all the Division's publications were available online at the Division's website. In the letter, he was admonished as follows: **It is your responsibility to read, understand, and follow the requirements of Florida's election laws. Therefore, please print a copy of the following documents: Chapter 106, Florida Statutes, *Political Committee Handbook*, *Calendar of Reporting Dates*, and Rule 1S-2.017, Florida Administrative Code.**

20. Mr. Guzman is familiar with the reporting requirements of a PC required to file CTRs or notices-of-no-activity with the Division as he served as chairman for a PC with the same name as Respondent, Truth In Politics, (#73701), between July and September 2018 and is currently chairman and treasurer of another PC, Floridians For Truth PC, since October 2018, in addition to his service to Respondent, (#73903), since November 2018. (Note: All three PCs were referred by the Division to the *Political Committee Handbook* last revised on March 15, 2018.) To review relevant documents, refer to Exhibits 11 and 12. To review relevant pages of the *Political Committee Handbook*, refer to Exhibit 13.

Respectfully submitted on August 20, 2019.


Helen Hinson
Investigation Specialist

Current address of Respondent

Mr. Kristopher Guzman, Chairman
Truth In Politics
1825 Ponce de Leon Boulevard, #373
Coral Gables, Florida 33134-4418

Current address of Complainant

Division of Elections
500 South Bronough Street, Room 316
Tallahassee, Florida 32399-0250

Name and Address of Filing Officer:

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

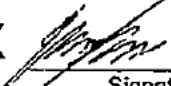
Copy furnished to:

Mr. David B. Flagg, Investigations Manager

FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Truth In Politics -- FEC 19-164

LIST OF EXHIBITS	
Exhibits #s	Description of Exhibits
Exhibit 1	Respondent's Statement of Organization of Political Committee
Exhibit 2	Respondent's Form DS-DE 6
Exhibit 3	Acknowledgment Letter
Exhibit 4	First Notice
Exhibit 5	Second Notice
Exhibit 6	Final Notice
Exhibit 7	Delivery Confirmation
Exhibit 8	Filing History and Campaign Finance Activity
Exhibit 9	Letter from JPMorgan Chase Bank, N.A.
Exhibit 10	Phone Log
Exhibit 11	Truth In Politics (#73701)
Exhibit 12	Floridians For Truth PC
Exhibit 13	Relevant pages of the <i>Political Committee Handbook</i>

STATEMENT OF ORGANIZATION OF POLITICAL COMMITTEE		OFFICE USE ONLY RECEIVED DEPARTMENT OF STATE 2018 NOV -6 PM 1:43 DIVISION OF ELECTIONS TALLAHASSEE, FL
(PLEASE TYPE)		
1. Full Name of Committee Truth In Politics		Telephone (305) 699 - 5054
Mailing Address (include city, state and zip code) 1825 Ponce de Leon Blvd., #373, Coral Gables, FL 33134		
Street Address (include city, state and zip code) 1825 Ponce de Leon Blvd., #373, Coral Gables, FL 33134		
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 committee to support or oppose candidates for Statewide, Legislative, Multi-county, County, or Municipal office, and other activities allowed under Florida Statutes and Election Law.		
4. Nature of Organization or Organization's Special Interest (e.g., medical, legal, education, etc.) POLITICAL-educate and advocate based on candidate positions and/or issues.		
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
Kristopher Guzman	1825 Ponce de Leon Blvd., #373 Coral Gables, FL 33134	TREASURER AND CUSTODIAN OF BOOKS

6. List by Name, Address and Position, Other Principal Officers, Including Officers and Members of the Finance Committee, if Any (include chairman's name)			
Full Name	Mailing Address	Committee Title or Position	
Kristopher Guzman	1825 Ponce de Leon Blvd., #373 Coral Gables, FL 33134	Chairperson	
7. List by Name, Address, Office Sought and Party Affiliation Each Candidate or Other Individual that this Committee is Supporting (if none, please indicate)			
Full Name	Mailing Address	Office Sought	Party
To Be Determined			
8. List Any Issues this Committee is Supporting: To Be Determined List Any Issues this Committee is Opposing: To Be Determined			
9. If this Committee is Supporting the Entire Ticket of a Party, Give Name of Party N/A			
10. In the Event of Dissolution, What Disposition will be Made of Residual Funds? CONTRIBUTE TO CANDIDATES, POLITICAL COMMITTEES, POLITICAL PARTIES, AND OTHER ACTIVITIES NOT PROHIBITED BY LAW.			
11. List all Banks, Safety Deposit Boxes, or Other Depositories Used for Committee Funds			
Name of Bank or Depository & Account Number	Mailing Address		
Chase Bank	1300 Ponce De Leon Coral Gables, FL 33134		
12. List all Reports Required to be Filed by this Committee with Federal Officials and the Names, Addresses and Positions of Such Officials, if Any			
Report Title	Dates Required to be Filed	Name & Position of Official	Mailing Address
FORM SS-4 FORM 8871 FORM 1120POL FORM 990	UPON FORMATION UPON FORMATION MARCH 15, ANNUALLY MAY 15, ANNUALLY	IRS IRS IRS IRS	OGDEN, UT 84201 OGDEN, UT 84201 OGDEN, UT 84201 OGDEN, UT 84201
STATE OF <u>Florida</u>		<u>Miami Dade</u> COUNTY	
I, <u>Kristopher Guzman</u> , certify that the information in this Statement of Organization is complete, true and correct.			
X 		<u>October 26, 2018</u>	
Signature of Chairman of Political Committee		Date	


**APPOINTMENT OF CAMPAIGN TREASURER
AND DESIGNATION OF CAMPAIGN
DEPOSITORY FOR
POLITICAL COMMITTEES**
(Sections 106.011(2) and 106.021(1), F.S.)

RECEIVED
DEPARTMENT OF
2018 NOV -6 PM 1
DIVISION OF ELECTI
ELECTIONS

CHECK APPROPRIATE BOX:

OFFICE USE ONLY

Initial Filing of Form Re-filing to Change: Treasurer/Deputy Primary/Secondary Depository

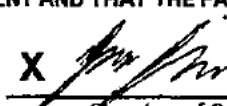
1. Committee or Organization Truth In Politics		2. Telephone (305) 699-5054	
3. Name of Treasurer or Deputy Treasurer Kristopher Guzman		4. Email (optional) ()	
5. Telephone (optional) ()			
6. Mailing Address 1825 Ponce de Leon Blvd. #373, Coral Gables, FL 33134			
7. Street Address 1825 Ponce de Leon Blvd. #373, Coral Gables, FL 33134			
8. The following bank has been designated as the <input checked="" type="checkbox"/> Primary Depository <input type="checkbox"/> Secondary Depository			
9. Name of Bank Chase Bank		10. Street Address 1300 Ponce De Leon	
11. City Coral Gables		12. State FL	13. Zip Code 33134
14. Signature of Chairman X 		15. Name of Chairman (Print or Type) Kristopher Guzman	

Campaign Treasurer's Acceptance of Appointment

Kristopher Guzman _____, do hereby accept the appointment as
(Please Print or Type)

treasurer or deputy treasurer for **Truth In Politics**
(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.**

October 26, 2018 **X** 
Date Signature of Campaign Treasurer or Deputy Treasurer.



