

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: **MOCA Yes! Political Action
Committee, and Michael L.
McDearmaid, Chairperson**

Case No.: **FEC 12-188**

TO: Joseph S. Geller, Esquire
Greenspoon Marder PA
100 W. Cypress Creek Road
Ft. Lauderdale, FL 33309

Stephanie Kienzle
1653 NE 178 Street
N Miami Beach, FL 33162

NOTICE OF HEARING (INFORMAL HEARING)

A hearing will be held in this case before the Florida Elections Commission on **February 25, 2014, at 10:30 am, or as soon thereafter as the parties can be heard**, at the following location: **Senate Office Building, Room S-110, 404 South Monroe Street, Tallahassee, FL 32399.**

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

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

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

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

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

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

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

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

See further instructions on the reverse side.

Amy McKeever Toman
Executive Director
Florida Elections Commission
February 5, 2014

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

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

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

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

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

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

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

FILED

13 DEC -4 AM 9:27

STATE OF FLORIDA
ELECTIONS COMMISSION

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: MOCA Yes! PAC, and
Michael L. McDearmaid, Chair

Case No.: FEC 12-188

ORDER CONTINUING CASE

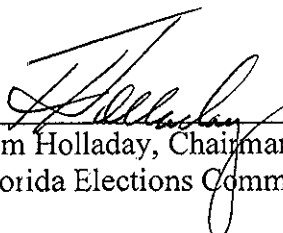
THIS MATTER was scheduled to be heard before the Florida Elections Commission at its regularly scheduled meeting held on November 13, 2013, in Tallahassee, Florida.

Prior to the hearing, Respondent's attorney filed a Motion to Continue asking that this matter be continued in an effort to reach a settlement agreement.

Therefore, it is

ORDERED that the case is continued until the next available meeting of the Florida Elections Commission.

DONE AND ORDERED by the Florida Elections Commission on November 13, 2013.



Tim Holladay, Chairman
Florida Elections Commission

Copies furnished to:

Jaakan A. Williams, Assistant General Counsel
Joseph Geller, Respondent's Attorney
Stephanie Kienzle, Complainant

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: MOCA Yes! Political Action
Committee, and Michael L
McDearmaid, Chair

Case No.: FEC 12-188

TO: Michael L. McDearmaid, Chair
MOCA Yes! Political Action Committee
840 NE 127th Street
North Miami, FL 33161

Stephanie Kienzle
1653 NE 178 Street
N Miami Beach, FL 33162

NOTICE OF HEARING

A hearing will be held in this case before the Florida Elections Commission on **November 13, 2013, at 11:00 am**, or as soon thereafter as the parties can be heard, at the following location: **Senate Office Building, Room 110-S, 404 South Monroe Street, Tallahassee, FL 32399.**

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

This hearing will be conducted pursuant to Section 106 25, Florida Statutes, which governs your participation as follows:

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

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

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

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

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

See further instructions on the reverse side.

Amy McKeever Toman
Executive Director
Florida Elections Commission
October 24, 2013

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. Pursuant to Rule 2B-1.005 F.A.C., you may file supplemental documents related to your appeal up to five business days before the hearing for consideration by the Commission.

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

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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.



FEC 12-188 - Request for Extension of Time - DENIED 

Donna Malphurs to: Michael McDearmaid
Cc: Jaakan Williams

09/30/2013 08:43 AM

From: Donna Malphurs/OAG
To: Michael McDearmaid <840michael@att.net>
Cc: Jaakan Williams/OAG@OAG

Dear Mr. McDearmaid,

The Order of Probable Cause (OPC) has been served in this case. The Order states that you have thirty days to elect either a "Formal" Hearing before either DOAH or the Commission; however, failure to *timely* elect a hearing automatically results in an "Informal" Hearing before the Commission. Unfortunately, there is no provision for an extension in responding to the OPC. Since the OPC was served September 24, 2013, you have until October 24, 2013 to submit your request for a hearing. Please note that your request **MUST** be received by the Commission no later than the close of business (5:00 pm) on October 24, 2013, especially if you wish to elect a "Formal" Hearing before DOAH.

If you have any questions, please let me know.

Sincerely,

Donna Ann Malphurs, Agency Clerk
Florida Elections Commission
850-922-4539 x 103

cc: Jaakan Williams, Assistant General Counsel

Michael McDearmaid Dear Ms Malphurs, Sorry that this did not get to you earlier. 09/27/2013 01:20:59 PM

From: Michael McDearmaid <840michael@att.net>
To: "donna.malphurs@myfloridalegal.com" <donna.malphurs@myfloridalegal.com>
Date: 09/27/2013 01:20 PM
Subject: Fwd: Delivery Status Notification (Failure)

Dear Ms Malphurs,

Sorry that this did not get to you earlier.

Thanks

Sent from my iPad

Begin forwarded message:

From: Michael McDearmaid <840michael@att.net>
Date: September 26, 2013 9:43:35 PM EDT
To: "donna.malphurs@myfloridalegal.com" <donna.malphurs@myfloridalegal.com>
Subject: Fw: Delivery Status Notification (Failure)
Reply-To: Michael McDearmaid <840michael@att.net>

----- Forwarded Message -----

From: Mail Delivery System <MAILER-DAEMON@ESA01.oag.state.fl.us>

To: 840michael@att.net

Sent: Thursday, September 26, 2013 9:40 PM

Subject: Delivery Status Notification (Failure)

----- Forwarded Message -----

The following message to <donna.malphors@myfloridalegal.com> was undeliverable

The reason for the problem:

510 - Unknown address error 550-'donna.malphors@myfloridalegal.com. No such user'

RE: CASE N FEC 12-188

Dear Ms Malphor,

Due to the misdelivery of the original Notice of the Certified letter and having to be out of town we would like to respectfully request a 30 day extension so that we can determine our options in this case

You are more than welcome to call me at anytime (305) 439-5838

Thank you very much for your consideration

Sincerely Yours,

Michael McDearmaid

325040-1901343391-1380246013=:3098"



Fwd: Delivery Status Notification (Failure)
Michael McDearmaid
to:
donna malphurs@myfloridalegal.com
09/27/2013 01:20 PM
Show Details

History: This message has been replied to.

Dear Ms Malphurs,

Sorry that this did not get to you earlier

Thanks
Sent from my iPad

Begin forwarded message:

From: Michael McDearmaid <840michael@att.net>
Date: September 26, 2013 9:43:35 PM EDT
To: "donna.malphors@myfloridalegal.com" <donna.malphors@myfloridalegal.com>
Subject: Fw: Delivery Status Notification (Failure)
Reply-To: Michael McDearmaid <840michael@att.net>

----- Forwarded Message -----

From: Mail Delivery System <MAILER-DAEMON@ESA01.oag.state.fl.us>
To: 840michael@att.net
Sent: Thursday, September 26, 2013 9:40 PM
Subject: Delivery Status Notification (Failure)

----- Forwarded Message -----

The following message to <donna.malphors@myfloridalegal.com> was undeliverable.
The reason for the problem:
5.1.0 - Unknown address error 550-'donna.malphors@myfloridalegal.com' ... No such user'
RE: CASE N. FEC 12-188

Dear Ms Malphor,

Due to the misdelivery of the original Notice of the Certified letter and having to be out of town we would like to respectfully request a 30 day extension so that we can determine our options in this case

You are more than welcome to call me at anytime (305) 439-5838

Thank you very much for your consideration.

Sincerely Yours,

Michael McDearmaid

325040-1901343391-1380246013=:3098"

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

FILED

13 AUG 29 AM 9:54

Florida Elections Commission,
Petitioner,

STATE OF FLORIDA
ELECTIONS COMMISSION

v.

Agency Case No.: FEC 12-188

MOCA YES! Political Action Committee
and Michael L. McDearmaid, Chair,
Respondent.

ORDER OF PROBABLE CAUSE

THIS CAUSE came on to be heard before the Florida Elections Commission at its meeting held on August 13, 2013, in Tallahassee, Florida.

The Commission has reviewed the Complaint, Report of Investigation, Staff Recommendation, all documents submitted by the Respondent, any relevant documents, and considered all oral statements made at the probable cause hearing. Based on the facts set forth in the Staff Recommendation, which is incorporated herein and attached to this order, the Commission finds that there is probable cause that Respondent committed 6 counts of violating Chapter 106, Florida Statutes:

Count 1:

On or about July 2, 2012, Respondent violated Section 106.03(1)(a), Florida Statutes, when he failed to file a Statement of Organization within 10 days of receiving contributions that exceeded \$500 during the 2012 calendar year.

Count 2:

On or about July 13, 2012, Respondent violated Section 106.07(1), Florida Statutes, when he failed to file its 2012 F1 Report of all contributions received and expenditures made by MOCA Yes!

Count 3:

On or about July 27, 2012, Respondent violated Section 106.071(2), Florida Statutes, when he failed to file its 2012 F2 Report of all contributions received and expenditures made by MOCA Yes!

Count 4:

On or about July 13, 2012, Respondent violated Section 106.19(1)(c), Florida Statutes, when it falsely reported or deliberately failed to report information required by Chapter 106, Florida Statutes, on its 2012 F1 Report.

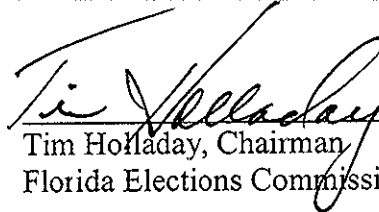
Count 5:

On or about July 27, 2012, Respondent violated Section 106.19(1)(c), Florida Statutes, when it falsely reported or deliberately failed to report information required by Chapter 106, Florida Statutes, on its 2012 F2 Report.

Count 6:

On or about August 1, 2012, Respondent violated Section 106.071(2), Florida Statutes, when it failed to mark prominently its political advertisements website with a proper disclaimer.

DONE AND ORDERED by the Florida Elections Commission on August 13, 2013



Tim Holladay, Chairman
Florida Elections Commission

Copies furnished to:

Jaakan A. Williams, Assistant General Counsel
MOCA Yes! Political Action Committee, Respondent (certified mail)
Stephanie Kienzle, Complainant

Attachment: Staff Recommendation

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 violations and agree to the amount of the fine. The agreed to consent order is then presented to the Commission for its approval. To discuss a consent order, contact the attorney who signed the Staff Recommendation attached to 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 of the Order of Probable Cause to request such a hearing. At the hearing, you will have the right to make written or oral arguments to the Commission concerning the legal issues related to the violations 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 of the Order of Probable Cause to request such a hearing. 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 of this Order of Probable Cause, the case will be sent to the Commission and you will be entitled to a formal or informal hearing~~

To request a hearing, please send a written request to the Agency 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: **MOCA Yes!**

Case No.: **FEC 12-188**

STAFF RECOMMENDATION FOLLOWING INVESTIGATION

Pursuant to section 106.25(4)(c), Florida Statutes, undersigned staff counsel files this written recommendation for disposition of the complaint in this case recommending that there is **probable cause** to charge Respondent with violating **Section 106.03(1)(a), Section 106.19(1)(c), Section 106.07, and Section 106.071(2), Florida Statutes**. Based upon a thorough review of the Report of Investigation submitted on April 1, 2013, the following facts and law support this staff recommendation:

1. On August 9, 2012, the Florida Elections Commission ("Commission") received a sworn complaint from Stephanie Kienzle ("Complainant") alleging that MOCA Yes! Political Action Committee ("Respondent") violated Chapter 106, Florida Statutes.

2. Respondent, MOCA Yes! Political Action Committee is a group of citizens that participated in a special bond referendum election that was held on August 14, 2012 in the City of North Miami.¹

3. By letter dated September 18, 2012, the Interim Executive Director notified Respondent that Commission staff would investigate the following statutory provision:

Section 106.03(1)(a), Florida Statutes: MOCA Yes, failed to file a Statement of Organization within 10 days of receiving contributions or making expenditures that exceed \$500 during a calendar year, as alleged in the complaint

Section 106.19(1)(c), Florida Statutes: MOCA Yes, falsely reported or deliberately failed to report information required by Chapter 106, Florida Statutes, as alleged in the complaint

Section 106.07, Florida Statutes: MOCA Yes, failed to file numerous periodic reports listing all contributions received, and all expenditures made during the given reporting period

¹ MOCA is an acronym for Museum of Contemporary Art. It was organized for the purpose of helping with the passage of a bond for the museum's expansion

Section 106.071(2), Florida Statutes: MOCA Yes, failed to include a proper disclaimer on political advertisements, as alleged in the complaint.

Section 106.03(1), Florida Statutes

4. Complainant alleged that Respondent made expenditures in excess of \$500 and published a number of political advertisements for the purpose of sponsoring a yes vote on the "authorization of general obligation bonds" for the City of North Miami's Museum of Contemporary Arts (See Attachment "A")

5. On behalf of Respondent, Andrew Lewis submitted a response to the complaint. Mr. Lewis stated, "As a 527 federal political committee we do not have to file a statement of organization with the municipalities in which we operate. If we had chosen hypothetically to operate on even a county-wide level for the Miami-Dade Mayor's re-election, filing statement of organizations with every municipality would quickly become onerous." (ROI Exhibit 7)

6. I2K Digital, Inc., was a vendor used by Respondent to make signs. The company submitted an invoice to the Commission showing that Respondent paid \$1,366.00 for 200 18"X24" Coroplast signs and step stakes. The invoice was dated July 3, 2012 (ROI Exhibit 1)²

7. Image Plus Graphics, Inc., also submitted an invoice to the Commission which revealed that Respondent paid \$1,646.16 for 2,500 11"X17" Flats, titled "VOTE FOR THE BOND." The invoice was dated July 18, 2012 (ROI Exhibit 2)

8. Furthermore, Respondent paid \$690 to the *Biscayne Times* newspaper for a half-page advertisement in the August edition of the newspaper. That invoice was dated July 30, 2012. (ROI Exhibit 3)

9. In pertinent part, Section 106.03, Florida Statutes, states the following:

Each political committee that anticipates receiving contributions or making expenditures during a calendar year in an aggregate amount exceeding \$500 or that is seeking the signatures of registered electors in support of an initiative shall file a statement of organization as provided in subsection (3) within 10 days after its organization or, if later, within 10 days after the date on which it has information that causes the committee to anticipate that it will receive contributions or make expenditures in excess of \$500.

10. Respondent accepted a \$1,000 contribution on June 22, 2012, but failed to register as a political committee by July 2, 2012 (ROI Exhibit 12)

² The Report of Investigation herein shall be referred to as "ROI "

11. In an October 16, 2012 affidavit, Michael Etienne, North Miami City Clerk, stated that there is no record of Respondent having filed a "Statement of Organization of Political Committee" form with the North Miami City Clerk's office (ROI Exhibit 5)

12. In her October 10, 2012 affidavit, Penelope Townsley, Miami-Dade County Supervisor of Elections, stated that her office does not have a Statement of Organization on file for the group known as MOCA Yes! Political Action Committee. (ROI Exhibit 6)

13. Mr. Lewis further explained that he and others sought out counsel from the City Clerk, Michael Etienne. He claimed that the City Clerk assured him that the group would not need to file a statement of organization. "We asked the City Clerk in the presence of the Assistant City Clerk, Jacqui Vieira, to please notify Moca Yes! If there is a fundamental change that would require us to come in and file and we would gladly do so." (ROI Exhibit 7)

14. However, in his October 16, 2012 affidavit, Michael Etienne denied speaking to anyone about filing a statement of organization. Mr. Etienne did acknowledge answering some questions posed to him by Michael McDearmaid but he did not recall what "questions were asked and answered." (ROI Exhibit 5)

15. During an August 30, 2012 telephone call, Jacque Viera, Deputy City Clerk, advised staff that Michael McDearmaid was the main individual behind the group (See Attachment "B" – Phone log entry 6)

16. Michael McDearmaid stated that at first he volunteered to work with Respondent and now he was its President. He explained that Respondent was organized for the purpose of helping with the passage of the bond for the museum's expansion and in an effort to help its cause, Respondent did solicit monetary donations. (ROI Exhibit 10)

17. In an October 11, 2012 phone call with Ms. Viera, she told Commission staff that Mr. McDearmaid told her that MOCA Yes was not required to file with her office, or any office, but only with the Internal Revenue Service ("IRS"). Ms. Viera had Mr. McDearmaid call Mr. Etienne, but she was not aware of what answers Mr. McDearmaid was given (See Attachment "B" – Phone Log Entry 11)

18. During a February 6, 2013 telephone call with Commission staff, Mr. McDearmaid claimed that he was in the Deputy City Clerk's office, when he asked Jaque Viera if the group was registered as a federal committee, were they also required to register with the city clerk's office. Michael Etienne, City Clerk, responded that group would not need to register with the city clerk's office if they were registered as a federal committee. (See Attachment "B" – Phone Log Entry 16)

19. According to Respondent's bank records, Respondent began accepting contributions as early as June 22, 2012.³ During the month of June 2012, Respondent received more than six thousand dollars in contributions, which triggered the requirement for Respondent to register as a political committee. (ROI Exhibit 12)

20. Bank records also indicated that Respondent began making expenditures on July 3, 2012. Respondent's aggregate expenditures totaled more than three thousand dollars, thus triggering the requirement for Respondent to register as a political committee. (ROI Exhibit 13)

21. It therefore appears that Respondent failed to register as a political committee when it was required to do so.

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

22. Pursuant to Section 106.07(1), Florida Statutes, the treasurer of a political committee is required to file regular reports of all contributions received and all expenditures made by, or on behalf of a political committee

23. Respondent failed to file regular reports of contributions received and expenditures made on behalf of the political committee. There are no records to indicate that Respondent ever filed a Statement of Organization of Political Committee or an Appointment of Campaign Treasurer and Designation of Campaign Depository form ("DS-DE 6") (ROI Exhibits 5 & 6)

24. It appears that Respondent failed to file timely and deliberately failed to report its contributions and expenditures, as required by Section 106.19(1)(c), Florida Statutes.