FLORIDA DEPARTMENT OF STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

November 7, 2018

Kristopher Guzman, Chairperson
Truth In Politics
1825 Ponce de Leon Boulevard, #373
Coral Gables, Florida 33134

Dear Mr. Guzman:

This will acknowledge receipt of the Statement of Organization and Appointment of Campaign Treasurer and Designation of Campaign Depository for **Truth In Politics**, which were placed on file in our office on November 6, 2018. This information appears to comply with the requirements of Section 106.03, Florida Statutes, and the name of this organization has been placed on our active committee list as a political committee.

Campaign Treasurer's Reports

Your first campaign treasurer's report will be due on **December 10, 2018**. The report will cover the period of November 2-30, 2018 (2018 M11). All political committees that file reports with the Division of Elections are required to file by means of the Division's Electronic Filing System (EFS).

EFS Access

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

EFS Website Address: <https://efs.dos.state.fl.us>
Identification Number: 73903

Timely Filing

All reports must be completed and filed through the EFS not later than midnight, Eastern Standard Time, of the due date. Reports not filed by midnight, Eastern Standard Time, of the due date are late filed and subject to the penalties in Section 106.07(8), Florida Statutes. In the event that the

Division of Elections
R.A. Gray Building, Suite 316 • 500 South Bronough Street • Tallahassee, Florida 32399
850.245.6240 • 850.245.6260 (Fax) dos.myflorida.com/elections/

EXHIBIT 3(1 of 2)

FLORIDA
DIVISION OF
ELECTIONS

Kristopher Guzman, Chairperson
November 7, 2018
Page Two

EFS is inoperable on the due date, the report will be accepted as timely filed if filed no later than midnight, Eastern Standard Time, of the first business day the EFS becomes operable. No fine will be levied during the period the EFS was inoperable.

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

Electronic Receipts

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

Instructions and Assistance

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

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

Please let me know if you need additional information.

Sincerely,



Kristi Reid Willis, Chief
Bureau of Election Records

KRW/zjs

Enclosures

EXHIBIT 3(2 of 2)



FLORIDA DEPARTMENT OF STATE

Michael Ertel
Secretary of State

DIVISION OF ELECTIONS

January 11, 2019

Kristopher Guzman, Chairperson
Truth In Politics
1825 Ponce de Leon Blvd, #373
Coral Gables, FL 33134-3134

PAC 73903

Dear Mr. Guzman:

Our records indicate that you have not filed either your campaign treasurer's report or notification that no reportable activity occurred, whichever is applicable. The filing date was January 10, 2019.

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

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

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

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

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

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

Sincerely,

A handwritten signature in black ink that reads "Kristi Reid Willis".

Kristi Reid Willis, Chief
Bureau of Election Records



FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

Second Notice

January 23, 2019

Kristopher Guzman, Chairperson
Truth In Politics
1825 Ponce de Leon Blvd, #373
Coral Gables, FL 33134-3134

PAC 73903

Dear Mr. Guzman:

Our records indicate that you have not filed either your campaign treasurer's report or notification that no reportable activity occurred, whichever is applicable. The filing date was January 10, 2019.

We mailed, via regular mail, the first notice of the failure to file the above-mentioned report or notification to the address on file with our office on January 11, 2019.

The first notice which we provided to you specifically explained the automatic fine provisions in the law (s. 106.07(8)(b), Fla. Stat.) for failure to file a required report. Such fines are continuing to accrue for a late-filed report. Also, that notice explained that if no reportable activity occurred for the report date(s), you are still required to provide notification in writing that no reportable activity occurred. Our initial notice further indicated that, in all cases, failure to file and/or untimely filing of a report of reportable activity, or if applicable, a notice that no reportable activity occurred, may constitute an apparent violation of chapter 106, Fla. Stat. If we refer such matter to the Florida Elections Commission, the Commission may subsequently impose a civil penalty for each violation under chapter 106.265(1), Fla. Stat.

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

Sincerely,

Kristi Reid Willis, Chief
Bureau of Election Records



FLORIDA DEPARTMENT OF STATE

Laurel M. Lee

Secretary of State

DIVISION OF ELECTIONS

Final Notice

Delivery Confirmation:

USPS TRACKING #
& CUSTOMER
RECEIPT

9114 9014 9645 1724 1580 06

For Tracking or inquiries go to USPS.com
or call 1-800-222-1811

March 1, 2019

Kristopher Guzman, Chairperson

Truth In Politics

1825 Ponce de Leon Blvd, #373

Coral Gables, FL 33134-3134

PAC 73903

Dear Mr. Guzman:

A recent review of the Division's records show that the Division has not yet received the below-referenced campaign treasurer's report or the required notification that no reportable activity occurred, whichever is applicable, during the following cover period:

<u>Year</u>	<u>Report</u>	<u>Cover Period</u>
2018	M12	12/1/18 - 12/31/18

The Division has previously notified you of the unfiled report or notification. Please file your report or notification. If the report is not filed within 7 days of receipt of this letter, the Division will refer this matter to the Florida Elections Commission, which may impose civil penalties of up to \$1000 per violation, apart from that automatic fine provisions of s. 106.07(8)(b), Fla. Stat.) that are applicable only to campaign finance reports.

As we stated in the prior notices, even if you now file the report or notification, the untimely filing of a report of reportable activity, or if applicable, a notice that no reportable activity occurred, may constitute an apparent violation of chapter 106, Fla. Stat. If we refer such matter to the Florida Elections Commission, the Commission may subsequently impose a civil penalty for each violation under chapter 106.265(1), Fla. Stat.

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

Sincerely,

Kristi Reid Willis, Chief
Bureau of Election Records

EXHIBIT 6



FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

Track Another Package +

Tracking Number: 9114901496451724156005

Remove X

Expected Delivery on

MONDAY

4

MARCH
2019 ⓘ

by

8:00pm ⓘ

Delivered

March 4, 2019 at 4:39 pm
Delivered, Front Desk/Reception/Mail Room
MIAMI, FL 33134

Feedback

Get Updates ▾

Text & Email Updates ▾

Tracking History ▾

Product Information ▾

See Less ^

EXHIBIT 7

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.