Section 106.07(2), Florida Statutes.

25. Respondent failed to mark prominently a political advertisement with the proper disclaimer.

26. Complainant offered pages from Respondent's website as part of her complaint. Respondent maintained the web address "www.mocayes.org". Statements on Respondent's website included express advocacy. Respondent admitted that the website was void of a political disclaimer. Respondent claimed "the lack of a political disclaimer was due to having a website designer who had not previously worked on any sort of political campaign before." (ROI Exhibits 7, 15 & 16)

27. "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

³ Respondent's first contribution check was dated June 22, 2012. Contributions are required to be deposited within 5 business days of receipt. See Section 106.05, Florida Statutes

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).

28. The facts set forth above show that Respondent operated as an unregistered political committee in the City of North Miami during a special bond referendum election and in the 2012 election cycle. Respondent received a \$1,000 contribution dated June 22, 2012, and therefore was required to register as a political committee within 10 days of receiving that contribution. Respondent also made expenditures in excess of \$3,000 during the month of July 2012. However, Respondent failed to register as a political committee. The North Miami City Clerk and the Miami-Dade County Supervisor of Elections submitted sworn affidavits affirming there were no records of Respondent ever having registered its committee with their offices.

The facts set forth above also show that Respondent failed to report its campaign contributions and expenditures. Respondent's President claims that it was advised by Michael Etienne, North Miami City Clerk, that it did not have to register the committee; however, Mr Etienne did not recall having a conversation with Respondent about filing a statement of organization.

The facts above also show that Respondent maintained a website that did not have a proper disclaimer. However, Respondent updated their website to include a proper disclaimer

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

Count 1:

On or about July 2, 2012, Respondent violated Section 106.03(1)(a), Florida Statutes, when he failed to file a Statement of Organization within 10 days of receiving contributions that exceeded \$500 during the 2012 calendar year.

Count 2:

On or about July 13, 2012, Respondent violated Section 106.07(1), Florida Statutes, when he failed to file its 2012 F1 Report of all contributions received and expenditures made by MOCA Yes!

Count 3:

On or about July 27, 2012, Respondent violated Section 106.071(2), Florida Statutes, when he failed to file its 2012 F2 Report of all contributions received and expenditures made by MOCA Yes!

Count 4:

Count 4:

On or about July 13, 2012, Respondent violated Section 106.19(1)(c), Florida Statutes, when it falsely reported or deliberately failed to report information required by Chapter 106, Florida Statutes, on its 2012 F1 Report.

Count 5:

On or about July 27, 2012, Respondent violated Section 106.19(1)(c), Florida Statutes, when it falsely reported or deliberately failed to report information required by Chapter 106, Florida Statutes, on its 2012 F2 Report

Count 6:

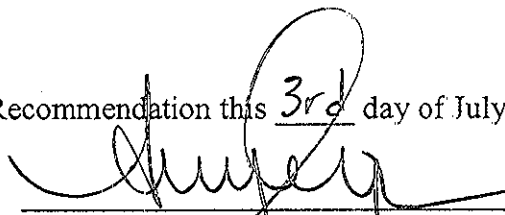
On or about August 1, 2012, Respondent violated Section 106.071(2), Florida Statutes, when it failed to mark prominently its political advertisements website with a proper disclaimer.

Respectfully submitted on July 3rd, 2013.



Jaakan A. Williams
Assistant General Counsel

I reviewed this Staff Recommendation this 3rd day of July 2013



Amy McKeever Toman
Executive Director

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: MOCA YES! Political Action
Committee, and Michael L.
McDearmaid, Chair

Case No.: FEC 12-188

TO: Michael L. McDearmaid, Chair
840 NE 127th Street
North Miami, Florida 33161

Stephanie Kienzle
1653 NE 178th Street
North Miami Beach, Florida 33162

NOTICE OF HEARING (PROBABLE CAUSE DETERMINATION)

A hearing will be held in this case before the Florida Elections Commission on August 13, 2013, at 9:45 am, or as soon thereafter as the parties can be heard, at the following location: Senate Office Building, Room S110, 404 South Monroe Street, Tallahassee, FL 32399.

Failure to appear in accordance with this notice will constitute a waiver of your right to participate in the hearing. Continuances will be granted only upon a showing of good cause. Motions or other materials received after 5:00 p.m. on August 9, 2013 (the Friday before the meeting) may not be considered by the Commission.

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

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

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

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

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

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

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

See further instructions on the reverse side.

Amy McKeever Toman
Executive Director
Florida Elections Commission
July 19, 2013

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: MOCA Yes!

Case No.: FEC 12-188

STAFF RECOMMENDATION FOLLOWING INVESTIGATION

Pursuant to section 106 25(4)(c), Florida Statutes, undersigned staff counsel files this written recommendation for disposition of the complaint in this case recommending that there is **probable cause** to charge Respondent with violating **Section 106.03(1)(a), Section 106.19(1)(c), Section 106.07, and Section 106.071(2), Florida Statutes**. Based upon a thorough review of the Report of Investigation submitted on April 1, 2013, the following facts and law support this staff recommendation:

1. On August 9, 2012, the Florida Elections Commission ("Commission") received a sworn complaint from Stephanie Kienzle ("Complainant") alleging that MOCA Yes! Political Action Committee ("Respondent") violated Chapter 106, Florida Statutes.

2. Respondent, MOCA Yes! Political Action Committee is a group of citizens that participated in a special bond referendum election that was held on August 14, 2012 in the City of North Miami¹

3. By letter dated September 18, 2012, the Interim Executive Director notified Respondent that Commission staff would investigate the following statutory provision:

Section 106.03(1)(a), Florida Statutes: MOCA Yes, failed to file a Statement of Organization within 10 days of receiving contributions or making expenditures that exceed \$500 during a calendar year, as alleged in the complaint

Section 106.19(1)(c), Florida Statutes: MOCA Yes, falsely reported or deliberately failed to report information required by Chapter 106, Florida Statutes, as alleged in the complaint

Section 106.07, Florida Statutes: MOCA Yes, failed to file numerous periodic reports listing all contributions received, and all expenditures made during the given reporting period

¹ MOCA is an acronym for Museum of Contemporary Art. It was organized for the purpose of helping with the passage of a bond for the museum's expansion.

Section 106.071(2), Florida Statutes: MOCA Yes, failed to include a proper disclaimer on political advertisements, as alleged in the complaint.

Section 106.03(1), Florida Statutes

4. Complainant alleged that Respondent made expenditures in excess of \$500 and published a number of political advertisements for the purpose of sponsoring a yes vote on the "authorization of general obligation bonds" for the City of North Miami's Museum of Contemporary Arts. (See Attachment "A")

5. On behalf of Respondent, Andrew Lewis submitted a response to the complaint. Mr. Lewis stated, "As a 527 federal political committee we do not have to file a statement of organization with the municipalities in which we operate. If we had chosen hypothetically to operate on even a county-wide level for the Miami-Dade Mayor's re-election, filing statement of organizations with every municipality would quickly become onerous." (ROI Exhibit 7)

6. I2K Digital, Inc., was a vendor used by Respondent to make signs. The company submitted an invoice to the Commission showing that Respondent paid \$1,366.00 for 200 18"X24" Coroplast signs and step stakes. The invoice was dated July 3, 2012. (ROI Exhibit 1)²

7. ~~Image Plus Graphics, Inc., also submitted an invoice to the Commission which revealed that Respondent paid \$1,646.16 for 2,500 11"X17" Flats, titled "VOTE FOR THE BOND". The invoice was dated July 18, 2012. (ROI Exhibit 2)~~

8. Furthermore, Respondent paid \$690 to the *Biscayne Times* newspaper for a half-page advertisement in the August edition of the newspaper. That invoice was dated July 30, 2012. (ROI Exhibit 3)

9. In pertinent part, Section 106.03, Florida Statutes, states the following:

Each political committee that anticipates receiving contributions or making expenditures during a calendar year in an aggregate amount exceeding \$500 or that is seeking the signatures of registered electors in support of an initiative shall file a statement of organization as provided in subsection (3) within 10 days after its organization or, if later, within 10 days after the date on which it has information that causes the committee to anticipate that it will receive contributions or make expenditures in excess of \$500.

10. Respondent accepted a \$1,000 contribution on June 22, 2012, but failed to register as a political committee by July 2, 2012. (ROI Exhibit 12)

² The Report of Investigation herein shall be referred to as "ROI "

11. In an October 16, 2012 affidavit, Michael Etienne, North Miami City Clerk, stated that there is no record of Respondent having filed a "Statement of Organization of Political Committee" form with the North Miami City Clerk's office. (ROI Exhibit 5)

12. In her October 10, 2012 affidavit, Penelope Townsley, Miami-Dade County Supervisor of Elections, stated that her office does not have a Statement of Organization on file for the group known as MOCA Yes! Political Action Committee. (ROI Exhibit 6)

13. Mr. Lewis further explained that he and others sought out counsel from the City Clerk, Michael Etienne. He claimed that the City Clerk assured him that the group would not need to file a statement of organization. "We asked the City Clerk in the presence of the Assistant City Clerk, Jacqui Vieira, to please notify Moca Yes! If there is a fundamental change that would require us to come in and file and we would gladly do so." (ROI Exhibit 7)

14. However, in his October 16, 2012 affidavit, Michael Etienne denied speaking to anyone about filing a statement of organization. Mr. Etienne did acknowledge answering some questions posed to him by Michael McDearmaid but he did not recall what "questions were asked and answered." (ROI Exhibit 5)

15. During an August 30, 2012 telephone call, Jacqui Viera, Deputy City Clerk, advised staff that Michael McDearmaid was the main individual behind the group. (See Attachment "B" - Phone log entry 6)

16. Michael McDearmaid stated that at first he volunteered to work with Respondent and now he was its President. He explained that Respondent was organized for the purpose of helping with the passage of the bond for the museum's expansion and in an effort to help its cause, Respondent did solicit monetary donations. (ROI Exhibit 10)

17. In an October 11, 2012 phone call with Ms. Viera, she told Commission staff that Mr. McDearmaid told her that MOCA Yes was not required to file with her office, or any office, but only with the Internal Revenue Service ("IRS"). Ms. Viera had Mr. McDearmaid call Mr. Etienne, but she was not aware of what answers Mr. McDearmaid was given. (See Attachment "B" - Phone Log Entry 11)

18. During a February 6, 2013 telephone call with Commission staff, Mr. McDearmaid claimed that he was in the Deputy City Clerk's office, when he asked Jaqui Viera if the group was registered as a federal committee, were they also required to register with the city clerk's office. Michael Etienne, City Clerk, responded that group would not need to register with the city clerk's office if they were registered as a federal committee. (See Attachment "B" - Phone Log Entry 16)

19. According to Respondent's bank records, Respondent began accepting contributions as early as June 22, 2012.³ During the month of June 2012, Respondent received more than six thousand dollars in contributions, which triggered the requirement for Respondent to register as a political committee. (ROI Exhibit 12)

20. Bank records also indicated that Respondent began making expenditures on July 3, 2012. Respondent's aggregate expenditures totaled more than three thousand dollars, thus triggering the requirement for Respondent to register as a political committee. (ROI Exhibit 13)

21. It therefore appears that Respondent failed to register as a political committee when it was required to do so.

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

22. Pursuant to Section 106.07(1), Florida Statutes, the treasurer of a political committee is required to file regular reports of all contributions received and all expenditures made by, or on behalf of a political committee

23. Respondent failed to file regular reports of contributions received and expenditures made on behalf of the political committee. There are no records to indicate that Respondent ever filed a Statement of Organization of Political Committee or an Appointment of Campaign Treasurer and Designation of Campaign Depository form ("DS-DE 6"). (ROI Exhibits 5 & 6)

24. It appears that Respondent failed to file timely and deliberately failed to report its contributions and expenditures, as required by Section 106.19(1)(c), Florida Statutes

Section 106.07(2), Florida Statutes.

25. Respondent failed to mark prominently a political advertisement with the proper disclaimer.

26. Complainant offered pages from Respondent's website as part of her complaint. Respondent maintained the web address "www.mocayes.org". Statements on Respondent's website included express advocacy. Respondent admitted that the website was void of a political disclaimer. Respondent claimed "the lack of a political disclaimer was due to having a website designer who had not previously worked on any sort of political campaign before" (ROI Exhibits 7, 15 & 16)

27. "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

³ Respondent's first contribution check was dated June 22, 2012. Contributions are required to be deposited within 5 business days of receipt. See Section 106.05, *Florida Statutes*

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)

28. The facts set forth above show that Respondent operated as an unregistered political committee in the City of North Miami during a special bond referendum election and in the 2012 election cycle. Respondent received a \$1,000 contribution dated June 22, 2012, and therefore was required to register as a political committee within 10 days of receiving that contribution. Respondent also made expenditures in excess of \$3,000 during the month of July 2012. However, Respondent failed to register as a political committee. The North Miami City Clerk and the Miami-Dade County Supervisor of Elections submitted sworn affidavits affirming there were no records of Respondent ever having registered its committee with their offices.

The facts set forth above also show that Respondent failed to report its campaign contributions and expenditures. Respondent's President claims that it was advised by Michael Etienne, North Miami City Clerk, that it did not have to register the committee; however, Mr. Etienne did not recall having a conversation with Respondent about filing a statement of organization.

The facts above also show that Respondent maintained a website that did not have a proper disclaimer. However, Respondent updated their website to include a proper disclaimer.

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

Count 1:

On or about July 2, 2012, Respondent violated Section 106 03(1)(a), Florida Statutes, when he failed to file a Statement of Organization within 10 days of receiving contributions that exceeded \$500 during the 2012 calendar year.

Count 2:

On or about July 13, 2012, Respondent violated Section 106 07(1), Florida Statutes, when he failed to file its 2012 F1 Report of all contributions received and expenditures made by MOCA Yes!

Count 3:

On or about July 27, 2012, Respondent violated Section 106 071(2), Florida Statutes, when he failed to file its 2012 F2 Report of all contributions received and expenditures made by MOCA Yes!

Count 4:

Count 4:

On or about July 13, 2012, Respondent violated Section 106.19(1)(c), Florida Statutes, when it falsely reported or deliberately failed to report information required by Chapter 106, Florida Statutes, on its 2012 F1 Report.

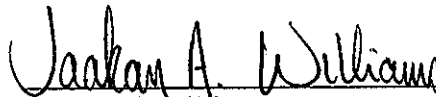
Count 5:

On or about July 27, 2012, Respondent violated Section 106.19(1)(c), Florida Statutes, when it falsely reported or deliberately failed to report information required by Chapter 106, Florida Statutes, on its 2012 F2 Report.

Count 6:

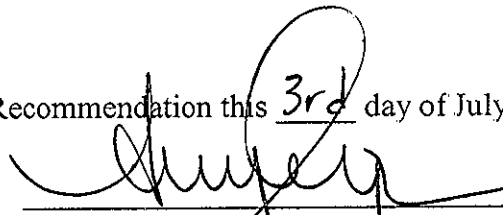
On or about August 1, 2012, Respondent violated Section 106 071(2), Florida Statutes, when it failed to mark prominently its political advertisements website with a proper disclaimer.

Respectfully submitted on July 3rd, 2013



Jaakan A. Williams
Assistant General Counsel

I reviewed this Staff Recommendation this 3rd day of July 2013



Amy McKeever Toman
Executive Director

C 750# F-2012-188

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

107 West Gaines Street, Suite 224, Tallahassee, Florida 32399-1050
Telephone Number: (850) 922-4539
www.fec.state.fl.us

RECEIVED

2012 AUG -9 P 1:19

CONFIDENTIAL COMPLAINT FORM

STATE OF FLORIDA

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

1. PERSON BRINGING COMPLAINT:

Name: Stephanie Kienzle Work Phone: ()
Address: 1653 NE 178 Street Home Phone: (305) 335-2093
City: N Miami Beach County: Miami-Dade State: FL Zip Code: 33162

2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:

A person can be an individual, political committee, committee of continuous existence, political party, electioneering communication organization, club, corporation, partnership, company, association, or any other type of organization. If both an individual and a committee or organization are involved, name both.

Name of individual: _____
Address: _____ Phone: () _____
City: _____ County: _____ State: _____ Zip Code: _____

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

Name of committee or organization: MOCA Yes! Political Action Committee
Address: unknown Phone: () _____
City: North MIami County: Miami-Dade State: FL Zip Code: unknown

SEE COMPLAINT MEMORANDUM

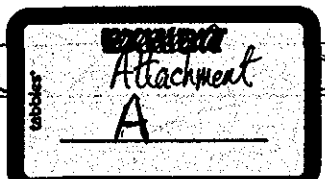
Have you filed this complaint with the State Attorney's Office? (check one) Yes No

3. ALLEGED VIOLATION(S):

Please list the provisions of The Florida Election Code that you believe the person named above may have violated. The Commission has jurisdiction only to investigation the following provisions: **Chapter 104, Chapter 106, Section 98.122, and Section 105.071, Florida Statutes.** Also, please include:

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

SEE ATTACHED



Lined area for text entry.

Additional materials attached (check one)? Yes No

4. OATH

STATE OF FLORIDA
COUNTY OF Broward

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

Stephanie G. Le

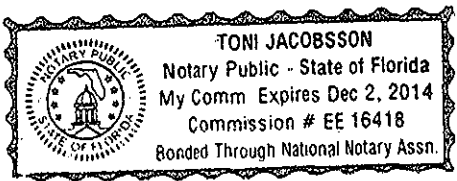
Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this 2nd day of
August, 20 12

Toni Jacobsson

Signature of Officer Authorized to Administer Oaths or Notary public

RECEIVED
2012 AUG -9 P 4:19
STATE OF FLORIDA
ELECTORAL SYSTEMS



Toni Jacobsson

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

Personally known Or Produced Identification

Type of Identification Produced _____

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

Attachment to Confidential Complaint Form

Person Bringing the Complaint: Stephanie Kienzle

Committee against whom complaint is brought: Moca Yes! Political Action Committee

A political action committee, MOCA Yes! Has been formed in the municipality of North Miami, for the purpose of sponsoring the affirmative vote on the authorization of general obligation bonds for City of North Miami Museum of Contemporary Art not exceeding Fifteen Million Dollars. The special election is August 14, 2012.

The undersigned believes that MOCA Yes! Has received and or made expenditures in excess of \$500.00

(Enclosed is an original flyer which has been mailed and photos of yard signs provided by MOCA Yes!)

1. MOCA Yes! has violated FS Chapter 106.03 by failing to file a statement of organization with the officer before whom municipal candidates qualify, ie the City Clerk of North Miami.
2. MOCA Yes! Has violated FS Chapter 106.07 by failing to file any of the required campaign reports.
3. MOCA Yes! Has violated FS Chapter 106.143 by creating a website that does not contain the necessary disclosures such as "Paid political advertisement" and who has paid for it. (Copy of website enclosed).
4. MOCA Yes! May have violated FS Chapter 106.113 by accepting public funds from a municipality or one of its departments, MOCA, for a political advertisement concerning an issue that is subject to a vote of the electors. This cannot be ascertained until the reports required under FC Chapter 106.07 have been filed.

Enclosed is a printout of the City's website, election section, which includes the ballot language. Also enclosed are Two ads from the Miami Herald dated July 29, 2012 and August 5, 2012; an ad in the Biscayne Times, August edition, an original Four page color mailer and Two photos of the yard signs.

Persons who may be able to provide information would be the City Manager, Stephen Johnson or the City Clerk, Michael Etienne, both at 305-893-6511. The office of the Political Action Committee is 13148 West Dixie Highway, Studio B, North Miami, Florida 33161.

No other information is available, as no statement of organization has been filed.

**FLORIDA ELECTIONS COMMISSION
PHONE LOG
Case No.: FEC 12-188**

Respondent: MOCA Yes! Political Action Committee

Complainant: Stephanie Kienzle

1. **Date and time:** August 23, 2012 @ 3:46 p.m.
Name: Deputy City Clerk Jacqie Vieira, North Miami
Phone #: 305.895.9817
Summary: I telephoned to secure help with the city's website and to determine whether Respondent is or was registered with the city clerk's office as a political committee. If it was confirmed that there is no record of a registration by Respondent, I was planning to ask if anyone in the office knows who the chairperson of the committee is and how I could contact them—address and phone number. I left a voice-mail message for Ms. Vieira asking her to call me ASAP.
Memo to File? No
Entered by: dbf

2. **Date and time:** August 24, 2012 @ 12:09 p.m.
Name: Deputy City Clerk Jacqie Vieira, North Miami
Phone #: ~~305-895-9817~~

Summary: I telephoned to speak with the deputy city clerk; I was advised that she would not be back in the office—weather permitting—until 8:00 a.m. on Monday. When I advised the man answering the telephone (Lewis? I had a little trouble understanding him.) that I was calling to make sure I was using the City's website correctly in order to better determine what, if any, political committees are registered with the city clerk's office, he told me that I needed to wait to speak with Ms. Vieira—he advised that “she is the best person for that.” When I asked further, he said that there was really no one else there to help me with my need.
Memo to File? No
Entered by: dbf

3. **Date and time:** August 24, 2012 @ 1:04 p.m.
Name: Complainant, Stephanie Kienzle (“Kin sell”)
Phone #: 305.335.2093
Summary: I telephoned to confirm with Complainant the address for Respondent (On the complaint form she had listed Respondent's address as “unknown”; in her single-page complaint narrative attachment, she provided a specific address. When I asked if the address she provided is correct, and where and how she secured the address, Complainant said that the address is correct but that she would have to make some calls to some other people who had helped with hunting that information down. Complainant said that she would call me back ASAP.

I asked Complainant to leave a detailed voice-mail message for me if I am away from my office when she calls. I advised her that I need for her to (1) confirm the address provided as correct, and (2) advise me where and how the address information was secured. I

ATTACHMENT B

explained that I want to make sure here that we are all confident with this info. Complainant said that she understood.

Memo to File? No

Entered by: dbf

4. **Date and time:** August 24, 2012 @ 1:26 p.m.

Name: Complainant

Phone #: 305.335.2093

Summary: Complainant called back and advised me that she had provided all the information I had requested to Donna Malphurs on August 14th—complete with three picture attachments of the PAC's office. Complainant offered to send the e-mail and documentation again. I advised Complainant that I didn't want her to do that if we already have it. I told her that I would speak with the agency clerk and call her back only if we can't locate the info for some reason.

In closing, Complainant mentioned that the word on the street is that the city may have given the political committee as much as \$100,000.00 to help with its campaign for the special election.

Memo to File? No

Entered by: dbf

5. **Date and time:** August 29, 2012 @ 9:20 a.m.

Name: ~~Deputy City Clerk Jacqie Vieira, North Miami~~

Phone #: 305.895.9817

Summary: I telephoned to speak with the deputy city clerk; I was advised that Ms. Vieira had been at a city commission meeting very late yesterday evening and she is not expected in the office until later this morning. I was transferred to Ms. Vieira's voice-mail system; I left a message restating my purpose

Memo to File? No

Entered by: dbf

6. **Date and time:** August 30, 2012 @ 4:27 p.m.

Name: Deputy City Clerk Jacqie Vieira, North Miami

Phone #: 305.895.9817

Summary: Ms. Vieira telephoned and said that things had been a little busy lately with the storm. She advised me that a local man by the name Mike McDearmaid is the main person behind the MOCA Yes! Political Action Committee. Ms. Vieira said that she told Mr. McDearmaid that a number of people in the community had been asking her questions about the committee. She advised that Mr. McDearmaid told her that some person had told him to just file with the IRS, that way he would not have file with a number of different local offices. Ms. Vieira provided Mr. McDearmaid's address and telephone number as follows:

840 N.E. 127 Street
North Miami, Florida 33161

(305) 439-5838

Ms. Vieira said that he filed with the IRS on June 13, 2012.

Memo to File? No

Entered by: dbf

7. **Date and time:** September 26, 2012 @ 2:30 p.m.

Name: Stephanie Kienzle - Complainant

Phone #: (305) 335-2093

Summary: I called Complainant to introduce myself and to advise her that I had been assigned her case, a complaint against MOCA Yes!

I brought it to her attention that I had an opportunity to review the complaint and it appeared that a main concern for her was that the group did not register as a political committee. I inquired of her whether she was part of a group that opposed Respondent; she said that she not.

I inquired of her as to how she came to file her complaint and how she was aware of the election laws. She reported that although she does not live in North Miami, she still keeps up with the politics involving the city. She added that her in-laws live in North Miami; she lives in North Miami Beach. She added that she has been involved as a community activist for a number of years and has devoted the last two years to a blog titled, Voters Opinion, where she is able, based mainly on public records, to raise concerns about many local officials. She said that her "pet-peeve" is corrupt public officials. She further added that she felt that Respondent wasn't being completely honest in some of their political advertising relative to the ad valorem tax being added to the property taxes. She reported that another issue that concerned her was that the group received financial support from the city to help "educate the voters;" however, she also said that she had only heard of this, she did not know this for certain. Complainant also began to address issues with a complaint she had previously filed against the former Mayor of North Miami and that she felt vindicated when he was arrested by the State Attorney's office.

I reviewed with Complainant her address—1653 NE 178 Street, North Miami Beach, Florida 33162—to affirm that was her correct address; she said it was. When asked, Complainant said that she is a "bookkeeper." She was advised that she would eventually be notified when the case was complete and ready to be heard before the members of the Florida Elections Commission.

Memo to File? No

Entered by: KS

8. **Date and time:** September 2, 2012 @ 2:18 p.m.

Name: Cliff Warren – Image Plus Graphics

Phone #: (305) 899-0713

Summary: I called Mr. Warren, owner of Image Plus Graphics, to inquire of him whether or not his company produced a mailer on behalf of Respondent.

I advised him that the mailer included permit #6437, which I recalled from a previous case, was his permit number. He reviewed his records and reported that he actually ran four pieces for Respondent: Two 8 ½ by 14 fliers, an 11 x 17 fold-over piece and a letter with

an envelope, plus an additional run. He explained that the additional run was probably for one of the earlier pieces, either one of the 8 ½ x 14 pieces or the 11 x 17 piece, where Respondent wanted extras printed, probably to use a hand-out. When asked, he said that he would e-mail the invoices he has for each job.

I inquired of him whether he would be able to advise how the customer paid for each piece; he said that he requires a check. When asked, he said that he could not recall whether the checks were embossed with the name of the group or whether it was a personal check. He said that the invoices would only show the date it was paid.

Memo to File? No

Entered by: KS

9. **Date and time:** October 9, 2012 @ 10:48 a.m.
Name: Jim Mullin – Publisher, Biscayne Times
Phone #: (305) 756-6200
Summary: I had a voice-mail message from Jim Mullin who had called yesterday around 2:30 p.m., asking that I return his call.

He said that he was in receipt of my letter whereby I had requested records from the newspaper regarding an advertisement produced by Respondent. He inquired as to what he was legally required to do. I advised him that generally I would send a letter to a vendor requesting records, as I did in this matter, but that our office has the power to subpoena records and/or individuals; he said that was all he needed to know.

Memo to File? No

Entered by: KS

10. **Date and time:** October 10, 2012 @ 3:34 p.m.
Name: Maria Acosta – Miami-Dade Co. SOEs office
Phone #: (305) 499-8410
Summary: Ms. Acosta called to advise that the Affidavit of Information that I had mailed to her office regarding Respondent has been completed. She said that she would put it in the mail today and that she would also e-mail a copy so that I would have it to review while waiting on the hard-copy to arrive in the mail.

Memo to File? No

Entered by: KS

11. **Date and time:** October 18, 2012 @ 9:18 a.m.
Name: Jacqie Vieira – N. Miami Deputy Clerk
Phone #: (305) 895-9810
Summary: I called Ms. Vieira to inquire into the status of a questionnaire-affidavit that I had previously mailed to the city clerk's attention regarding Respondent. Ms. Vieira reported that the affidavit was mailed Tuesday but that she could forward me an electronic version; it was agreed that she would do so.

In addition, I brought it to her attention that she previously had a conversation with Investigations Manager David Flagg on August 30, 2012, whereby she had advised him that she had spoken to an individual by the name of Michael McDearmaid. I inquired of her as to how she came to speak to him and of the group, MOCA Yes! She reported that

he came to see her, that he wanted to post a sign bond, and he said to her that he was not required to file with her office—or any office—only with the IRS. She said that she had him call the city clerk, Michael Etienne, to make sure that his interpretation was correct, but that he only got Mr. Etienne's voice-mail and she did not know what Mr. Etienne eventually said to him.

I asked her whether he ever said anything to her about his position within the group. She said that during one conversation, she asked him who the treasurer was and he said that they were not collecting any money. She said that she told him that apparently the group was collecting some money considering they were spending funds to post a sign bond. She said that at that point, he said that he guessed that he was the treasurer.

I inquired of her as to Mr. McDearmaid and whether she was aware of him prior to his involvement with the group. She said that he is very active in the community and that he serves on a number of local boards and committees.

I inquired of her about an individual by the name of Andrew Lewis and whether or not she as familiar with him; she said that she was not.

She did report since the bond question was defeated as part of the primary election, the group wanted to have it placed on the November general ballot as well but that a provision prevents them from doing so soon after it was defeated. She said that she anticipated the group attempting to have the issue brought back in time for the May election.

Memo to File? No

Entered by: KS

12. **Date and time:** October 23, 2012 @ 9:22 a.m.

Name: Jorge Alvarez – Miami Herald

Phone #: (305) 376-5301

Summary: I called Mr. Alvarez, local sales manager with the Miami Herald, to inquire about the status of records that I had requested from the newspaper.

I advised Mr. Alvarez that I mailed a letter to his attention whereby I requested records from a group, MOCA Yes! Political Action Committee, who published at least three advertisements in the newspaper. Further, I advised him that I was uncertain as to whom to send my request as the newspaper's website did not include a billing department or similar department to address my request.

He said that he does not recall receiving my letter but yet he, and the newspaper, receives a lot of mail in the course of a day, week. He advised me to e-mail him a copy of the letter and that he would then forward it on to the person/department whom would be in a better position to process my request. It was agreed that I would e-mail it to his attention at jalvarez@miamiherald.com.

Memo to File? No

Entered by: KS

13. **Date and time:** December 17, 2012 @ 9:14 a.m.

Name: Bert – I2K Digital

Phone #: (305) 455-7767

Summary: Bert, a representative with I2K Digital, LLC., called in response to my letter whereby I had requested a copy of an invoice or receipt and a copy of the yard sign. He asked if I wanted an actual sign, as it was quite large. I advised him that a photo-copy of the sign would be sufficient. He said that he was put it all in the mail today.

Memo to File? No

Entered by: KS

14. **Date and time:** January 31, 2013 @ 8:30 a.m.

Name: Michael McDearmaid

Phone #: (305) 893-0566

Summary: I attempted to call Mr. McDearmaid at what appeared to be a work number for Action Title Company. However, a woman answering the phone said that he is no longer with the company; I asked her if she had a contact number. She stated his number is 305-439-5838.

Memo to File? No

Entered by: MBW

15. **Date and time:** January 31, 2013 @ 8:36 a.m.

Name: Michael McDearmaid

Phone #: (305) 439-5838

Summary: I called Mr. Mc Dearmaid to inform him that Mr. Smith is out of the office today due to a family matter. I asked him if Mr. Smith could call him tomorrow. He stated that he will be at a hearing tomorrow. He requested that Mr. Smith call him on Monday around 8:30. I told him that I would give Mr. Smith his message.

Memo to File? No

Entered by: MBW

16. **Date and time:** February 6, 2013 @ 2:34 p.m.

Name: Michael McDearmaid

Phone #: (305) 439-5838

Summary: I called and spoke with Mr. McDearmaid relative to a questionnaire-affidavit that is outstanding in this case.

I advised him that I had mailed him a questionnaire-affidavit to his address back around mid-December (2012) pertaining to his involvement Respondent. He said that he does not recall having received anything from our office. It was agreed that I would e-mail him the questionnaire-affidavit and that he would complete it and return it to me as soon as possible.

He took a few minutes to provide me with some background information regarding Respondent and his involvement with it. He explained that the city has one of the most renowned and favored cultural arts program in the country, Museum of Contemporary Arts, and the museum was to the point where it needed to be renovated and needed more space, so a bond issue was proposed to help with the renovation/expansion. He said that the city attorney advised that neither the city nor the museum could put any money toward helping raise money for the bond issue and further advised that people within the community would need to become involved and help raise the funds. He said that he and

other community volunteers got involved and had about five weeks to get everything together as the bond issue would be on the ballot for the August primary election. He added that "we were a bunch of volunteers from the community who really didn't know what we were doing." He further added that at one point, he and the other volunteers were led to believe that another political committee was going to be behind the efforts to raise money for the bond issue, however, the political committee never got going so he and the other volunteers were left "scrambling" to put everything together in such a short amount of time.

He explained that he felt that the whole thing became "political," not because people were against the bond issue or the museum, rather certain people, like Complainant, learned of the people who were behind the group's effort. He said that he believed it was more or less people not liking each other, personal feelings, more so than the bond issue or the museum.

He said that since the city was forbidden to help the group financially, individual board members of MOCA helped to raise money for the group. He said that he was in Jacqie's office (North Miami Deputy City Clerk) and he asked her that if the group was registered as a federal committee, were they required to also register with the city and/or state. He said that Jacqie called the city clerk and he said that if the group was already registered as a federal committee, then the group would not have to register with his office.

I advised him that I had come across some documentation that led me to believe that the group had registered with the IRS and received an employer identification number for tax purposes. I asked him whether he registered his group as a political committee with the Federal Election Commission. He said that he believed that he had. I asked him to provide documentation to this effect when he submits his response to the questionnaire-affidavit. He said that he would need to look for the paperwork, that he knows he had received some paperwork from the IRS but is unsure what he has done with it.