[search](#) | [directory](#) | [contact us](#) | [411](#) | [subscribe](#) | [tour](#) | [help](#)

Florida Department of State - Division of Elections

Florida Election System Reports

Candidate/Committee Lookup

Committee Name: Truth In Politics

Name:

Account: 73903

Election:

Acct:

Type:

Date Due	Type	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amount Paid
7/10/2019	M6	7/11/2019	PEN	1	\$0.00		\$0.00	\$0.00
6/10/2019	M5	6/7/2019						
5/10/2019	M4	5/10/2019						
4/10/2019	M3	4/9/2019						
3/11/2019	M2	3/8/2019						
2/11/2019	M1	2/15/2019	CLO	4	\$0.00		\$0.00	\$0.00
1/10/2019	M12		FEC	0	\$0.00		\$0.00	\$0.00
12/10/2018	M11	2/15/2019	CLO	67	\$0.00		\$0.00	\$0.00

EXHIBIT 8. (1 of 2)



Florida Department of State Division of Elections

Truth In Politics

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	11/02/2018 - 11/30/2018	0.00	0.00	0.00	0.00	0.00	0.00
W	01/01/2019 - 01/31/2019	0.00	0.00	0.00	0.00	0.00	0.00
W	02/01/2019 - 02/28/2019	0.00	0.00	0.00	0.00	0.00	0.00
W	03/01/2019 - 03/31/2019	0.00	0.00	0.00	0.00	0.00	0.00
W	04/01/2019 - 04/30/2019	0.00	0.00	0.00	0.00	0.00	0.00
W	05/01/2019 - 05/31/2019	0.00	0.00	0.00	0.00	0.00	0.00
W	06/01/2019 - 06/30/2019	0.00	0.00	0.00	0.00	0.00	0.00
W	07/01/2019 - 07/31/2019	0.00	0.00	0.00	0.00	0.00	0.00
⊙	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]

EXHIBIT 8 (2 of 2)

REC'D: FL ELECTIONS COM
19 AUG 19 AM 11:55

**National Subpoena Processing
Mail Code IN1-4054
7610 West Washington Street
Indianapolis, Indiana 46231**

7/29/2019

**HELEN HINSON
FLORIDA ELECTIONS COMMISSION
107 W. Gaines Street, Collins Building, Suite 224
TALLAHASSEE, FL 32399-1050**

**Case Name: IN RE: TIP (TRUTH IN POLITICS) ; KRISTOPHER GUZMAN
Case No.: FEC 19-164, 19-164-59
JPMorgan Chase File No.: SB1032715-F2**

Dear Sir/Madam:

We have received a subpoena and/or request for the matter referenced above. Based on the information you provided in the request, a good faith search was conducted for information or records related to the named subject(s). However, we were unable to locate records responsive to the subpoena and/or request.

We understand we have complied with this subpoena and/or request to the best of our ability and will not need to appear. At this time we will consider this subpoena and/or request closed unless we hear further from you.

If you have questions, please call our Customer Service Center at 1-844-751-7728. We're here to help Monday through Friday from 8:30 a.m. to 7:00 p.m. Eastern Time.

Sincerely,

**Leah Lucas
Operations Manager, VP
Chase Customer Service**

JPMorgan Chase, N.A. Member FDIC
SUBP22

FLORIDA ELECTIONS COMMISSION
PHONE LOG
Case No.: FEC 19-164

Respondent: Truth In Politics

Complainant: Division of Elections.

1. **Date and time:** 04/19/19; 2:53 p.m.
Name: Kristopher Guzman—Respondent's Chair
Phone #: 305-699-5054
Summary: I phoned, reached voice-mail message (female voice) indicating I had reached **Preserve Florida PAC**, and to provide my name and contact information to leave a message. I left a message for Respondent's chair, provided my name, agency, contact information and requested he return my call. (Note: I'm unable to find any information at the DOE for Preserve Florida PAC; however, their website, <http://preservefl.org/> identifies it as an (federal) expenditure-only Super PAC supporting Congressman Mario Diaz-Balart District 25.)
Memo to File? No
Entered by: HH

2. **Date and time:** 04/30/19; 3:30 p.m.
Name: JP Morgan Chase Bank, N.A., Subpoenas
Phone #: 317-757-7422
Summary: I phoned the number previously identified on their contact information twice and each time I was unable to determine what was being said as the message was garbled.
Memo to File? No
Entered by: HH

3. **Date and time:** 04/30/19; 3:50 p.m.
Name: JP Morgan Chase Bank, N.A., National Subpoena Processing
Phone #: 844-751-7728
Summary: I phoned the toll-free number after obtaining this contact number from an online search, requested information regarding service of process for subpoenas; she said she's unable to provide that information; however, she can provide their Fax number: 866-859-8592; and Registered Agent, CT Corporation System in Plantation, FL.
Memo to File? No
Entered by: HH

4. **Date and time:** 05/13/19; 10:00 a.m.
Name: Michelle, JP Morgan Chase Bank, N.A., National Subpoena Processing
Phone #: 317-757-7515
Summary: She phoned, explained that she's unable to locate any accounts for Respondent or Respondent's chair.
Memo to File? No
Entered by: HH

EXHIBIT 10 (1 of 4)

5. **Date and time:** 05/16/19; 12:45 p.m.
Name: Cynthia Lovelace, JP Morgan Chase Bank
Phone #: 817-399-7162 (direct)
Summary: She phoned, explained she did not receive back of subpoena, requested I email both sides to her (put in subject line: reference # 1035161) and email to her at: cynthia.lovelace@chase.com. I agreed to provide same.
Memo to File? No
Entered by: HH
6. **Date and time:** 05/16/19; 3:31 p.m.
Name: Cynthia Lovelace, JP Morgan Chase Bank
Phone #: UNK
Summary: She phoned, requested Tax ID or SSN, requested I email or leave a voice-mail message with the number(s), agreed to hold the subpoena for 5 days while she waits for me to send the information or she'll close the case.
Memo to File? No
Entered by: HH
7. **Date and time:** 05/16/19; 3:50 p.m.
Name: Cynthia Lovelace, JP Morgan Chase Bank
Phone #: 817-399-7162
Summary: I phoned, reached her voice-mailbox, explained that is the information I have and thought that would be enough to complete a search, I will be out of the office until Monday, and provided my contact number.
Memo to File? No
Entered by: HH
8. **Date and time:** 05/17/19; 9:59 a.m.
Name: Michelle Thompson, JP Morgan Chase Bank
Phone #: UNK
Summary: She phoned, reached my voice-mailbox, identified herself, explained that she's unable to find anything on Truth In Politics, Kristopher Guzman or address I supplied on subpoena; if I have additional information I should provide same otherwise she must return information as "no records found." She provided her direct number: 317-757-7515.
Memo to File? No
Entered by: HH
9. **Date and time:** 05/20/19; 11:19 a.m.
Name: Michelle Thompson, JP Morgan Chase Bank
Phone #: 317-757-7515
Summary: I phoned, reached her voice-mailbox, identified myself, requested she return my call, provided my contact number and re: JP Morgan Chase Bank file # 1032715.
Memo to File? No
Entered by: HH
10. **Date and time:** 05/20/19; 2:39 p.m.

EXHIBIT 10 (2 of 4)

Name: Michelle Thompson, JP Morgan Chase Bank

Phone #: 317-757-7515

Summary: She called, identified herself, asked if I had additional information, I acknowledged there was nothing additional and she said she'll return a letter indicating there are no records responsive to my request.

Memo to File? No

Entered by: HH

11. **Date and time:** 05/31/19; 4:31 p.m.

Name: Kristopher Guzman—Respondent's chairman

Phone #: 305-951-4017

Summary: I phoned number Respondent's chairman had provided to the DOE for a request to reset the PC's password/PIN. I reached his voice-mail message indicating that I had reached him (Kristopher "gooz-mon") and to leave a message; I identified myself, the reason for my call [referral from the DOE regarding the PC's notifications in writing, s. 106.07(7), and 106.19(1)(c)], requested he return my call and provided my contact number.