He was asked about an individual by the name of Andrew Lewis, who had responded to the complaint on behalf of MOCA Yes! He explained that Mr. Lewis was also a volunteer who helped to strategize the group's campaign efforts. He said that he approached the group as a volunteer in that he was familiar with the museum. He described Mr. Lewis as an "artsy-type of a guy."

It was agreed that I would e-mail Mr. McDearmaid the questionnaire-affidavit to him at LMM2515@bellsouth.net and he would complete the affidavit, have it notarized and return it to me as soon as possible. I took an opportunity to explain the investigative process to him and that the case would eventually be heard before the members of the Elections Commission for probable-cause review.

Memo to File? No

Entered by: KS

17. **Date and time:** March 1, 2013 @ 11:01 a.m.
Name: Andrew Lewis
Phone #: (954) 578-9035
Summary: I attempted to call Mr. Lewis to ask of him his involvement with Respondent. I left a message on a voice-mail (unidentified) asking that he return my call.

Memo to File? No

Entered by: KS

18. **Date and time:** March 15, 2013 @ 8:50 a.m.

Name: Michael McDearmaid

Phone #: (305) 439-5838

Summary: I called Mr. McDearmaid to ask him about the status of his completed affidavit and to remind him that he had called me a couple of days ago to of the office fax number so that he could fax the affidavit to me. He said that he needed to a call friend of his as he was at his friend's place of business and the secretary for his friend was suppose to fax the affidavit to our office on his behalf. He said he would find-out and call me back.

Memo to File? No

Entered by: KS

19. **Date and time:** April 1, 2013 @ 8:56 a.m.

Name: Michael McDearmaid

Phone #: (305) 439-5838

Summary: I called Mr. McDearmaid for the purpose of providing him with a brief synopsis of the case and to offer him an opportunity to respond or ask questions relative to the case.

After reviewing the report of investigation with him, he said that the group was really a "rag-tag team of volunteers who were trying to do a good thing" in helping with MOCA. He also added that the group of all volunteers basically had about five weeks to support a referendum issue that would be on the ballot instead of nine-months or even a year like most groups have when supporting a referendum issue. He further added that he and others in the group relied on each other for input as they really had no idea what they were doing.

He was advised that he would receive a copy of the report of investigation within the next few weeks and that he would have an opportunity to respond to the report. When asked, he confirmed the address as: 840 NE 127th Street, North Miami, Florida 33161. He requested that all correspondence be mailed to the address by regular mail delivery as opposed to being certified mail as he works until 6:30 p.m. during the week and it is almost impossible for him to get to the post office on the weekends. I told him that I would ask the agency clerk about this.

Memo to File? No

Entered by: KS

20. **Date and time:**

Name:

Phone #:

Summary:

Memo to File? No

Entered by: KS

FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Case No.: FEC 12-188

Respondent: MOCA Yes! Political Action Committee
Counsel for Respondent: None

Complainant: Stephanie Kienzle
Counsel for Complainant: None

On August 9, 2012, the Florida Elections Commission received a sworn complaint alleging that Respondent violated Chapter 106, Florida Statutes. Commission staff investigated whether Respondent violated the following statutes:

Section 106.03(1)(a), Florida Statutes, failure of a political committee to file timely a statement of organization;

Section 106.07(1), Florida Statutes, failure of the treasurer of a political committee to file timely regular reports of all contributions received, and all expenditures made, by or on behalf of the political committee;

Section 106.071(2), Florida Statutes, failure of a person who makes an independent expenditure for a political advertisement to mark prominently the political advertisement with the required disclaimer; 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, MOCA Yes! Political Action Committee, is a group of citizens that participated in the special bond referendum election which was held on August 14, 2012, for the City of North Miami. The group posted campaign signs, published a number of advertisements in the local newspaper, produced a mailer and operated a campaign website, all under the name, MOCA Yes! Political Action Committee.

2. MOCA is an acronym for Museum of Contemporary Art. MOCA is listed on the City of North Miami's website directory as one of the departments of the municipality. According to its mission statement, MOCA is dedicated to making contemporary art accessible to diverse audiences—especially underserved populations—through the collection, preservation and exhibition of the best of contemporary art and its art historical influences. MOCA has a staff, including an executive director and chief curator, as well as a Board of Trustees.

3. As part of the primary election, North Miami voters had a special election

question at the end of their ballot concerning the future of the City's Museum of Contemporary Art. Respondent supported a yes vote on the bond question which would have allowed the City to issue bonds for a large scale capital improvement project to expand the existing MOCA building. The bond would appear as "debt service" billed within the ad valorem tax on the annual property tax bills; the electorate voted against the bonds.

4. Complainant is a resident of North Miami Beach and a self-described "community activist." In addition, she operates a blog entitled, "Voters Opinion."

II. Alleged Violation of Section 106.03(1)(a), Florida Statutes:

5. I investigated whether Respondent violated this section of the election laws by not filing timely a statement of organization

6. According to Complainant, Respondent has received and or made expenditures in excess of \$500 and has published a number of political advertisements for the purpose of sponsoring a yes vote on the "authorization of general obligation bonds" for the City of North Miami's Museum of Contemporary Arts. Complainant stated, "No other information is available, as no statement of organization has been filed."

7. To support her assertion that Respondent published a number of political advertisements in support of a yes vote, Complainant offered copies of yard signs, a four-page mailer, advertisements that appeared in two local newspapers and pages from a campaign website, www.mocayes.org. A political disclaimer on the yard signs, mailer and newspaper advertisements reads, "POLITICAL ADVERTISEMENT PAID FOR AND APPROVED BY MOCA YES! POLITICAL ACTION COMMITTEE NOT AUTHORIZED BY ANY CANDIDATE OR CANDIDATE'S COMMITTEE."

Yard signs

8. According to an invoice from I2K Digital, Inc., Respondent paid \$1,366.00 for 200 18" x 24" Coroplast signs and "step stakes." The invoice is dated as July 3, 2012. To review a copy of the yard sign and the invoice, refer to Exhibit 1.

Four-page mailer

9. According to an invoice from Image Plus Graphics, Inc., Respondent paid \$1,646.16 for 2,500 11 x 17 "Flats," titled "VOTE FOR THE BOND." The invoice is dated as July 18, 2012. To review a copy of the mailer and the invoice, refer to Exhibit 2.

Biscayne Times newspaper advertisement

10. According to an invoice from *Biscayne Times* newspaper, Respondent paid \$690 for a half-page advertisement in the August edition of the newspaper. The invoice is dated as July 30, 2012. To review a copy of the newspaper advertisement and the invoice, refer to Exhibit 3.

11. I was unable to ascertain the costs associated with the two advertisements that appeared in the *Miami Herald* newspaper on July 29 and August 5, 2012, respectively. To

review copies of the advertisements, refer to Exhibit 4

12 There is no record of Respondent having filed a "Statement of Organization of Political Committee" form with the North Miami City Clerk's office, the Miami-Dade County Supervisor of Elections' office or with the Florida Division of Elections. To review the affidavits of Michael Etienne and Penelope Townsley, refer to Exhibits 5 and 6, respectively.

13. Andrew Lewis¹ responded to the complaint on behalf of Respondent. In his response, Mr. Lewis stated, "As a 527 federal political committee we do not have to file a statement of organization with the municipalities in which we operate. If we had chosen hypothetically to operate on even a county-wide level for the Miami-Dade Mayor's re-election, filing statement of organizations with every municipality would quickly become onerous "

14 Mr Lewis added that he and others sought out counsel from the city clerk, Michael Etienne. He said that after being assured that the group would not need to file a statement of organization, "we asked the City Clerk in the presence of the Assistant City Clerk, Jacqui [sic] Vieira, to please notify Moca Yes! if there is a fundamental change that would require us to come in and file and we would gladly do so." He further added that as of the date of receiving the complaint, the office of the North Miami City Clerk had not contacted them. To review the response from Andrew Lewis, refer to Exhibit 7.

15 As part of the response, Mr. Lewis noted that Respondent's first "campaign report" due to be filed with the Internal Revenue Service (IRS) would be on September 13, 2012, and that Respondent would be filing Form 8872². As of the date of this report of investigation, no record was found where Respondent has filed Form 8872 with the IRS³

16. In an affidavit, North Miami City Clerk Michael Etienne attested that he did not recall speaking to anyone claiming to be affiliated with Respondent regarding filing a statement of organization. He further attested that he did answer some questions asked of him by an individual name Michael McDearmaid but he could not recall what questions were asked and what answers he provided. To review the affidavit of Michael Etienne, refer to Exhibit 5

17. On August 30, 2012, as part of a telephone interview, Deputy City Clerk Jacqie Viera advised Commission staff that she had learned that an individual, Michael McDearmaid, was the main individual behind the group. She advised that Mr. McDearmaid told her that some person had told him to just file with the IRS so as not to have to file with a number of different offices.

18. Ms Viera provided Commission staff with a copy of documents provided to her

¹ Mr Lewis described himself as a volunteer with Respondent. Additionally, according to records with the Division of Corporations, he is named as Vice-President of "Wolf Political Enterprise Consulting Corporation," a company that specializes in advertisement for both public/private sectors in the area of labor management, public relations, image consulting, campaign management, etc. According to Mr. Lewis, he does not currently work for the company because there is not enough business but would return if more business was acquired.

² Political Organization Report of Contributions and Expenditures

³ I conducted a search of the IRS website using Respondent's EIN as well as spelling out its name, MOCA Yes; no record was found.

office from Michael McDearmaid. One document, from the Internal Revenue Service, is addressed to: MOCA YES, 840 NE 127th St., North Miami, FL 33161, and advises Respondent that it has been assigned an employer identification number (EIN) and that it must file "Form 1120POL⁴" by March 15, 2013. The document includes a date of "06-13-2012." To review the IRS document, refer to Exhibit 8.

19. Another document provided by Mr. McDearmaid to Ms Viera was a page from the website of the IRS with the heading, "EIN Assistant." Reflected on the document is a question, "When Can You Use Your EIN?" According to the document, the EIN is a permanent number and can be used for most business needs such as opening a bank account, applying for business licenses and filing a tax return by mail. To review the second IRS document, refer to Exhibit 9.

20 In a questionnaire-affidavit, Michael McDearmaid reported that he became involved with Respondent as a volunteer and he held the position or title as "President." He further reported that Respondent was organized for the purpose of helping with the passage of the bond for the museum's expansion and in an effort to help its cause, Respondent did solicit monetary donations. Additionally, he reported that Respondent's members first began to discuss the need to solicit donations on June 1 (2012) and the same date (June 1) was also when members first discussed the need to make expenditures for advertising the passage of the bond

21 In his affidavit, Mr. McDearmaid reported that he was responsible for applying ~~for the EIN with the IRS on or about June 13, 2012~~ When asked what prompted him to apply for an EIN with the IRS, he stated, "Guidance from Andrew Lewis in order to form a PAC." To review Michael McDearmaid's response to the questionnaire-affidavit, refer to Exhibit 10.

22. On February 6, 2013, I interviewed Mr. McDearmaid for the purpose of inquiring about his involvement with Respondent. He explained that he and other volunteers from the community came together to help the Museum of Contemporary Arts and the need for expansion. He said that he and the other volunteers did not know what they were doing and that they had about five weeks to try and get everything together since the bond issue was on the ballot for the August primary

23 In the telephone interview, Mr. McDearmaid explained that he was in the office of the Deputy City Clerk (Jacqie Vieira) and he asked her that if the group was registered as a federal committee, were they also required to register with the city clerk's office. He explained that Ms. Vieira called the city clerk (Michael Etienne) who, in turn, said that if the group was registered as a federal committee then they would not need to register with the city clerk's office as a political committee.

24 As previously noted in paragraph 18, Mr. McDearmaid filed with the IRS for an EIN on or about June 13, 2012 to become a 527 political organization. However, there is no record showing Respondent as being registered as a political committee with the Federal Election Commission.

25. According to Andrew Lewis, he became involved with Respondent at Mr.

⁴ Form 1120-POL "U S Income Tax Return for Certain Political Organizations."

McDearmaid's request. He explained that he had worked on the successful re-election campaign of a local councilman⁵ and Mr. McDearmaid thought that he would be an asset to Respondent. He reported that he did not hold a title with Respondent and his "position" was basically a "field person to coordinate canvassing and phone banking." Further, he reported that he has volunteered on approximately five campaigns, having been paid as a campaign manager for one campaign and as a field director for another campaign.

26 Mr. Lewis was asked whether he advised or instructed Michael McDearmaid to file paperwork with the IRS. He said that after the city clerk told Mr. McDearmaid that he did not need to file with the city, "I thought that a 527 political committee would allow the MOCA Board of trustees [sic], who are individuals of means to donate more than the usual \$500 limit and that a 527 was broader in operational scope than an ECO." He added, "I also thought it was be [sic] much easier to set up than other options since we were time limited and it was." He explained that he had heard of 527's from the news and from reading political blogs. To review Mr. Lewis' response to questions, refer to Exhibit 11.

27. I obtained bank records from Andrew Lewis for the purpose of determining when Respondent began accepting contributions and making expenditures. According to the opening bank statement (July 2 through July 31, 2012), the first deposit was made to the account on July 2, 2012, in the amount of \$6,050.00. Table 1 reflects the contributions received by Respondent resulting in the deposit made on July 2, 2012.

TABLE 1: CONTRIBUTIONS TO RESPONDENT			
Date of check	Contributor	Amount	Purpose
06/22/12	Neil W. Flanzraich Rev Trust	\$1000.00	Contribution for the PAC – Dr. Flanzraich
06/25/12	R J. Heisenbottle Architects, P.A.	\$1,000.00	
06/26/12	Museum Plaza	\$500.00	
06/27/12	Cynthia I Nash	\$250.00	Donation – MOCA Board
06/27/12	Francie Horvitz	\$300.00	
06/28/12	Norman & Irma Btaman	\$1000.00	
06/28/12	Bonnie Clearwater, Inc.	\$1000.00	
06/30/12	Allan D. Yarkin	\$1000.00	
TOTAL		\$6,050.00	

To review copies of the checks and the July bank statement, refer to Exhibit 12.

⁵ Scott Galvin, a candidate for the North Miami City Council. Mr. Galvin's campaign reported an expenditure to Andrew Lewis for the purpose of "consulting."

28. According to the bank records, the first expenditures made by Respondent transpired on July 3, 2012, when three checks were issued. Table 2 is reflective of the checks issued from Respondent's account, all signed by Michael McDearmaid.

Check Date	Check #	Expenditure To	Purpose	Amount
07/03/12	#0991	HV Designs	T-Shirts	\$2,041 03
07/03/12	#0092	HV Designs	Signs	\$285 00
07/03/12	#0093	I2K Digital	Yard signs	\$1,336 00
TOTAL				\$3,662.03

To review copies of the three checks, refer to Exhibit 13.

29 I procured records from HV Designs relative to the expenditure for "signs" Respondent paid for a 10' x 3' "banner." The banner reads, "MOCA Yes! MORE NEW JOBS MORE YOUTH EDUCATION MORE NEW VISITORS VOTE AUGUST 14, 2012." In addition, I procured records from I2K Digital relative to the expenditure for "Yard signs." Respondent paid for 200 18" x 24" signs. The sign reads, "VOTE AUGUST 14, 2012 MOCA Yes! MOCA JOBS MOCA YOUTH" (This is the same expenditure as mentioned in paragraph 8). To review a copy of the banner and the invoice, refer to Exhibit 14.

30 Table 3 is a timeline of events to summarize the dates of certain activity discussed in paragraphs 6 through 29 of this report of investigation.

Date	Event	Comment
06/01/12	According to Michael McDearmaid, Respondent's members first began to discuss the need to solicit or acquire donations and to make expenditures for advertising the passage of the bond.	See paragraph 20
06/13/12	Michael McDearmaid files for an EIN with the IRS	See exhibit 7
06/22 – 06/30/12	Respondent accepts eight donations, totaling \$6,050 00	See exhibit 11
07/02/12	The first deposit, totaling \$6,050 00, is made to the account.	See exhibit 11
07/03/12	Michael McDearmaid issued checks for Respondent's first three expenditures for "T-	See table 2 and exhibit 13.

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

III. Alleged Violation of Section 106.07(1), Florida Statutes:

32. I investigated whether Respondent violated this section of the election laws by failing to file timely regular reports of contributions and expenditures on behalf of the political committee

33. Complainant alleges that Respondent did not file any campaign reports to disclose its contributions and expenditures.

34. Section 106.07(1), Florida Statutes, requires the treasurer of a political committee to file regular reports of all contributions received, and all expenditures made, by or on behalf of a political committee

35. As per paragraph 12, no Statement of Organization of Political Committee has been filed by Respondent. Likewise, no Appointment of Campaign Treasurer and Designation of Campaign Depository form (DS-DE 9) designating a treasurer has ever been filed

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

IV. Alleged Violation of Section 106.071(2), Florida Statutes:

37. I investigated whether Respondent violated this section of the election laws by failing to mark prominently a political advertisement with the required disclaimer.

38. Complainant alleges that Respondent's website did not include a political disclaimer

39. As part of her complaint, Complainant offered pages from the website, www.mocayes.org. Statements on the website include, "Welcome to the MOCA YES! website. Please Vote 512," "Your voting support for MOCA is greatly encouraged on August 14, 2012 as our museum's expansion will be on the ballot," and "By voting 'FOR' the bond, you're not just voting for the expansion of the museum, you're voting for more North Miami jobs, businesses, visitors and youth education" To review pages from the website submitted as part of the complaint, refer to Exhibit 15.

40. In a response to the complaint, Andrew Lewis acknowledged that the website was void of a political disclaimer. He added that the lack of a political disclaimer was due to having a website designer who had not previously worked on any sort of political campaign before. He further added that within minutes of it being brought to his attention, the designer corrected it. To review the response to the complaint from Andrew Lewis, refer to Exhibit 7.

41. The website, which previously did not include a political disclaimer, now reads, "Political Advertisement Paid For And Approved by MOCA Yes! Political Action Committee. Not Authorized By Any Candidate Or Candidate's Committee." The disclaimer was published without Respondent's address. To review a page from the website with the added political disclaimer, refer to Exhibit 16

42. In his affidavit, Mr. McDearmaid attested that he did not review or approve any of Respondent's political advertising and that to his knowledge Andrew Lewis was responsible for the wording of any political disclaimer. To review Michael McDearmaid's response to the questionnaire-affidavit, refer to Exhibit 10

43. According to Andrew Lewis, he was at fault for the disclaimer. He stated that he should have known "that a PAC disclaimer should have been different than a regular Candidate campaign's disclaimer and being that my regular job is that of a security guard, I should have sought professional advice." When asked about the disclaimer and what he relied on, he stated, "I googled it and tried to make sense of sometimes competing info." He added, "Working through the language and all was a bit confusing." To review Mr. Lewis's response to the questions, refer to Exhibit 11.

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

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

45. I investigated whether Respondent violated this section of the election laws by falsely reporting or deliberately failing to include information

46. Complainant alleges that Respondent was required to file a Statement of Organization of Political Committee, but failed to do so. In addition, Complainant alleges that Respondent was required to file campaign reports to disclose its contributions received and expenditures made in support of campaign advertising for the passage of the bond referendum, which was voted on in the primary election held on August 14, 2012, but failed to do so.

47. As per paragraph 12, no Statement of Organization of Political Committee has been filed by Respondent. Additionally, no campaign treasurer's reports have been filed by Respondent to disclose contributions received and expenditures made

48. As to the response to the complaint, refer to paragraphs 13 through 15 of this report of investigation.

49. As to Mr. McDearmaid's response to a questionnaire-affidavit and statements made by him during a telephone interview, refer to paragraphs 20 through 23 of this report of investigation

50. As to additional statements made by Andrew Lewis, refer to paragraphs 25 and 26 of this report of investigation

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

VI. FEC History:

52. Respondent, MOCA Yes! Political Action Committee, has no prior history with the Florida Elections Commission. Additionally, Michael McDearmaid has no prior history with the Florida Elections Commission.

Conclusion:

53. On April 1, 2013, I interviewed Mr. McDearmaid for the purpose of providing him with a brief synopsis of the case and to offer him an opportunity to ask questions or comment on the case. His only comment relative to the case was that he said that he would describe the group as a "rag-tag team of volunteers trying to do a good thing" in helping with the expansion of MOCA.

54. In an affidavit, Miami-Dade County Supervisor of Elections Penelope Townsley attested that her office has no record of Michael McDearmaid ever having sought public office within her jurisdiction. Ms. Townsley also attested that she has no record of Michael McDearmaid having been appointed to serve as a treasurer for a candidate or a political committee. Additionally, she attested that she has had no conversation with Mr. McDearmaid relative to Chapter 106, Florida Statutes. To review the affidavit of Penelope Townsley, refer to Exhibit 6.

55. In an affidavit, North Miami City Clerk Michael Etienne attested that his office has no record of Michael McDearmaid ever having sought public office within his jurisdiction. He also attested that he has no record of Mr. McDearmaid having been appointed to serve as a treasurer for a candidate or a political committee. Additionally, he attested that he has had no conversation with Mr. McDearmaid relative to Chapter 106, Florida Statutes. To review the affidavit of Michael Etienne, refer to Exhibit 5.

56. According to the website, www.northmiamifl.gov, Michael McDearmaid has been appointed to serve on a number of local city boards and committees. To review pages from the website, relative to Mr. McDearmaid serving on city boards and committees, refer to Exhibit 17.

57. In an affidavit, Michael McDearmaid attested that he has never sought public office⁶ or served as a treasurer for a candidate in the past. He further attested that he has never held a position with a political committee and he does not possess a copy of Chapter 106, Florida Statutes or the *Candidate and Campaign Treasurer Handbook* and he has not read either publication. Mr. McDearmaid was asked what action had he taken to determine his responsibilities under Florida's election laws. He stated, "Andrew Lewis and other campaign consultants." To review Michael McDearmaid's response to the questionnaire-affidavit, refer to Exhibit 10.

⁶ Subsequent to the complaint, Mr. McDearmaid has filed paperwork to become a candidate for Mayor. On December 4, 2012, he filed his Appointment-of-Campaign Treasurer and Statement of Candidate forms with the North Miami City Clerk's office.

Respectfully submitted on April 1, 2013.



Keith Smith
Investigation Specialist

Current address of Respondent

MOCA Yes! Political Action Committee
840 Northeast 127th Street
North Miami, Florida 33161

Current address of Complainant

Ms. Stephanie Kienzle
1653 Northeast 178 Street
North Miami Beach, Florida 33162

Name and Address of Filing Officer:

Mr. Michael A. Etienne, City Clerk
City of North Miami
776 Northeast 125th Street
North Miami, Florida 33161

Copy furnished to: David Flagg, Investigations Manager

FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
MOCA Yes! Political Action Committee -- FEC 12-188

LIST OF EXHIBITS	
Exhibits #s	Description of Exhibits
Exhibit 1	Yard sign/invoice
Exhibit 2	Four-page mailer/invoice
Exhibit 3	Biscayne Times ad/invoice
Exhibit 4	Miami-Herald ads July 29 & August 5
Exhibit 5	Affidavit of Michael Etienne
Exhibit 6	Affidavit of Penelope Townsley
Exhibit 7	Response to the complaint from Andrew Lewis
Exhibit 8	IRS document re: EIN
Exhibit 9	Second IRS document
Exhibit 10	Michael McDearmaid's response to Q/A
Exhibit 11	E-mails to/from Andrew Lewis re: questions
Exhibit 12	Copies of 8 deposited checks/bank statement
Exhibit 13	Copies of checks issued (3)
Exhibit 14	Copy of banner/invoice
Exhibit 15	Pages from website submitted w/ complaint
Exhibit 16	Page from website w/ added political disclaimer
Exhibit 17	Page from website of City of North Miami

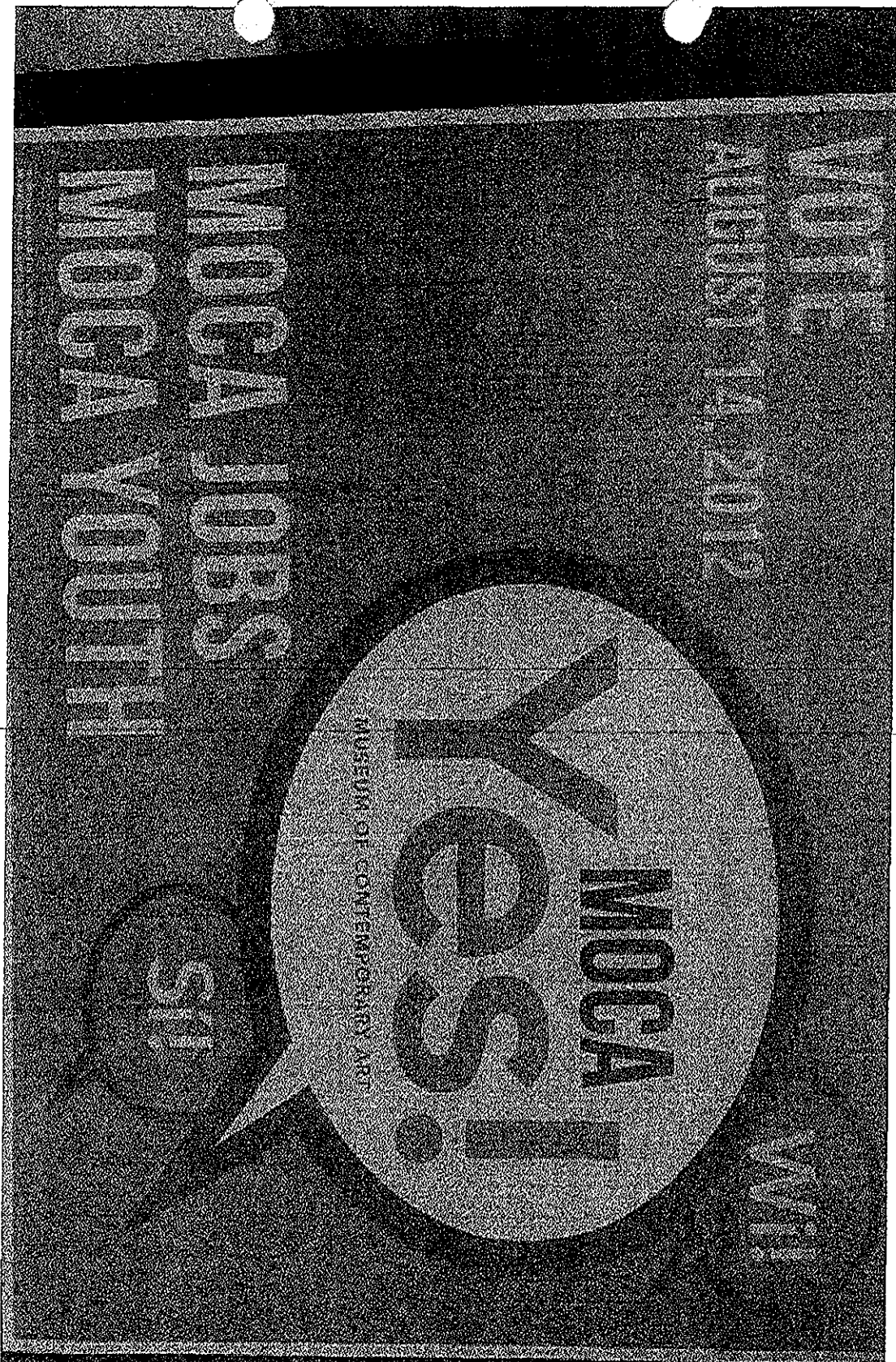


EXHIBIT 1 (pg 1 of 2)

I2K DIGITAL, LLC
 45 E. 9TH COURT
 HIALEAH, FL 33010

Invoice

Date	Invoice #
7/3/2012	30822

Bill To

MOCA YES PAC
 840 NE 127TH ST
 N MIAMI, FL 33166

Ship To

PAID

S.O. No.	P.O. Number	Terms	Rep	Ship	Via	Job Number
				7/3/2012		56726

Quantity	Item Code	Description	Price Each	Amount
200	SIGNS	18"X24" PRINTED 4/0 ON COROPLAST	6 00	1,200 00
200	MISC	STEP STAKES	0 83	166 00
		Pay your bills online at: https://www.intuitbillpay.com/i2kdigital		

RECEIVED
 2012 DEC 26 A 11:53
 STATE OF FLORIDA
 DEPARTMENT OF REVENUE

Subtotal	\$1,366 00
Sales Tax (7.0%)	\$0 00
Total	\$1,366 00
Payments/Credits	\$-1,366 00
Balance Due	\$0 00

Finance charges of 1 5% per month will apply to all invoices not paid within 30 days
 In the event that this account becomes delinquent, interest, penalties, collection fees,
 attorneys fees, and court fees may be added. There will be a \$30 00 fee for any returned
 check. I2K Digital, LLC will not be held liable for any jobs not proofed by customer.

Phone #	Fax #	E-mail	Web Site
305-884-2240	305-884-2241	info@i2kdigital.com	www.i2kdigital.com

EXHIBIT 1 (29282)

VOTE FOR THE BOND

MOCA = JOBS

MOCA = BUSINESSES

MOCA = YES!

THE JEWEL
OF OUR CITY

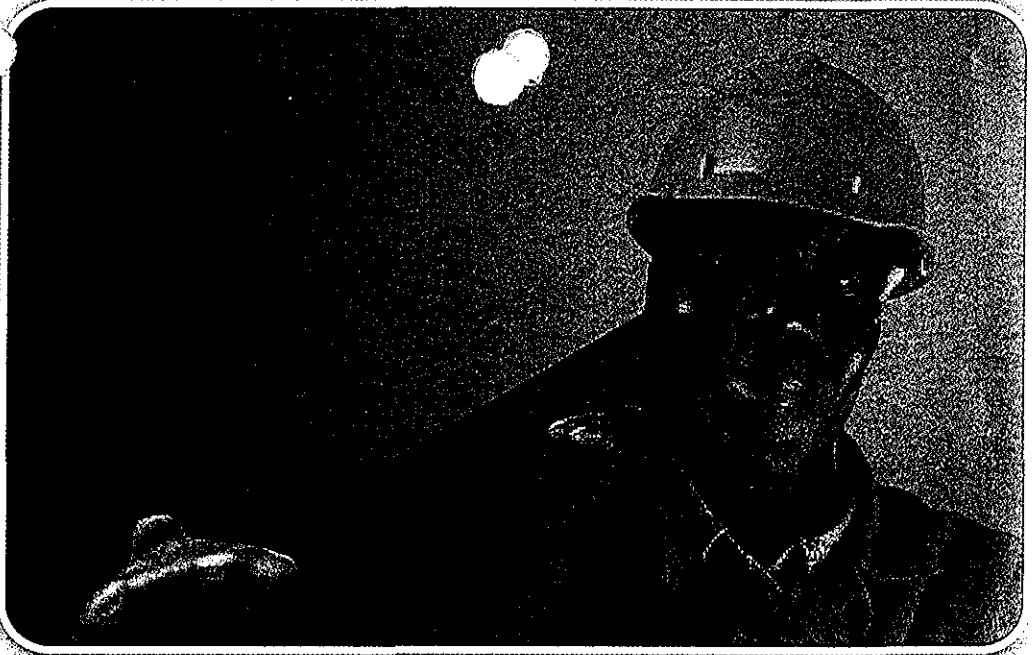
PARADISE

EXHIBIT 2 (pg 1 & 5)

VOTE ABSENTEE. VOTE FOR THE BOND. VOTE ABSENTEE. VOTE FOR THE BOND.

**MORE
NEW JOBS**

VOTE AUGUST 14, 2012



**MORE TOURIST
DOLLARS**

VOTE AUGUST 14, 2012

**MORE YOUTH
EDUCATION**

VOTE AUGUST 14, 2012





www.MocaYes.org

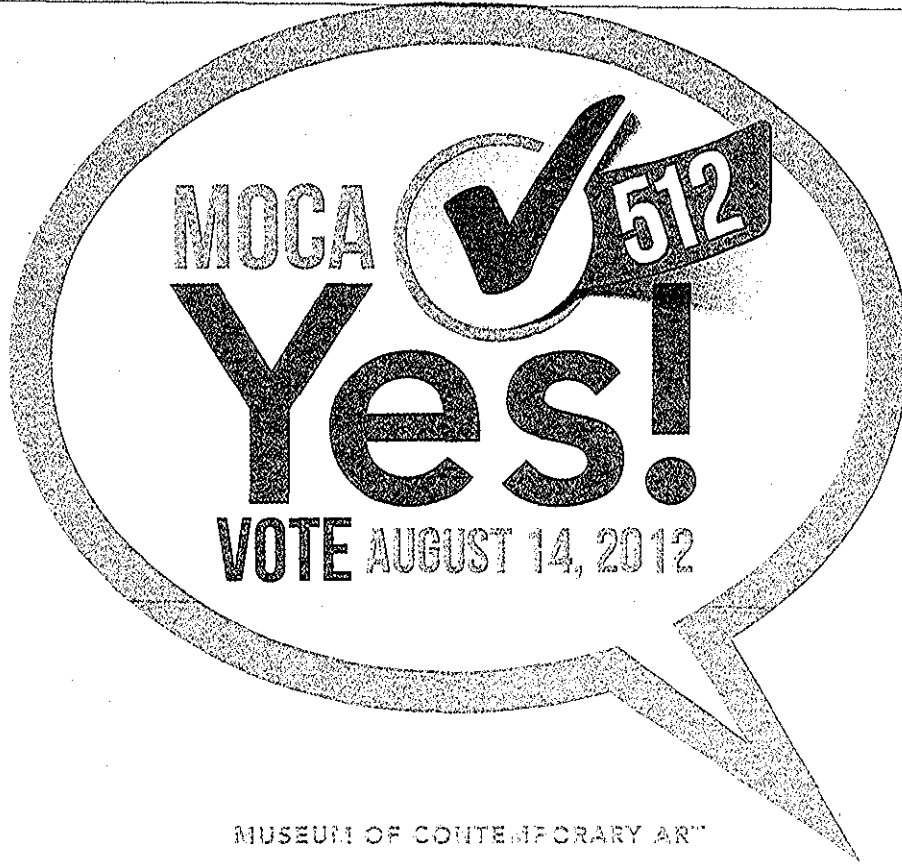
PRSRT STD
US POSTAGE
PAID
MIAMI FL
PERMIT 6437



*****ECPLOT*****C070 S5 P6 2127



VOTE ABSENTEE • VOTE FOR THE BOND • VOTE ABSENTEE



MUSEUM OF CONTEMPORARY ART

M Sí! **CA** **M** Yes! **CA** **M** Wi! **CA**
EXHIBIT *(pg 4 of 5)*

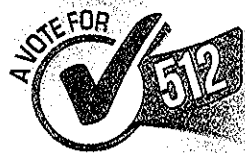
MORE NEW JOBS

MORE YOUTH EDUCATION

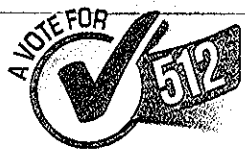
MORE NEW VISITORS



VOTE FOR THE BOND IS A VOTE FOR THE MOCA EXPANSION



WILL create jobs for North Miami residents



WILL help North Miami businesses
by bringing more customers to the city



WILL bring more money to North Miami
by making it an art and cultural Mecca



www.MocaYes.org

Image Plus Graphics, Inc.