Memo to File? No

Entered by: HH

12. **Date and time:** 06/10/19; 4:53 p.m.

Name: Kristopher Guzman—Respondent's chairman

Phone #: UNK

Summary: He phoned, reached my voice-mailbox, identified himself, provided his contact number and explained that he is returning my call.

Memo to File? No

Entered by: HH

13. **Date and time:** 06/11/19; 2:48 p.m.

Name: Kristopher Guzman—Respondent's chairman

Phone #: 305-951-4017

Summary: I phoned, reached his voice-mail message indicating that I had reached him (Kristopher "gooz-mon") and to leave a message; I identified myself, expressed my regret for missing his call, indicated I have been away from the office, explained the reason for my call—a referral from the DOE for Truth In Politics [regarding the PC's notifications in writing, s. 106.07(7), and 106.19(1)(c)], I provided the case number, FEC 19-164, requested he return my call and provided my contact number.

Memo to File? No

Entered by: HH

14. **Date and time:** 07/25/19; 5:55 p.m.

Name: Michelle Thompson, JP Morgan Chase Bank

Phone #: 317-757-7515

Summary: I phoned regarding additional information re: JP Morgan Chase Bank file # 1032715 and I haven't received her declaration that they have no records responsive to my request; however, I reached her voice-mail message indicating she will be out of the office until July 29, 2019 and I may call their national subpoena processing section at 844-751-7728.

EXHIBIT 10 (3 of 4)

Memo to File? No
Entered by: HH

15. **Date and time:** 07/26/19; 9:28 a.m.
Name: Lana, JP Morgan Chase Bank, National Subpoena Processing
Phone #: 844-751-7728
Summary: I phoned, identified myself, bank file #, provided my office address, explained that I have been working with Michelle Thompson and have additional information; however, it appears she is on vacation. Lana asked for the additional information and I provided the chairman's SSN and address based upon an Accurint search; she entered the information, confirmed the entries and said she'll send this to Michelle and she'll re-open the case.

Memo to File? No
Entered by: HH

16. **Date and time:** 07/26/19; 10:59 a.m.
Name: Kristopher Guzman—Respondent's chairman
Phone #: 305-951-4017
Summary: I phoned, reached his voice-mailbox, I identified myself, provided my contact number, explained that I want to discuss my investigation of Truth In Politics and requested he return my call.

Memo to File? No
Entered by: HH

17. **Date and time:** 07/29/19; 10:30 a.m.
Name: Michelle Thompson, JP Morgan Chase Bank
Phone #: 317-757-7515
Summary: She phoned, acknowledged receiving the additional information, said she'll run the SSN and if it returns information she'll need until August 20, 2019 to provide production; I asked if there is any way she can provide the records earlier; she indicated the earliest would be August 14, 2019. I thanked her and she confirmed the records will be sent to my email address.

Memo to File? No
Entered by: HH

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

19. **Date and time:**
Name:
Phone #:
Summary:
Memo to File? No

EXHIBIT 10(4 of 4)



FLORIDA DEPARTMENT OF STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

July 24, 2018

Kristopher Guzman, Chairperson
Truth In Politics
8725 Northwest 18th Terrace, Suite 302
Doral, Florida 33172

Dear Mr. Guzman:

This will acknowledge receipt of the Statement of Organization and Appointment of Campaign Treasurer and Designation of Campaign Depository for **Truth In Politics**, which were placed on file in our office on July 20, 2018. This information appears to comply with the requirements of Section 106.03, Florida Statutes, and the name of this organization has been placed on our active committee list as a political committee.

Campaign Treasurer's Reports

Your first campaign treasurer's report will be due on **July 27, 2018**. The report will cover the period of July 14-20, 2018 (2018 P3). All political committees that file reports with the Division of Elections are required to file by means of the Division's Electronic Filing System (EFS).

EFS Access

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

EFS Website Address: <https://efs.dos.state.fl.us>
Identification Number: 73701

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

Division of Elections
R.A. Gray Building, Suite 316 • 500 South Bronough Street • Tallahassee, Florida 32399
850.245.6240 • 850.245.6260 (Fax) dos.myflorida.com/elections/



EXHIBIT 11 (1 of 5)

Kristopher Guzman, Chairperson
July 24, 2018
Page Two

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

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

Electronic Receipts

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

Instructions and Assistance

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

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

Please let me know if you need additional information.

Sincerely,



Kristi Reid Willis, Chief
Bureau of Election Records

KRW/zjs

Enclosures

pc: David Hernandez, Treasurer

EXHIBIT 11(2 of 5)

**STATEMENT OF ORGANIZATION
OF POLITICAL COMMITTEE**

(PLEASE TYPE)

OFFICE USE ONLY
DEPARTMENT OF STATE
2018 JUL 20 AM 9:35
DIVISION OF ELECTIONS
TALLAHASSEE FL

1. Full Name of Committee TRUTH IN POLITICS	Telephone (305) 699-5054
---	------------------------------------

Mailing Address (include city, state and zip code)
8725 NW 18TH TERRACE
SUITE 302, DORAL FLORIDA 33172

Street Address (include city, state and zip code)
8725 NW 18TH TERRACE, SUITE 302, DORAL FLORIDA 33172

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 committee to support or oppose candidates for statewide, legislative, multi-county, county or municipal office, or 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
DAVID HERNANDEZ	8725 NW 18TH TERRACE SUITE 302 DORAL, FL 33172	TREASURER

6. List by Name, Address and Position, Other Principal Officers, Including Officers and Members of the Finance Committee, If Any (include chairman's name)

Full Name	Mailing Address	Committee Title or Position
KRISTOPHER GUZMAN	8725 NW 18TH TERRACE SUITE 302 DORAL, FL 33172	CHAIRMAN

7. List by Name, Address, Office Sought and Party Affiliation Each Candidate or Other Individual that this Committee is Supporting (if none, please indicate)

Full Name	Mailing Address	Office Sought	Party
TO BE DETERMINED			

8. List Any Issues this Committee is Supporting: TO BE DETERMINED

List Any Issues this Committee is Opposing: TO BE DETERMINED

9. If this Committee is Supporting the Entire Ticket of a Party, Give Name of Party

N/A

10. In the Event of Dissolution, What Disposition will be Made of Residual Funds?

RETURN TO CONTRIBUTORS PRORATA OR DONATE TO 501 (C) (3) ORGANIZATION

11. List all Banks, Safety Deposit Boxes, or Other Depositories Used for Committee Funds

Name of Bank or Depository & Account Number	Mailing Address
CITY NATIONAL BANK ACCOUNT NUMBER: TO BE PROVIDED	300 71ST STREET MIAMI BEACH, FL 33141

12. List all Reports Required to be Filed by this Committee with Federal Officials and the Names, Addresses and Positions of Such Officials, If Any

Report Title	Dates Required to be Filed	Name & Position of Official	Mailing Address
FORM SS4 FORM 1120POL FORM 990/ OR 1024	UPON FORMATION March 15 annually May 15 annually	INTERNAL REVENUE SERVICE	OGDEN, UT 84201

STATE OF FLORIDA MIAMI-DADE COUNTY

I, KRISTOPHER GUZMAN, certify that the information in this Statement of

Organization is complete, true and correct.