1440 N.E. 131st Street
 North Miami, Florida 33161
 (305) 899-0711
 (800) 273-7853

Invoice

DATE	INVOICE #
7/18/2012	4416

PAID
 07/18/2012

BILL TO
Moca Yes Andrew 954-806-2926

SHIP TO

P.O. NUMB...	TERMS	REP	SHIP	VIA
			7/18/2012	

QUANTITY	ITEM CODE	DESCRIPTION	PRICE EACH	AMOUNT
2,500	misc.	11 x 17 Flats for VOTE FOR THE BOND Printed and mailed	0.413	1,032.49T
1	Postage	Postage	541.40	541.40
		Sales Tax	7.00%	72.27

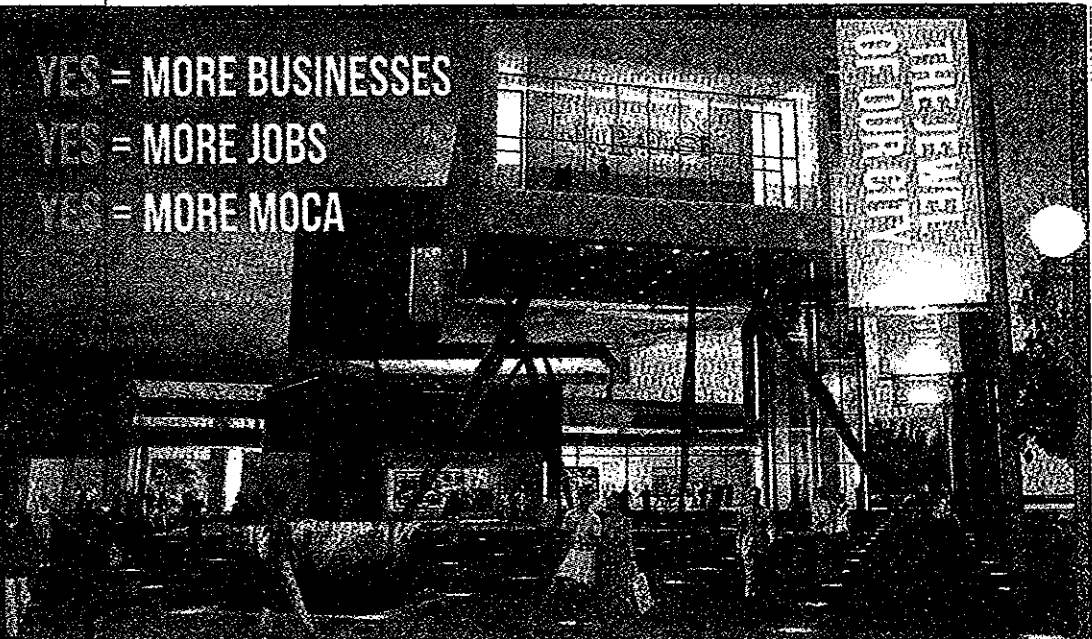
EXHIBIT 2 (pg 5 of 5)

Total \$1,646.16



www.MocaYes.org

YES = MORE BUSINESSES
YES = MORE JOBS
YES = MORE MOCA



**VOTE FOR
THE BOND
PUNCH 512**

THE CITY OF NORTH MIAMI
the Next Art & Cultural Mecca

The Museum of Contemporary Art (MOCA), the shining jewel of North Miami and the cornerstone of downtown is on the ballot **August 14** for expansion.

Political Advertisement Paid For And Approved by MOCA Yes! Political Action Committee. Not Authorized By Any Candidate Or Candidate's Committee.

EXHIBIT 13 (pg 1 of 2)

NEIGHBORS CALENDAR

HOW TO POST IN OUR CALENDAR OF EVENTS:

If you wish your event published on our website and to be automatically considered for our free listings in the Neighbors section, please go to MiamiHerald.com/events and click on "Add to our listings" on the upper right. Be sure to choose "Community" as the first category. Then, from the drop-down window, pick a second category that best fits your type of event.

Do not choose Business & Technology because those events are published exclusively in the Herald's Business Monday Agenda. In addition, choose Club only if you are posting a hobbyist, support group or other type social club. Nightclub, happy hours and the like run in our Weekend entertainment section and should be marked Music and Lounge. If you are posting sequential classes, workshops and other events that are part of a pay-per-event, drop-in nature, click on the time and date of only your initial event and be sure to note price or state "free" on the money line. You can put your schedule or variety of classes in the description if you wish, but we will not publish more than one listing per month at the same venue in the interest of fairness to other, time-limited community happenings.

Post your item at least two weeks in advance of your event so it can be considered for our Calendar section in Neighbors. Do not key in "Miami" unless your event is taking place within the city of Miami. If the event is incorporated Miami-Dade, please state it as Southeast Miami-Dade, Southwest Miami-Dade, Northeast Miami-Dade or Northwest Miami-Dade.

Some important tips: You must be a registered user of MiamiHerald.com. Do not put time, date, venue, admission or free, contact information or website in the description field. Please put those elements in the fields provided. Also, click on all of the days your event occurs and put in a start time for each day. If you have questions, you can email Sue Mullin at smullin@miamiherald.com. Please put "calendar question" in the subject line. Or call Sue at 305.374.3355.

ACTIVISM
 Catch on Miami: Celebrate World Breastfeeding Week with La Leche League of Miami Dade County as Miami Moms join the effort to breast-
 The record number of moms babies nursing simultaneously around the world during The So La Leche!

***TURN TO CALENDAR, TIME**

SUMMER SAVINGS
 PRICES SLASHED **UP TO 70% OFF**

Open Sunday to Friday
 Closed Saturday for Shabbat
 Thank you for Your Support

Ortho Style Bedding from \$7900
6 PC Queen Bedroom Suite from \$549.00

7 PC Living Room starting at \$790.00
 Full gallery of contemporary, traditional and antique reproduction furniture from the top manufacturers of Europe, the Americas and the World.
JOHN STEMBRIDGE FURNITURE
 Excellent Service Since 1953
 845 NE 125 Street, North Miami - Tel: (305) 883-0800
 johnstembidge.com | www.johnstembidge.com

A BEAUTIFUL AND CONFIDENT SMILE

ELITE DENTAL CENTER

General & Cosmetic Dentistry For Your Entire Family
 We are Dedicated to Caring for Our Patients and Their Individual Dental Needs.

- Crowns • Bridges • Extractions • Dentures & Partial
- Implants • Root Canals • Invisalign • Linings / Veneers
- Periodontal (Gum) Disease Treatment • Root Canal • Root & Bridge
- Restorations • Cleanings • Repairs • Whitening • Children's Dentistry and up

Invisalign LUMINEERS ZOOM!
 CEREC • CEREC • CEREC • Zooming



CONVERT YOUR US DOLLAR WORKING AND LEARNING
 LEARN ON INTERNET AND GET AHEAD!

MOCA Yes!
 VOTE AUGUST 14, 2012

YES = MORE BUSINESSES
YES = MORE JOBS
YES = MORE MOCA

www.MocaYes.org

VOTE FOR THE BOND PUNCH 512

THE CITY OF NORTH MIAMI
the Next Art & Cultural Mecca

The Museum of Contemporary Art (MOCA), the shining jewel of North Miami and the cornerstone of downtown is on the ballot August 14 for expansion.

Spring Discount
20% OFF
 Limited Time Offer

Zoom! WHITENING \$399
 Limited Time Offer

FREE
 Implant Consultation and Opinion
 Will Best Any Written Estimate
 Limited Time Offer

ORAL EXAM, X-RAYS & CLEANING \$59
 Value \$200.00
 Limited Time Offer

ELECT
STATE REPRESENTATIVE
BARBARA WATSON
VOTE TO PROTECT OUR JOBS, OUR SAFETY AND OUR FUTURE!



Vote Tuesday,
August 14th!

Punch #46!

STATE REPRESENTATIVE
BARBARA WATSON
"THE REAL DEMOCRAT"

HAS BEEN RECOMMENDED BY:

- ★ AFL-CIO
- ★ PBA
- ★ The Miami Herald
- ★ Miami-Dade County Commissioner Sally Heyman
- ★ Fraternal Order of Police
- ★ South Florida Council of Firefighters
- ★ United Teachers of Dade (UTD)

YES = MORE BUSINESSES
YES = MORE JOBS
YES = MORE MOCA

www.MocaYes.org

THE CITY OF NORTH MIAMI
the Next Art & Cultural Mecca

The Museum of Contemporary Art (MOCA), the shining jewel of North Miami and the cornerstone of downtown is on the ballot August 14 for expansion.

PUNCH 512

STATE HOUSE 108 | CAMPAIGN 2012

Incumbent facing two amid probe

ELECTION, FROM THE

than a two-to-one margin. Desulme, 34, a former North Miami city clerk, ran an unsuccessful race against Campbell in 2010, losing narrowly by 367 votes. He said the district needs a new leader who is "honest and has integrity." He collected, Desulme said he would support a measure to eliminate the Florida Comprehensive Assessment Test (FCAT). "I am totally opposed to the FCAT and vouchers. As a fifth-grade teacher in the classroom right now, I'm for assessments, but the FCAT is a political game. We are teaching to the test and not the curriculum. The kids are not learning," he said.

Highway Patrol, said he would take a close look at the state level. As an example, he points to the 511 traffic alert system, the Florida Department of Transportation system that gives drivers real-time traffic and lane-closure information. "The 511 system is a joke. It has never worked. If you're on I-95 and you're stuck in traffic, they have no clue what's going on. And usually, besides not being accurate, it's broken. Either make it work or cancel it."

Desulme and Santangelo would not comment on Campbell's legal woes. "That's between her and the Democratic Party," Santangelo said. "I'm just staying in my lane and doing my race."

RELIGION NOTES

RELIGION, FROM THE

- <http://MiaHouse.org>
Miami Gardens Church of Christ: 9 a.m. Sunday Bible Study; 2255 NW 83rd St., Miami Gardens, 305-625-0688.
- Miami Lakes United Methodist Church: Holy prayer services and events throughout the week; Sunday schedule is 10:30 a.m. Korean Mission Worship; 10 a.m. MLUMC Worship Service and Children's Church; 11 a.m. Welcome Luncheon; 11:30 a.m.-2:30 p.m. New Direction Christian Center; 14800 NW 67th Ave., Miami Lakes, 305-821-7274.
- Miami Springs Baptist Church: 7 a.m. Tuesdays; 8:30 a.m. Wednesdays and 9 a.m. Sundays; Bible Study; 4335 S.W. 36th Ave.; 305-888-1538 or www.miamispringsbaptist.org.
- Mount Zion Methodist Episcopal Church: 7:30 a.m. Monday Bible Study; 12250 NW 22nd Ave., Miami Gardens, 305-486-3300.
- TURN TO RELIGION, THE

EXHIBIT 4 (pg 2 of 2)

AFFIDAVIT OF FILING OFFICER
Case Number: FEC 12-188

STATE OF FLORIDA
County of Miami-Dade

Michael A. Etienne, being duly sworn, says:

- 1 This affidavit is made upon my personal knowledge,
- 2 I am of legal age and competent to testify to the matters stated herein.
- 3 Does your office have a Statement of Organization on file from a group or organization known as, "MOCA Yes! Political Action Committee"? (x) No () Yes If yes, please provide a copy of the completed form along with a copy of the completed Appointment of Treasurer and Designation of Campaign Depository form.

No, to my knowledge and I have asked my Deputy City Clerk and she has also
answered no.

- 4 According to Andrew Lewis, an individual affiliated with the group (MOCA Yes!), he, and/or someone affiliated with the group, sought guidance from you to determine whether the group should file a Statement of Organization with your office. In the space provided below, please describe any conversation you may have had with Mr. Lewis or someone representing the group relative to whether the group would need to file a Statement of Organization with your office.

I do not recall who^{is} Andrew Lewis; I may recognize him by facial recognition
if I see him. I do not recall speaking to anyone regarding filing a
statement of organization. I did in fact answer questions asked by
Michael McDearmaid. I do not recall what questions were asked and
answered.

- 5 To the best of your knowledge, has **Andrew Lewis** ever sought elective office within your jurisdiction? (x) No () Yes. If yes, please list the office(s) he ran for, the date(s) of the election(s), and the result(s) of the election(s).

No, to my knowledge and I have asked my Deputy City Clerk and she has also
answered no.

EXHIBIT

5 (pg 1 of 3)
1

6. To the best of your knowledge, has Andrew Lewis ever previously been appointed to serve as a campaign treasurer (or deputy treasurer) for a candidate within your jurisdiction? If yes, please list the name(s) of the candidate(s) and the date(s) of the election(s).

No to my knowledge and I have asked my Deputy City Clerk and she has also answered no.

7. To the best of your knowledge, has Andrew Lewis ever previously been appointed to serve as a campaign treasurer (or deputy treasurer) or chairperson for a political committee (PC) or electioneering communications organization (ECO) within your jurisdiction? () No () Yes. If yes, please list the name of the PC/ECO and date(s) he served

No to my knowledge and I have asked my Deputy City Clerk and she has also answered no.

8. To the best of your knowledge, have you or a member of your staff, ever had contact with Andrew Lewis concerning a provision of Chapter 106, Florida Statutes, or the *Candidate and Campaign Treasurer Handbook*? (x) No () Yes. If yes, please indicate whether the contact was in person, in writing, or by telephone and subject matter of the contact.

No to my knowledge and I have asked my Deputy City Clerk and she has also answered no.

9. To the best of your knowledge, has **Michael L. McDearmaid** ever sought elective office within your jurisdiction? (x) No () Yes. If yes, please list the office(s) he ran for, the date(s) of the election(s), and the result(s) of the election(s)

No to my knowledge and I have asked my Deputy City Clerk and she has also answered no.

10. To the best of your knowledge, has Michael L. McDearmaid ever previously been appointed to serve as a campaign treasurer (or deputy treasurer) for a candidate within your jurisdiction? If yes, please list the name(s) of the candidate(s) and the date(s) of the election(s)

No to my knowledge and I have asked my Deputy City Clerk and she has also answered no.

11. To the best of your knowledge, has Michael L. McDearmaid ever previously been appointed to serve as a campaign treasurer (or deputy treasurer) or chairperson for a political committee (PC) or electioneering communications organization (ECO) within your jurisdiction? (x) No () Yes. If yes, please list the name of the PC/ECO and date(s) he served

No to my knowledge and I have asked my Deputy City Clerk and she has also answered no.

12. To the best of your knowledge, have you or a member of your staff, ever had contact with Michael L. McDearmaid concerning a provision of Chapter 106, Florida Statutes, or the *Candidate and Campaign Treasurer Handbook*? (x) No () Yes. If yes, please indicate whether the contact was in person, in writing, or by telephone and subject matter of the contact.

No, to my knowledge and I have asked my Deputy City Clerk and she has also

answered no.

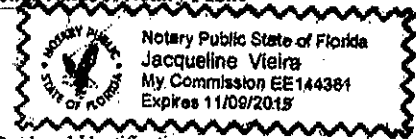
I SWEAR OR AFFIRM THAT THE INFORMATION CONTAINED IN THIS DOCUMENT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.



Signature of Affiant

Sworn to (or affirmed) and subscribed before me this 16 day of October, 2012

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



Personally Known or Produced Identification

Type of Identification Produced: _____

Case Investigator: KS

EXHIBIT 5 (pg 3 of 5)
3

AFFIDAVIT OF FILING OFFICER

Case Number: FEC 12-188

STATE OF FLORIDA

County of Miami-Dade

Penelope Townsley, being duly sworn, says:

1. This affidavit is made upon my personal knowledge,
2. I am of legal age and competent to testify to the matters stated herein.
3. Does your office have a Statement of Organization on file for a group known as "MOCA Yes! Political Action Committee"? No () Yes. If yes, please provide a completed copy of the Statement of Organization and Appointment of Campaign Treasurer and Designation of Campaign Depository forms.

4. It is my understanding that an individual, **Michael L. McDearmaid**, a resident of North Miami and a member of this group, may be an officer or the person directly involved with this group. To the best of your knowledge, has **Michael L. McDearmaid** ever sought elective office within your jurisdiction? No () Yes. If yes, please list the office(s) he ran for, the date(s) of the election(s), and the result(s) of the election(s).

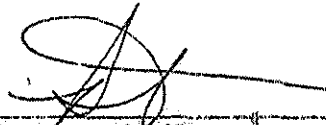
5. To the best of your knowledge, has **Michael L. McDearmaid** ever previously been appointed to serve as a campaign treasurer (or deputy treasurer) for a candidate within your jurisdiction? No () Yes. If yes, please list the name(s) of the candidate(s) and the date(s) of the election(s).

6. To the best of your knowledge, has **Michael L. McDearmaid** ever previously been a campaign treasurer (or deputy treasurer) or chairperson for a political committee (PC) or electioneering communication organization (ECO) within your jurisdiction? No () Yes. If yes, please list the name of the PC/ECO and the date(s) he served.

EXHIBIT 6 (pg 102)

7. To the best of your knowledge, have you or a member of your staff, ever had contact with Michael L. McDearmaid concerning a provision of Chapter 106, Florida Statute, or the Candidate and Campaign Treasurer Handbook? (X) No () Yes If yes, please indicate whether the contact was in person, in writing, or by telephone and the subject matter of the contact

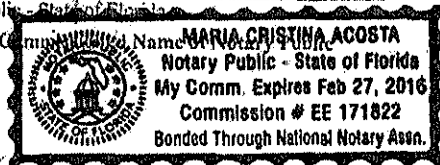
I SWEAR OR AFFIRM THAT THE INFORMATION CONTAINED IN THIS DOCUMENT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.


Signature of Affiant

Sworn to (or affirmed) and subscribed before me this 10th day of October, 2012


Signature of Notary Public - State of Florida

Print, Type, or Stamp



Personally Known or Produced Identification

Type of Identification Produced: _____

Case investigator: KS

EXHIBIT

6 (pg. 2 of 2)



Case No. FEC 12-188
 andrew Lewis
 to:
 fec@myfloridalegal.com
 08/25/2012 12:26 PM
 Please respond to andrew Lewis
 Show Details

Attn: Donna Ann Malphurs

Dear Ma'am:

Thank you for giving us the opportunity to respond to the allegations. Three which are based on misunderstandings and one while true, after it came to our attention, was, within minutes, immediately corrected.

As for the complaints:

1. As a 527 federal political committee we do not have to file a statement of organization with the municipalities in which we operate. If we had chosen hypothetically to operate on even a county-wide level for the Miami-Dade Mayor's re-election, filing statement of organizations with every municipality would quickly have become onerous.

But we still shared this concern with the complainant. That is the reason we sought out counsel of the City Clerk, Michael Etienne Esq. After being assured that we would not need to file a statement of organization, we asked the City Clerk in the presence of the Assistant City Clerk, Jacqui Vieira, to please notify Moca Yes! if there is a fundamental change that would require us to come in and file and we would gladly do so. As of the receipt of this letter from the FEC on election day August 14, 2012, the office of the City Clerk of North Miami had not contacted us.

2. Our first campaign report due (Form 8872) to the Internal Revenue service *will* be on Thursday September 13, 2012.

From the IRS:

At organization's option, quarterly/semiannually or monthly, on same basis for entire calendar year

*(see form instructions for detailed information):
 general election report (due by the 30th day after general election)*

Since the matter was to be decided on Election Day August 14th the general election for the Bond Initiative was on August 14th

3. This is true. This is due to having a website designer who had not previously worked on any sort of political campaign before. The fault lies with Moca Yes! volunteers who HAD worked on campaigns - at any level. Within minutes of it being brought to his attention the designer corrected it.

EXHIBIT

7 (pg 1 of 2)

4. This is completely false. We will file our 8872 on September 13, 2012 to prove it. If your office would need our filings earlier and/or a detailed report from the Moca Yes! bank (First Citizens Bank) detailing every deposit, contribution, expenditure etc., we would swiftly provide it.

Thank you,

Andrew Lewis
Moca Yes!

EXHIBIT 7 (pg. 2 of 2)

IRS DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
CINCINNATI OH 45999-0023

Date of this notice: 06-13-2012

Employer Identification Number:
45-5478809

Form: SS-4

Number of this notice: CP 575 A

MOCA YES
840 NE 127TH ST
NORTH MIAMI, FL 33161

For assistance you may call us at:
1-800-829-4933

IF YOU WRITE, ATTACH THE
STUB AT THE END OF THIS NOTICE.

WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER

Thank you for applying for an Employer Identification Number (EIN). We assigned you EIN 45-5478809. This EIN will identify you, your business accounts, tax returns, and documents, even if you have no employees. Please keep this notice in your permanent records.

When filing tax documents, payments, and related correspondence, it is very important that you use your EIN and complete name and address exactly as shown above. Any variation may cause a delay in processing, result in incorrect information in your account, or even cause you to be assigned more than one EIN. If the information is not correct as shown above, please make the correction using the attached tear off stub and return it to us.

Based on the information received from you or your representative, you must file the following form(s) by the date(s) shown.

Form 1120POL

03/15/2013

If you have questions about the form(s) or the due date(s) shown, you can call us at the phone number or write to us at the address shown at the top of this notice. If you need help in determining your annual accounting period (tax year), see Publication 538, *Accounting Periods and Methods*.

We assigned you a tax classification based on information obtained from you or your representative. It is not a legal determination of your tax classification, and is not binding on the IRS. If you want a legal determination of your tax classification, you may request a private letter ruling from the IRS under the guidelines in Revenue Procedure 2004-1, 2004-1 I.R.B. 1 (or superseding Revenue Procedure for the year at issue). Note: Certain tax classification elections can be requested by filing Form 8832, *Entity Classification Election*. See Form 8832 and its instructions for additional information.

IMPORTANT INFORMATION FOR S CORPORATION ELECTION:

If you intend to elect to file your return as a small business corporation, an election to file a Form 1120-S must be made within certain timeframes and the corporation must meet certain tests. All of this information is included in the instructions for Form 2553, *Election by a Small Business Corporation*.

EXHIBIT

8 (pg 1 of 2)

**EIN Assistant**

Your Progress: 1. Identity 2. Authenticate 3. Addresses 4. Details 5. EIN Confirmation

Additional Information about your EIN

We suggest you print this page for your records.

When Can You Use Your EIN?

This EIN is your permanent number and can be used immediately for most of your business needs, including:

- Opening a bank account
- Applying for business licenses
- Filing a tax return by mail.

However, it will take up to two weeks before your EIN becomes part of the IRS's permanent records. You must wait until this occurs before you can:

- File an electronic return
- Make an electronic payment
- Pass an IRS Taxpayer Identification Number (TIN) matching program

Next Steps

You can download IRS forms, publications, and tax returns at <http://www.irs.gov/formspubs>

Corrections?

If you need to make changes to your organization's information, you must do so in writing and mail the information to the address provided at <http://www.irs.gov/efile/article/0,,id=111138,00.html>.

[<< Back](#)

[Continue >>](#)

EXHIBIT**9**

Received
April 1
2013

RECEIVED

RECEIVED

2013 MAR 32 A 6:43

2013 MAR 32 A 6:

AFFIDAVIT OF BACKGROUND INFORMATION
STATE OF FLORIDA
Case Number: **FEC 12-188** ELECTIONS COMMISSION

STATE OF FLORIDA
ELECTIONS COMMISSION

STATE OF FLORIDA
County of Miami-Dade

Michael McDearmaid, being duly sworn, says:

1. This affidavit is made upon my personal knowledge.
2. I am of legal age and competent to testify to the matters stated herein. I am currently employed by Greenspoon Marder as Title Officer
3. Have you ever run for public office? If so, please name the office(s) you ran for and the date(s) of the election(s) you ran in.

No.

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

No.

5. Have you ever held the office of chairperson or campaign treasurer (or deputy) for a political committee? If so, please list the names and addresses of the committees and dates when you held the position.

No.

6. Have you ever held the office of chairperson or campaign treasurer (or deputy) for a committee of continuous existence? (Committee of continuous existence is defined in Section 106.04, Florida Statutes.) If so, please list the name and addresses of the committees and dates when you held the position.

No.

EXHIBIT 10 (pg 1 of 5)

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

Andrew Lewis & other Campaign consultants

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

9. If so, when did you first obtain it?

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

11. Do you possess a copy of the *Candidate and Campaign Treasurer Handbook*? Yes No

12. If so, when did you first obtain it?

13. Have you read the *Candidate and Campaign Treasurer Handbook*? Yes No

14. Prior to becoming involved with MOCA Yes! Political Action Committee were you a member of the Museum of Contemporary Arts North Miami?

As a volunteer

15. Prior to becoming involved with MOCA Yes! Political Action Committee did you serve on the Board of Trustees or the Executive Committee with the Museum of Contemporary Arts North Miami? If so, please list any office you held and describe the duties of the position.

No

16. Please explain how you became involved with MOCA Yes! Political Action Committee?

As a volunteer

EXHIBIT 10 (pg 2 of 5)

17. Did you hold any position/title, such as president, chairman, secretary, etc., with MOCA Yes! Political Action Committee? If so, please list the position/title and briefly describe the duties of the position.

Yes. President.

18. Did other individuals hold a position/title with MOCA Yes! Political Action Committee? If so, please list the name(s) and their position/title.

No.

19. It is appears that MOCA Yes! Political Action Committee was organized for the purpose of helping with the passage of the bond for the museum's expansion. Is this correct? Yes () No. If no, please explain otherwise.

20. In an effort to help its cause, did MOCA Yes! Political Action Committee solicit monetary contributions/donations? If no, please explain how MOCA Yes! was funded.

Yes.

21. When (on what date) did members of MOCA Yes! Political Action Committee first discuss the need to solicit or acquire contributions/donations?

June 1, 2012, but only members were the undersigned, Michael McDearmaid & Andres Lewis.

22. When (on what date) did members of MOCA Yes! Political Action Committee first discuss the need to make expenditures for advertising the passage of the bond?

EXHIBIT 10 (pg 3 of 5)

June 1, 2012, but only members were the undersigned,

Michael McDearmaid, and Andrew Lewis.

23. There is no record of MOCA Yes! Political Action Committee having registered as a political committee with the North Miami City Clerk's office or with the Miami-Dade County Supervisor of Elections' office. Yet, the IRS assigned MOCA Yes! an Employer Identification Number (EIN) on or about June 13, 2012. Were you responsible for applying for the EIN on behalf of MOCA Yes! Political Action Committee? Yes () No. If yes, what prompted you to apply for an EIN with the IRS?

Guidance from Andres Lewis in order to form a POC.

24. Prior to applying with the IRS on or about June 13, 2012, who did you seek guidance from (City Clerk, Supervisor of Elections, State Division of Elections, Election-law attorney, etc.) to determine whether MOCA Yes! Political Action Committee should register as a political committee?

Andrew Lewis and the City Clerk of North Miami.

25. When you applied for the EIN with the IRS on or about June 13, 2012, had MOCA Yes! Political Action Committee already accepted a monetary contribution/donation? If so, please specify the amount and list the date of the contribution/donation.

No.

26. To your knowledge, who was responsible for the wording of the political disclaimer, "Political Advertisement Paid For And Approved by MOCA Yes! Political Action Committee. Not Authorized By Any Candidate or Candidate's Committee," as it appeared on all political advertisements?

Andrew Lewis.

EXHIBIT 10 (pg 4 of 5)

27. Did you review and approve all of the political advertising as published by MOCA Yes! Political Action Committee?
No. NO.

28. To your knowledge, who gave final approval prior to any political advertisement (mailers, newspaper ads, campaign signs, etc.) being published and distributed?

Group decision, including loose knit volunteers.

29. Please explain why all political advertising published on behalf of MOCA Yes! includes as part of its name, "Political Action Committee," since the group/organization is not registered as a political committee.

Do not know. Check with Andrew Lewis.

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

Michael W. Deane

Signature of Affiant

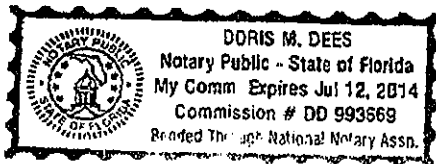
Sworn to (or affirmed) and subscribed before me this 12th day of

March, 2013

Doris M. Dees

Signature of Notary Public - State of Florida

Print, Type, or Stamp Commissioned Name of Notary Public



Personally Known _____ or Produced Identification

Type of Identification Produced: FL Driver's License

Case Investigator: KS

EXHIBIT 10 (pg 5 of 5)



Re: MOCA Yes!
 andrew Lewis
 to:
 Keith Smith
 03/05/2013 02:40 PM
 Show Details

History: This message has been replied to.

1 Attachment



graycol.gif

Mr. Smith :

Follow up to question #1 :

I heard of 527s from the news and reading political blogs.

1st Follow up to question #4 :

I googled it and tried to make sense of sometimes competing info. And I cannot quite remember where on the IRS site because i used the search feature on the site itself. Working through the languag and all was a bit confusing.

2nd Follow up o question #4

After I volunteered for Scott Galvin's Congressional campaign the manager thought that I performed so well in my area of responsibility: bringing out Anglo voters in Broward - that bhe suggested that we form a company o work on campaigns. We got pid for a couple of campaigns referenced earlier including Galvin's re-election then the ork dried up I then went bak to being a security guard. I have been working for FPI Security out of Hialeah ever since. I work as an armed guard at he City of Fort Lauderdale Five Ash Water Plant on the graveyard shift

I do not work for Wolf righ now but if Mr. Jones acured work, I would go back. I am currently back to volunteering on my friends campaigns when I off fom work

Thank you,
 Andrew Lewis

From: Keith Smith <Keith.Smith@myfloridalegal.com>;
To: andrew Lewis <andrewlewis0946@att net>;
Subject: Re: MOCA Yes!
Sent: Tue, Mar 5, 2013 2:41:44 PM

Mr. Lewis:

Thank you for taking the time to respond to my questions; your cooperation is greatly appreciated.

EXHIBIT 11 (pg 1 of 6)

I had a couple of follow-up questions that I would certainly appreciate you answering.

Regarding question #1, how did you know about 527 political organizations?

Regarding your answer to question #4, relative to the disclaimer issue, you said that you thought you had it from the IRS website in combination from volunteering on other campaigns. Is there a portion of the IRS website specifically devoted to political disclaimers, and if so, is this what you relied on?

Regarding your answer to question #4, you referenced your regular job as that of a security guard. According to the Division of Corporations, you are listed as Vice-President of Wolf Political Enterprise Consulting. During your involvement with MOCA, were you employed with Wolf Political Enterprise and are you still employed with the company?

Your answers to these follow-up questions should be all I need.

Thanking you in advance for your cooperation

Keith Smith, Investigator
Florida Elections Commission
107 West Gaines Street - Suite 224
Tallahassee, FL 32399-1050
(850) 922-4539 x112

andrew Lewis ---03/04/2013 08:01:30 AM---Mr. Smith: 1. I became involved at Mr. McDearmaid's request. I had worked for the successful re-

From: andrew Lewis <andrewlewis0946@att.net>
To: Keith.Smith@myfloridalegal.com
Date: 03/04/2013 08:01 AM
Subject: Re: MOCA Yes!

Mr. Smith:

1. I became involved at Mr. McDearmaid's request. I had worked for the successful re-election of Councilman Scott Galvin in North Miami and Mr. McDearmid thought i could be an asset. No title because we were all volunteers. My "position" was as the field person to coordinate canvassing and phone banking.
2. After the city clerk told him that he did not need to file with the city, I thought that a 527 political committee would allow the MOCA Board of trustees, who are individuals of means to donate more than the usual \$500 limit and that a 527 was broader in operational scope than an ECO. I also thought it was be much easier to set up than other options since we were time limited and it was.
3. I have volunteered on approximately 5 campaigns and been paid as a campaign manager for 1 and as a field director for one other.

EXHIBIT 11 (pg 2 of 6)

4. The disclaimer is all my fault. I thought I had it right from the IRS website in combination from volunteering on other campaigns. Although Mr. McDearmaid was the president of our effort he was also a volunteer and so it falls on me to have known that a PAC disclaimer should have been different than a regular Candidate campaign's disclaimer and being that my regular job is that of a security guard, I should have sought professional advice.

Thank you,
Andrew Lewis

From: Keith Smith <Keith.Smith@myfloridalegal.com>;

To: <andrewlewis0946@att.net>;

Subject: MOCA Yes!

Sent: Tue, Feb 26, 2013 8:46:13 PM

Mr Lewis:

As you may recall, I had previously mailed to you a questionnaire-affidavit relative to your knowledge/involvement with MOCA Yes! Political Action Committee and a complaint that had been filed against the group. As of the date of this e-mail, I am without the completed affidavit.

It is my understanding from speaking with Michael McDearmaid that he and other volunteers relied on you as he told me that you helped MOCA Yes! with strategy relative to the bond issue and trying to help with the passage of the bond.

In an attempt to bring this matter to a close, I would certainly appreciate you taking a few minutes to answer a few questions that I have regarding your involvement with MOCA Yes!

1.) Please explain how you became involved with MOCA Yes! Political Action Committee and whether you held a position/title with the group.

2.) Did you advise/instruct Mr. McDearmaid to file paperwork with the IRS for the purpose of becoming a tax-exempt political organization? If so, please explain why you advised him to file with the IRS.

3.) What experience, if any, do you have working with campaigns?

4.) Who was responsible for creating the wording of the political disclaimer that was used on all advertising (mailers, newspaper ads, etc.) and who would have approved the wording of the disclaimer?