X



Signature of Chairman of Political Committee

07/19/2018

Date

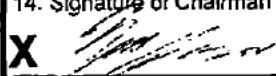
**APPOINTMENT OF CAMPAIGN TREASURER
AND DESIGNATION OF CAMPAIGN
DEPOSITORY FOR
POLITICAL COMMITTEES**
(Sections 106.011(1) and 106.021(1), F.S.)

RECEIVED
DEPARTMENT OF STATE
2018 JUL 20 AM 9:35
DIVISION OF ELECTIONS
TALLAHASSEE, FL

CHECK APPROPRIATE BOX:

OFFICE USE ONLY

Original Appointment of Treasurer Reappointment of Treasurer Deputy Treasurer


1. Committee or Organization TRUTH IN POLITICS		2 Telephone (305) 699-5054	
3. Name of Treasurer or Deputy Treasurer DAVID HERNANDEZ		4. Email (optional) dhernandez@dhcpainc.com	
5. Telephone (optional) (305) 707-8007			
6. Mailing Address 8725 NW 18TH TERRACE, SUITE 302, DORAL FL 33172			
7. Street Address 8725 NW 18TH TERRACE, SUITE 302, DORAL FL 33172			
8. The following bank has been designated as the <input checked="" type="checkbox"/> Primary Depository <input type="checkbox"/> Secondary Depository			
9. Name of Bank CITY NATIONAL BANK		10. Street Address 300 71st Street	
11. City MIAMI BEACH		12. State FL	13. Zip Code 33141
14. Signature of Chairman X 		15. Name of Chairman (Print or Type) KRISTOPHER GUZMAN	

Campaign Treasurer's Acceptance of Appointment

I, DAVID HERNANDEZ, do hereby accept the appointment as
(Please Print or Type)

treasurer or deputy treasurer for TRUTH IN POLITICS
(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.**

07/17/18 **X** 
Date Signature of Campaign Treasurer or Deputy Treasurer



FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

October 22, 2018

Kristopher Guzman, Chairperson
Floridians For Truth PC
1825 Ponce de Leon Boulevard #373
Coral Gables, Florida 33134

Dear Mr. Guzman:

This will acknowledge receipt of the Statement of Organization and Appointment of Campaign Treasurer and Designation of Campaign Depository for **Floridians For Truth PC**, which were placed on file in our office on October 18, 2018. This information appears to comply with the requirements of Section 106.03, Florida Statutes, and the name of this organization has been placed on our active committee list as a political committee.

Campaign Treasurer's Reports

Your first campaign treasurer's report will be due on **October 26, 2018**. The report will cover the period of October 13-19, 2018 (2018 G6). All political committees that file reports with the Division of Elections are required to file by means of the Division's Electronic Filing System (EFS).

EFS Access

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

EFS Website Address: <https://efs.dos.state.fl.us>
Identification Number: 73878

Timely Filing

All reports must be completed and filed through the EFS not later than midnight, Eastern Standard Time, of the due date. Reports not filed by midnight, Eastern Standard Time, of the due date are late filed and subject to the penalties in Section 106.07(8), Florida Statutes. In the event that the

Division of Elections
R.A. Gray Building, Suite 316 • 500 South Bronough Street • Tallahassee, Florida 32399
850.245.6240 • 850.245.6260 (Fax) dos.myflorida.com/elections/



EXHIBIT 12 (1 of 5)

Kristopher Guzman, Chairperson

October 22, 2018

Page Two

EFS is inoperable on the due date, the report will be accepted as timely filed if filed no later than midnight, Eastern Standard Time, of the first business day the EFS becomes operable. No fine will be levied during the period the EFS was inoperable.

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

Electronic Receipts

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

Instructions and Assistance

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

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

Please let me know if you need additional information.

Sincerely,



Kristi Reid Willis, Chief
Bureau of Election Records

KRW/zjs

Enclosures

EXHIBIT 12 (2 of 5)

**STATEMENT OF ORGANIZATION
OF POLITICAL COMMITTEE**

(PLEASE TYPE)

OFFICE USE ONLY
RECEIVED
DEPARTMENT OF STATE
2018 OCT 18 AM 11:24
73878 DIVISION OF ELECTIONS
TALLAHASSEE, FL

1. Full Name of Committee
Floridians For Truth PC

Telephone
(305) 699 - 5054

Mailing Address (include city, state and zip code)
1825 Ponce de Leon Blvd., #373, Coral Gables, FL 33134

Street Address (include city, state and zip code)
1825 Ponce de Leon Blvd., #373, Coral Gables, FL 33134

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 committee to support or oppose candidates for Statewide, Legislative, Multi-county, County, or Municipal office, and other activities allowed under Florida Statutes and Election Law.

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

POLITICAL-educate and advocate based on candidate positions and/or issues.

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
Kristopher Guzman	1825 Ponce de Leon Blvd., #373 Coral Gables, FL 33134	TREASURER AND CUSTODIAN OF BOOKS


6. List by Name, Address and Position, Other Principal Officers, Including Officers and Members of the Finance Committee, if Any (include chairman's name)			
Full Name	Mailing Address	Committee Title or Position	
Kristopher Guzman	1825 Ponce de Leon Blvd., #373 Coral Gables, FL 33134	Chairperson	
7. List by Name, Address, Office Sought and Party Affiliation Each Candidate or Other Individual that this Committee is Supporting (if none, please indicate)			
Full Name	Mailing Address	Office Sought	Party
To Be Determined			
8. List Any Issues this Committee is Supporting: To Be Determined List Any Issues this Committee is Opposing: To Be Determined			
9. If this Committee is Supporting the Entire Ticket of a Party, Give Name of Party N/A			
10. In the Event of Dissolution, What Disposition will be Made of Residual Funds? CONTRIBUTE TO CANDIDATES, POLITICAL COMMITTEES, POLITICAL PARTIES, AND OTHER ACTIVITIES NOT PROHIBITED BY LAW.			
11. List all Banks, Safety Deposit Boxes, or Other Depositories Used for Committee Funds			
Name of Bank or Depository & Account Number		Mailing Address	
Chase Bank		1300 Ponce De Leon Coral Gables, FL 33134	
12. List all Reports Required to be Filed by this Committee with Federal Officials and the Names, Addresses and Positions of Such Officials, if Any			
Report Title	Dates Required to be Filed	Name & Position of Official	Mailing Address
FORM SS-4	UPON FORMATION	IRS	OGDEN, UT 84201
FORM 8871	UPON FORMATION	IRS	OGDEN, UT 84201
FORM 1120POL	MARCH 15, ANNUALLY	IRS	OGDEN, UT 84201
FORM 990	MAY 15, ANNUALLY	IRS	OGDEN, UT 84201
STATE OF <u>Florida</u>		<u>Miami Dade</u> COUNTY	
I, <u>Kristopher Guzman</u> , certify that the information in this Statement of Organization is complete, true and correct.			
<input checked="" type="checkbox"/>  Signature of Chairman of Political Committee		<u>October 10, 2018</u> Date	

EXHIBIT 12(4 of 5)

**APPOINTMENT OF CAMPAIGN TREASURER
AND DESIGNATION OF CAMPAIGN
DEPOSITORY FOR
POLITICAL COMMITTEES**
(Sections 106.011(2) and 106.021(1), F.S.)

RECEIVED
DEPARTMENT OF STATE
2018 OCT 18 AM 11:24
DIVISION OF ELECTIONS
TALLAHASSEE, FL

CHECK APPROPRIATE BOX:

OFFICE USE ONLY

Initial Filing of Form Re-filing to Change: Treasurer/Deputy Primary/Secondary Depository

1. Committee or Organization 2. Telephone
Floridians For Truth PC (305) **699-5054**

3. Name of Treasurer or Deputy Treasurer 4. Email (optional) 5. Telephone (optional)
Kristopher Guzman ()

6. Mailing Address
1825 Ponce de Leon Blvd. #373, Coral Gables, FL 33134

7. Street Address
1825 Ponce de Leon Blvd. #373, Coral Gables, FL 33134

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

9. Name of Bank 10. Street Address
Chase Bank **1300 Ponce De Leon**

11. City 12. State 13. Zip Code
Coral Gables **FL** **33134**

14. Signature of Chairman 15. Name of Chairman (Print or Type)
X *[Signature]* **Kristopher Guzman**

Campaign Treasurer's Acceptance of Appointment

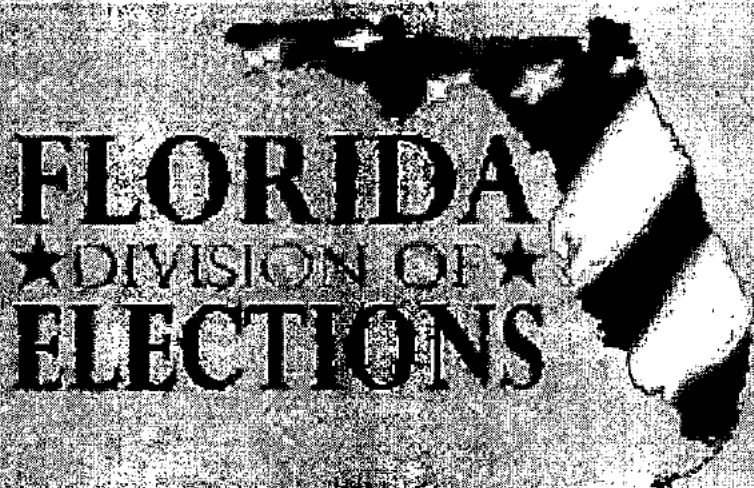
I, **Kristopher Guzman**, do hereby accept the appointment as
(Please Print or Type)
treasurer or deputy treasurer for **Floridians For Truth PC**
(Committee or Organization)

**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.**

October 10, 2018 **X** *[Signature]*
Date Signature of Campaign Treasurer or Deputy Treasurer

EXHIBIT 12 (5 of 5)

Political Committee Handbook



FLORIDA
★ DIVISION OF ★
ELECTIONS

EXHIBIT 13 (1 of 11)

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

(Rev. 3/15/2018)

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Chapter 10: Filing Campaign Reports

Each campaign treasurer designated by a political committee shall file regular reports of all contributions received and all expenditures made by or on behalf of such political committee.

The chairperson and campaign treasurer shall certify as to the correctness of each report. Each person so certifying shall bear the responsibility for the accuracy and veracity of each report. Any campaign treasurer or chairperson who willfully certifies the correctness of any report while knowing that such report is incorrect, false or incomplete commits a misdemeanor of the first degree.

(Sections 106.011 and 106.07, F.S.)

Where to File

A campaign treasurer is required to file campaign treasurer's reports with the officer with whom the committee registers.

Committees filing reports with the Division are required to file using the Electronic Filing System (see Chapter 11, Electronic Filing of Campaign Reports). If the committee's filing officer is other than the Division, contact the appropriate filing officer to find out the requirements.

The web address for filing online with the Division is: <https://efs.dos.state.fl.us>
(Section 106.07(2), F.S.)

When to File

Reports must be filed on the 10th day following the end of each calendar month from the time the committee registers. If the 10th day occurs on a Saturday, Sunday or legal holiday, the report shall be filed on the next business day that is not a Saturday, Sunday or legal holiday.

A political committee required to file reports with the Division must file reports:

1. On the 60th day immediately preceding the primary election, and each week thereafter, with the last weekly report being filed on the 4th day immediately preceding the general election.
2. On the 10th day immediately preceding the general election, and each day thereafter, with the last daily report being filed the 5th day immediately preceding the general election.

For political committees that file with the Division, see the "Campaign Finance Reporting Dates" at:

<http://dos.myflorida.com/elections/candidates-committees/campaign-finance/>

Any political committee required to file reports with a filing officer other than the division must file reports on the 60th day immediately preceding the primary election and bi-weekly on each Friday thereafter through and including the 4th day immediately preceding the general election, with additional reports due on the 25th and 11th days before the primary election and the general election.

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

Reports filed with the Division through the Electronic Filing System (EFS) are due no later than midnight, Eastern Time, of the due date. (See Chapter 11, Electronic Filing of Campaign Reports.)
(Sections 106.07, 106.0705, and 106.141, F.S.)

Penalty for Late Filing

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

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

Notice of No Activity

When there has been no reportable activity in the campaign account during a reporting period (no funds expended or received) the filing of the report is waived. The political committee shall notify the filing officer in writing on or before the prescribed reporting date that no report is being filed on that date. The next report filed must specify that the report covers the entire period between the last submitted report and the report being filed.

(Section 106.07, F.S.)

A notice of no activity filed with the Division must be filed electronically using the Division's electronic filing system.

(Section 106.0705, F.S.)

Special Election Reports

When a special election is called to fill a vacancy in office, all political committees making contributions or expenditures to influence the results of the special election shall file campaign treasurers' reports with the filing officer on the dates set by the Department of State pursuant to Section 100.111, F.S.

When an election is called for an issue to appear on the ballot at a time when no candidates are scheduled to appear on the ballot, all political committees making contributions or expenditures in support of or in opposition to such issue shall file reports on the 18th and 4th days prior to such election.

Committees are to include on the special election campaign treasurer's reports only

Chapter 11: Electronic Filing of Campaign Reports

The Electronic Filing System (EFS) is an Internet system for recording and reporting campaign finance activity by reporting period. Each political committee required to file reports with the Division pursuant to Section 106.07, F.S., must file such reports with the Division via the EFS.

Reports filed:

- Must be completed and filed through the EFS not later than midnight of the due date. Reports not filed by midnight of the day designated are late filed and are subject to the penalties under Section 106.07(8), F.S., as applicable.
- Are considered to be under oath by the chairperson and treasurer, and such persons are subject to provisions of Section 106.07(5), F.S. Persons given a secure sign-on to the EFS are responsible for protecting such from disclosure and are responsible for all filings using such credentials, unless they have notified the Division that their credentials have been compromised.

(Sections 106.0705 and 106.0706, F.S.)

Accessing the EFS

You can access the EFS at <https://efs.dos.state.fl.us>. Each person filing a report is provided an identification number and initial password to gain entry. Once you log in using the initial password, you will be prompted to change it to a confidential one.

You are responsible for protecting the password from disclosure. Contact the Division immediately if your password has been compromised.

Creating Reports

Campaign reports must be entered, saved, reviewed, and filed via the EFS either by directly entering data into the web application or by uploading data using an approved vendor's software. The Division maintains a list of approved software vendors whose programs meet the file specifications for filing campaign reports. Instructions for uploading reports are provided in the Political Committees User Guide - PDF (DS-DE 110B) located at:

<http://dos.myflorida.com/elections/candidates-committees/campaign-finance/filing-campaign-reports/>

Submitting Reports

Reports will be held in pending status until the report is ready to be filed. Each person eligible to file a report will receive a PIN (personal identification number) that allows the person to file reports via the EFS. A person's PIN is considered the same as that person's signature on a filed report.

Electronic Receipts

The person filing a report on the EFS may print an electronic receipt verifying the report was filed with the Division. Each report filed via the EFS is considered to be under oath and such persons filing the report are subject to the provisions of Chapter 106, F.S.

Help Line and User Guide

EFS HELP LINE

(850) 245-6280

EFS USER GUIDE

Political Committees User Guide
(DS-DE 110B)
*(Listed under Electronic Filing System
Resources.)*

<http://dos.myflorida.com/elections/candidates-committees/campaign-finance/filing-campaign-reports/>

Note:

- For further information on the EFS, see Rule 1S-2.017, Florida Administrative Code, Reporting Requirements for Campaign Treasurer's Reports.
- Political committees that do not file their campaign treasurer's reports with the Division must consult their filing officer for filing instructions.

Chapter 15: Florida Elections Commission

The Florida Elections Commission is a separate and independent entity from the Division of Elections. Commissioners are appointed by the Governor from lists of names submitted by legislative leaders.

Automatic Fine Appeal Process

A political committee may appeal or dispute a fine for a late filed campaign treasurer's report. The appeal must be based upon, but not limited to, unusual circumstances surrounding the failure to file on the designated due date. The political committee may request and is entitled to a hearing before the Florida Elections Commission, which has the authority to waive the fine in whole or in part. The Florida Elections Commission must consider the mitigating and aggravating circumstances contained in Section 106.265(1), F.S., when determining the amount of a fine, if any, to be waived.

The appeal must be made within 20 days of the receipt of the notice of payment due. The committee must, within the 20 day period, notify the filing officer in writing of his or her intention to bring the matter before the Commission.

(Section 106.07(8)(c), F.S.)

Complaint Process

Any person who has information of a violation of Chapters 104 or 106, F.S., shall file a sworn complaint with the Florida Elections Commission, 107 West Gaines Street, Suite 224, Tallahassee, Florida 32399- 1050 or call 850-922-4539. A complaint form (FEC Form 1) may be obtained from the Florida Elections Commission or downloaded from the Commission's website at www.fec.state.fl.us.

(Sections 106.25 and 106.28, F.S.)

Appendix A: Legal References and Rules Cited

Constitution

- Constitution of the State of Florida

Florida Election Code

- Chapter 104 Violation; Penalties
- Chapter 106 Campaign Financing
- Chapter 607 Florida Business Corporation Act
- Chapter 617 Corporations Not For Profit

Florida Statutes

- 97.021 Definitions
- 98.015 Supervisor of elections; election, tenure of office, compensation, custody of registration-related documents, office hours, successor, seal; appointment of deputy supervisors; duties.
- 100.111 Filling vacancy.
- 100.371 Initiatives; procedure for placement on ballot.
- 105.011 Definitions.
- 106.011 Definitions.
- 106.021 Campaign treasurers; deputies; primary and secondary depositories.
- 106.022 Appointment of a registered agent; duties.
- 106.03 Registration of political committees and electioneering communications organizations.
- 106.05 Deposit of contributions; statement of campaign treasurer.
- 106.055 Valuation of in-kind contributions.
- 106.06 Treasurer to keep records; inspections.
- 106.07 Reports; certification and filing.
- 106.0703 Electioneering communications organizations; reporting requirements; certification and filing; penalties.
- 106.0705 Electronic filing of campaign treasurer's reports.
- 106.0706 Electronic filing of campaign finance reports; public records exemption.
- 106.071 Independent expenditures; electioneering communications; reports; disclaimers.
- 106.075 Elected officials; report of loans made in year preceding election; limitation on contributions to pay loans.
- 106.08 Contributions; limitations on.
- 106.09 Cash contributions and contribution by cashier's checks.
- 106.11 Expenses of and expenditures by candidates and political committees.
- 106.12 Petty cash funds allowed.
- 106.125 Credit cards; conditions on use.
- 106.141 Disposition of surplus funds by candidates.
- 106.143 Political advertisements circulated prior to election; requirements.
- 106.1439 Electioneering communications; disclaimers.
- 106.147 Telephone solicitation; disclosure requirements; prohibitions; exemptions; penalties.
- 106.165 Use of closed captioning and descriptive narrative in all television broadcasts.
- 106.19 Violations by candidates, persons connected with campaigns, and political committees.

Political Committee Handbook

- [106.22](#) Duties of the Division of Elections.
- [106.23](#) Powers of the Division of Elections.
- [106.25](#) Reports of alleged violations to Florida Elections Commission; disposition of findings.
- [106.265](#) Civil penalties.
- [106.28](#) Limitation of actions
- [775.082](#) Penalties; applicability of sentencing structures; mandatory minimum sentences for certain reoffenders previously released from prison.
- [775.083](#) Fines.
- [849.09](#) Lottery prohibited; exceptions.

Florida Administrative Code

- Rule [15-2.017](#) Reporting Requirements for Campaign Treasurer's Reports
- Rule [15-2.021](#) Cancellation of Registration of Political Committees and Electioneering Communications Organizations

Forms

- [DS-DE 2](#) Contributions Returned
- [DS-DE 5](#) Statement of Organization for Political Committee
- [DS-DE 6](#) Appointment of Campaign Treasurer and Designation of Campaign Depository for Political Committees
- [DS-DE 12](#) Campaign Treasurer's Report - Summary
- [DS-DE 41](#) Registered Agent Statement of Appointment

Division of Elections Advisory Opinions

- [DE 00-03](#) Use of Debit and Credit Cards for Campaign Contributions and Expenditures
- [DE 06-10](#) Petty Cash: Definition of the Term "Other Necessities"; and Reimbursement for Campaign Expenses; §§ 106.12(3) and 106.021(3), Florida Statutes
- [DE 08-07](#) Campaign Financing - Receiving Contributions via Pay Pal §§106.05 and 106.7(1), Florida Statutes
- [DE 09-08](#) Campaign Financing - In-Kind Contributions and Valuation of Private Aircraft Travel §§ 106.055 and 106.08(2), Florida Statutes
- [DE 12-08](#) Corporations; Independent Expenditures; Political Committees § 106.011 and 106.071, Florida Statutes

Campaign Finance Reporting Guides and System

- [Electronic Filing System](#)
- [EFS User Guide](#) (see specifically Political Committees User Guide (DS-DE 110B))
- [Calendar of Reporting Dates](#)



FLORIDA ELECTIONS COMMISSION

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

April 17, 2019

Kristopher Guzman, Chair
Truth In Politics
1825 Ponce de Leon Blvd
#373
Coral Gables, FL 33134-3134

RE: Case No.: FEC 19-164; Respondent: Truth In Politics

Dear Mr. Guzman:

On March 21, 2019, the Florida Elections Commission received a complaint alleging that your committee violated Florida's election laws. I have reviewed the complaint and find that it contains one or more **legally sufficient allegations**. The Commission staff will investigate the following alleged violations:

Section 106.07(7), Florida Statutes: As alleged in the complaint, Respondent, a political committee registered with the Division of Elections, failed to notify the filing officer on the prescribed reporting date that no report would be filed on that date because it had not received funds, made contributions, or expended reportable funds during the following reporting period:

- 2018 M12

Section 106.19(1)(c), Florida Statutes: As alleged in the complaint, Respondent, a political committee registered with the Division of Elections, may have falsely reported or deliberately failed to include information required by Chapter 106, Florida Statutes, when it failed to file a report on the prescribed reporting date for the following reporting period:

- 2018 M12

When we conclude the investigation, a copy of the Report of Investigation (ROI) will be mailed to you at the above address. Based on the results of the investigation, a staff attorney will make a written recommendation (Staff Recommendation or SR) to the Commission as to whether there is probable cause to charge respondent with violating Chapters 104 or 106, Florida Statutes. You

Truth In Politics

April 17, 2019

Page 2

FEC 19-164

will have an opportunity to respond to both the ROI and the SR. The Commission will then hold one or more hearings to determine whether the alleged violations occurred and, if so, the amount of the fine to be imposed. You and the complainant will receive notice at least 14 days before any hearing at which your case is to be considered.

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

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

If you have additional questions, please contact **Helen Hinson**, the investigator assigned to this case.

Sincerely,

A handwritten signature in black ink that reads "Tim Vaccaro". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Tim Vaccaro
Executive Director

TV/med

**DIVISION OF ELECTIONS
FEC NOTICE FORM**

To FEC from Division of Elections

Name: Truth In Politics
Account Number: 73903
Chairperson: Kristopher Guzman
Treasurer: Kristopher Guzman
Registered Agent: Kristopher Guzman

The Division of Elections hereby provides this notice to the Florida Elections Commission pursuant to Sections 106.07(8)(d), 106.22(7), and 106.25(2), Florida Statutes. An apparent violation of Chapter 106, Florida Statutes, has occurred based upon the failure to file a report after notice or failure to file a notification to the filing officer in writing that no report was being filed on the prescribed reporting date under s. 106.07(7).

Report(s):

2018 M12

Sent By: Kristi Reid Willis *KRW*
Date: March 20, 2019

eal

AFFIDAVIT

STATE OF FLORIDA

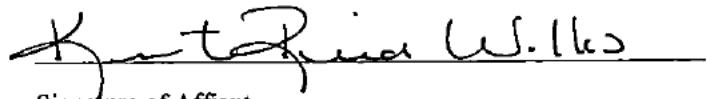
County of Leon

Kristi Reid Willis, being duly sworn, says:

1. I am the Chief of the Bureau of Election Records of the Division of Elections (Division). In that capacity, I oversee the Division's duties related to the filing of campaign finance reports.
2. This affidavit is made upon my personal knowledge, including information obtained from review of the attached records, of which I am the custodian.
3. I am of legal age and competent to testify to the matters stated herein.
4. Truth In Politics (73903) is a political committee registered with the Division. On November 6, 2018, Kristopher Guzman filed the DSDE 5 and DSDE 6 with the Division of Elections indicating that he was the chairperson.
5. The 2018 M12 campaign treasurer's report was due on January 10, 2019. On January 11, 2019, the Division mailed Mr. Guzman notification that the 2018 M12 campaign treasurer's report had not been filed.
6. On January 23, 2019, the Division mailed Mr. Guzman a second notification that the 2018 M12 campaign treasurer's report had not been filed.
7. On March 1, 2019, the Division mailed Mr. Guzman final notification with delivery confirmation that the 2018 M12 report had not been filed. (See attached letter and delivery confirmation.)
8. Mr. Guzman did not notify the Division of Elections prior to or on the prescribed reporting date for the 2018 M12 report that no report was to be filed.

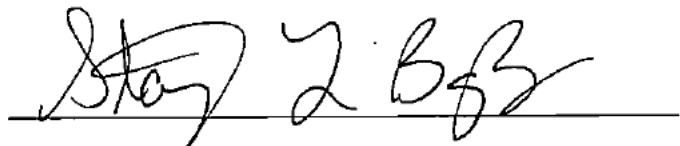
9. As of March 20, 2019, Mr. Guzman has not filed the 2018 M12 report.

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 20th day of **March, 2019.**



Signature of Notary Public - State of Florida

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known





FLORIDA DEPARTMENT OF STATE

Laurel M. Lee

Secretary of State

DIVISION OF ELECTIONS

Final Notice

Delivery Confirmation:

USPS TRACKING #
& CUSTOMER
RECEIPT

9114 8014 9645 1724 1580 06
For Tracking or Inquiries go to USPS.com
or call 1-800-222-1811

March 1, 2019

Kristopher Guzman, Chairperson
Truth In Politics
1825 Ponce de Leon Blvd, #373
Coral Gables, FL 33134-3134

PAC 73903

Dear Mr. Guzman:

A recent review of the Division's records show that the Division has not yet received the below-referenced campaign treasurer's report or the required notification that no reportable activity occurred, whichever is applicable, during the following cover period:

<u>Year</u>	<u>Report</u>	<u>Cover Period</u>
2018	M12	12/1/18 - 12/31/18

The Division has previously notified you of the unfiled report or notification. Please file your report or notification. If the report is not filed within 7 days of receipt of this letter, the Division will refer this matter to the Florida Elections Commission, which may impose civil penalties of up to \$1000 per violation, apart from that automatic fine provisions of s. 106.07(8)(b), Fla. Stat.) that are applicable only to campaign finance reports.

As we stated in the prior notices, even if you now file the report or notification, the untimely filing of a report of reportable activity, or if applicable, a notice that no reportable activity occurred, may constitute an apparent violation of chapter 106, Fla. Stat. If we refer such matter to the Florida Elections Commission, the Commission may subsequently impose a civil penalty for each violation under chapter 106.265(1), Fla. Stat.

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

Sincerely,

Kristi Reid Willis, Chief
Bureau of Election Records



FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

Track Another Package +

Tracking Number: 9114901496451724156005

Remove X

Expected Delivery on

MONDAY

4 MARCH 2019 ⓘ

by **8:00pm** ⓘ

Delivered

March 4, 2019 at 4:39 pm
Delivered, Front Desk/Reception/Mail Room
MIAMI, FL 33134

Get Updates ▾

Feedback

- Text & Email Updates** ▾
- Tracking History** ▾
- Product Information** ▾

See Less ^

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.