I believe that if you provide me with the answers to these questions, I should be able to conclude my investigation.

I would like to thank you in advance for your cooperation in this matter.

EXHIBIT 11 (pg 3 of 6)

Keith Smith, Investigator
Florida Elections Commission
107 West Gaines Street - Suite 224
Tallahassee, FL 32399-1050
(850) 922-4539 x112

EXHIBIT 11 (pg 4 of 6)



Re: MOCA Yes!
 andrew Lewis
 to:
 Keith Smith
 03/04/2013 08:01 AM
 Show Details

History: This message has been replied to.

Mr Smith:

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To: <andrewlewis0946@att.net>;
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Sent: Tue, Feb 26, 2013 8:46:13 PM

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EXHIBIT 11 (pg 5 of 6)

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Keith Smith, Investigator
Florida Elections Commission
107 West Gaines Street - Suite 224
Tallahassee, FL 32399-1050
(850) 922-4539 x112

EXHIBIT 11 (pg 6 of 6)



**First Citizens
Bank**

Central Bank Operations - DAC02
P.O. Box 27131
Raleigh, NC 27611-7131

RECEIVED

2012 OCT 23 P 4:01

NC01

30224

MOCA YES
MICHAEL MCDEARMAID PRESIDENT
840 NE 127TH ST
NORTH MIAMI FL 33161-4910

IM
682

Your Account(s) At A Glance	
Checking Balance	20,313.11+

Statement Period: July 2, 2012 Thru July 31, 2012

Account Number: [REDACTED]



Free Business Checking

Account Number: [REDACTED]

Enclosures In Statement: 0

Beginning Balance	0.00	Statement Period Days	30
6 Deposits	44,800.00+	Average Ledger Balance	18,815.00+
1 Other Credits	7,000.00+		
19 Checks	26,630.55-		
13 Other Debits	4,856.34-		
Monthly Service Charge	0.00		
Ending Balance	20,313.11+		

Deposits To Your Account

Date	Amount	Date	Amount	Date	Amount
07-02	6,050.00	07-09	13,250.00	07-17	10,500.00
07-05	3,500.00	07-11	9,500.00	07-30	2,000.00

Other Credits To Your Account

Date	Description	Amount
07-30	Wire Transfer Ref Number = [REDACTED]	7,000.00
Total		7,000.00

Checks Paid From Your Account

Check No.	Date	Amount	Check No.	Date	Amount	Check No.	Date	Amount
991	07-05	2,041.03	998	07-13	2,000.00	486831*	07-27	2,730.00
992	07-05	285.00	999	07-11	2,500.00	486836*	07-20	2,500.00
993	07-09	1,366.00	1000	07-19	1,646.17	486837	07-23	2,876.67
994	07-12	50.00	1001	07-30	500.00	486838	07-23	2,566.20
995	07-18	3,500.00	486827*	07-23	600.00	486844*	07-27	180.00
996	07-17	19.95	486828	07-30	588.50			
997	07-17	31.03	486829	07-27	650.00			

*Prior Check Number(s) Not Included or Out of Sequence



Direct Customer Inquiry Calls To
FIRST CITIZENS DIRECT
Telephone Banking At 1-888-323-4732

EXHIBIT

12 (pg 1 of 9)

NEIL W. FLANZRAICH REV TRUST
10 TAHITI BEACH ISLAND ROAD
CORAL GABLES, FL 33143-6540

MorganStanley
SmithBarney

2034

JUN 22, 12

25-80/440

Date

Pay to the
Order of

MOCA YES

\$ 1,000.00

One Thousand

& 00/100

Dollars

Security Features Details on Back.

Chase Bank, N.A.
Delaware, OH 43015

contribution

Expense
Analyzer

FOR

For The PAC - Dr. Flanzraich

Neil Flanzraich

For Deposit only

Item Amount	Item Serial	Item R/T	Item Type	Item Account	Item Sequence
\$1,000.00	0	4400080	Transit Item	[REDACTED]	2800273675

EXHIBIT

12 (20249)

Bank of America.

4668

R. J. HEISENBOTTLE ARCHITECTS, P.A.

2199 PONCE DE LEON BLVD. SUITE 400
CORAL GABLES, FL 33134

ACH R/T 003100277

63-4-630

CHECK DATE

6/25/2012

PAY One Thousand Dollars 0/100-----

\$1,000.00

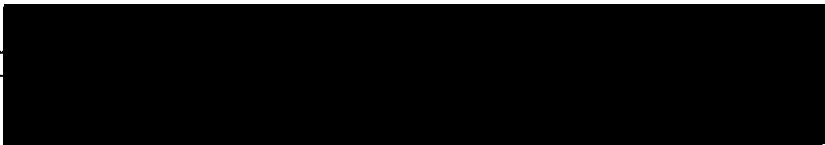
AMOUNT

TO MOCA Yes

VOID AFTER 120 DAYS

Richard Heisenbottle
AUTHORIZED SIGNATURE

Security feature. Details on back.



ENDURSE R-H-E
For Deposit only

U.S. GOVERNMENT PRINTING OFFICE: 2008
OF GOVERNMENT'S REG. 30

Item Amount	Item Serial	Item R/T	Item Type	Item Account	Item Sequence
\$1,000.00	4668	6300004	Transit Item	[REDACTED]	2800273676

EXHIBIT 12 (pg 3 of 4)

Museum Plaza
 822 NE 125 Street, Suite 108
 North Miami, FL 33161
 305-546-4937
 Clark52@mac.com

MELLON UNITED NATIONAL BANK
 1698 Meridian Avenue
 Miami Beach, FL 33139
 63-964/670

0998
 06/26/12

PAY TO THE ORDER OF: MOCA YES
 \$**500.00

Five Hundred and 00/100*****
 MOCA YES
 DOLLARS

Clark Reynolds
 Clark Reynolds

MEMO



RECEIVED
 2012 OCT 23 P 4:02
 2012 OCT 23 P 4:02

ENDORSE HERE
 For Deposit only

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE

Item Amount	Item Serial	Item R/T	Item Type	Item Account	Item Sequence
\$500.00	998	6700964	Transit Item	[REDACTED]	2800273671

EXHIBIT 12 (pg 4 of 9)

CYNTHIA T. NASH
1433 W 22ND ST.
MIAMI, FL 33140

63-215/631

8067

Date

6/27/12

Pay to the order of

Moca YES

\$ 250 ~~00~~

Two hundred fifty and no/100

Dollars

Premium Banking



Memo

duration - Moca Board

Cynthia T. Nash

For Deposit only

DO NOT WRITE
RESERVED
AND DO NOT SIGN BELOW THIS LINE
FINANCIAL INSTITUTION USE *

The serial number is not listed. Features: Xerox, IBM, etc. Results of document attention: etc. BOARD OF GOVERNORS REC. CO

Item Amount	Item Serial	Item R/T	Item Type	Item Account	Item Sequence
\$250.00	0	6310215	Transit Item	[Redacted]	2800273672

EXHIBIT 12 Copy 5 of 7

DAVID HORVITZ
FRANCIE HORVITZ
1700 SE 4TH STREET
FT. LAUDERDALE, FL 33301

63-965 905 2629
660

DATE June 27, 2012

PAY TO THE
ORDER OF

MOCA YES!

\$300.00/100

three hundred and 00/100

DOLLARS

NORTHERN TRUST, NA



Northern Trust

Francie Horvitz

MEMO



ENDORSE

Francie Horvitz
For Deposit only

KEEP OR SIGN BELOW THIS LINE
FINANCIAL INSTITUTIONS ONLY

Security Features
• Microprint
• Color Shifting Ink
• Security Sensing
• Watermark

Requires listed below, as those
are in current circulation
Res. to be used in accordance
with the instructions on the
back of the note.
• All Serials in Circulation
• Same or similar watermark
• All serials
• A watermark on the back
of the note.

FEDERAL RESERVE

BOARD OF GOVERNORS REG. U.S.

Item Amount	Item Serial	Item R/T	Item Type	Item Account	Item Sequence
\$300.00	0	6600965	Transit Item	[REDACTED]	2800273673

EXHIBIT 12 (pg 6 of 9)

CASH ONLY IF ALL CheckLock™ SECURITY FEATURES LISTED ON BACK INDICATE NO TAMPERING OR COPYING

NORMAN BRAMAN
IRMA BRAMAN

CITY NATIONAL BANK OF FLORIDA
MIAMI, FL 33130
63-436/660

19945

6/28/2012

PAY TO THE ORDER OF MOCA YES!

\$ **1,000.00

One thousand and 00/100

DOLLARS



MOCA YES!
840 NE 127 Street
North Miami, FL 33161



MEMO
Contribution from Norman & Irma Braman



ENDORSE HERE

For Deposit Only

DO NOT WRITE IN THESE SPACES

Back of check with security features and fine print text.

Item Amount	Item Serial	Item R/T	Item Type	Item Account	Item Sequence
\$1,000.00	19945	6600436	Transit Item	[REDACTED]	2800273674

EXHIBIT 12 (pg 7 of 9)

BONNIE CLEARWATER INC.
5 ISLAND AVENUE APT 7C
MIAMI BEACH, FL 33139

63-215/631

1199

DATE June 28, 2012

PAY TO THE ORDER OF

Mocha Yes

\$ 1,000.00

One thousand dollars and 00/100 DOLLARS



Bonnie Clearwater

MEMO

[Redacted memo text]

ENDORSE HERE

For Deposit only

DO NOT WRITE IN THESE SPACES

1. ENDORSE HERE
2. SIGNATURE OF ENDORSER
3. SIGNATURE OF ISSUING BANK
4. DATE OF ENDORSEMENT
5. INITIALS OF ENDORSER
6. INITIALS OF ISSUING BANK
7. DATE OF ISSUANCE
8. PLACE OF ISSUANCE
9. NAME OF ISSUING BANK
10. ADDRESS OF ISSUING BANK
11. CITY OF ISSUING BANK
12. STATE OF ISSUING BANK
13. COUNTRY OF ISSUING BANK
14. SERIAL NUMBER OF CHECK
15. CHECK NUMBER
16. CHECK DATE
17. CHECK AMOUNT
18. CHECK PAYEE
19. CHECK PAYOR
20. CHECK TYPE

Item Amount	Item Serial	Item R/T	Item Type	Item Account	Item Sequence
\$1 000.00	0	631001	transit item	[Redacted]	2800273677

EXHIBIT 12 (pg 8 of 9)

Statement Period: July 2, 2012 Thru July 31, 2012

MOCA YES!
840 N.E. 127 St.
NO. MIAMI, FL 33161

DATE 7/3/12

PAY TO THE ORDER OF H V Designs \$ 2,041.03

Two Thousand Forty one and 03/100 DOLLARS

FOR T-Shirts

First Citizens Bank

Michael H. Jensen

0000204103

Chk# 991

\$2,041.03

Account Number: [REDACTED]

MOCA Yes
840 N.E. 127 St.
NO. MIAMI, FL 33161

DATE 7/3/12

PAY TO THE ORDER OF H V Designs \$ 285.00

Two Hundred Eighty five and 00/100 DOLLARS

FOR Sage

First Citizens Bank

[REDACTED]

Chk# 992

\$285.00

DATE 7/3/12

PAY TO THE ORDER OF T2K Digital \$ 1,366.00

One Thousand Three hundred sixty six and 00/100 DOLLARS

FOR York Signs

First Citizens Bank

[REDACTED]

Chk# 993

\$1,366.00

EXHIBIT 13

120"

MUSEUM OF CONTEMPORARY ART

M **SÍ!** CA M **Yes!** CA M **Wi!** CA

MORE NEW JOBS

MORE YOUTH EDUCATION

MORE NEW VISITORS

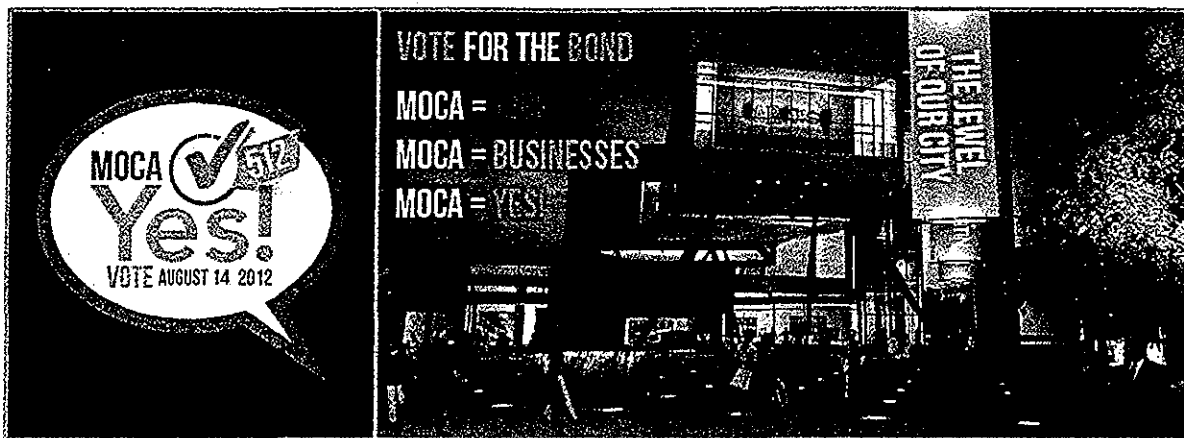
EXHIBIT 14 (09/14/12)

VOTE AUGUST 14, 2012

10'0" x 3'0" (BANNER)

Above is the layout of the BANNER.
Final Product was pick up by client
and sign off (Andrew L.)

H.V. Designs
350 N. Seaboard Rd.
Miami, FL 33169



10

<http://www.mocaves.org/post/27226309709/welcome-to-the-moca-yes-website-please-vote-512>
 Welcome to the MOCA YES! website. Please VOTE 512

About

Your voting support for MOCA is greatly encouraged on August 14, 2012 as our museum's expansion will be on the ballot.



By voting "FOR" the bond, you're not just voting for the expansion of the museum, you're voting for more North Miami jobs, businesses, visitors and youth education.

Share the Love for MOCA. Submit your post. (/submit)



<http://www.mocaves.org/post/27226309709/welcome-to-the-moca-yes-website-please-vote-512>

Latest Tweets

http://www.twitter.com/Moca_Yes/status/229567263932531168

MOCA's Creative Arts Youth Program featured on the front page of the Miami Herald local section. <http://t.co/dFxiRFRG> (<http://t.co/dFxiRFRG>)
 3 days ago
http://twitter.com/Moca_Yes/status/229567263932531168

Kids build mini-city at summer MOCA workshop. Featured on front page of the Herald. <http://t.co/4Spq76yV> (<http://t.co/4Spq76yV>)
 4 days ago
http://twitter.com/Moca_Yes/status/229247327695679490

Kids build mini-city at summer MOCA workshop. Featured on front page of the Herald. <http://t.co/a6J09zOv> (<http://t.co/a6J09zOv>)
 4 days ago
http://twitter.com/Moca_Yes/status/229247292790681601

<http://www.nbc-teens-at-cbs-4-miami-moca-summer-journalism>



EXHIBIT 15 (pg 1 of 5)

MOCA Teens at CBS 4 Miami (MOCA Summer Journalism Institute)

Kids build mini-city at summer MOCA workshop.
Featured on front page of the Herald.
<http://t.co/AXOxlq9o> (<http://t.co/AXOxlq9o>)
4 days ago
(http://twitter.com/Moca_Yes/status/229220475789236608)

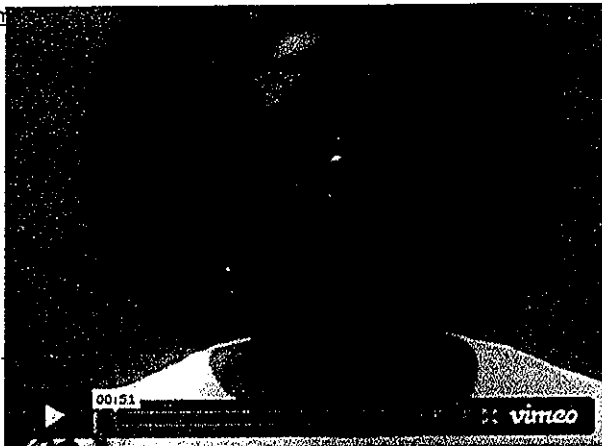
Kids build mini-city at summer MOCA workshop.
Featured on front page of the Herald.
<http://t.co/GQYnhyr7> (<http://t.co/GQYnhyr7>)
4 days ago
(http://twitter.com/Moca_Yes/status/229220470820589588)

WSVN 7 News aired a story on orphaned Haitian artist Hannah and her scholarship at MOCA. <http://t.co/O9Ok9m1A> (<http://t.co/O9Ok9m1A>)
4 days ago
(http://twitter.com/Moca_Yes/status/229216862275100672)

MOCA's art camp in the Herald today.
<http://t.co/AXOxlq9o> (<http://t.co/AXOxlq9o>)
9 days ago
(http://twitter.com/Moca_Yes/status/227401857860852800)

RT @mocanomi (<http://twitter.com/mocanomi>):
Emmet Moore designer and artist talking to Creative Arts summer campers!
<http://t.co/PSck1Aix> (<http://t.co/PSck1Aix>)
14 days ago
(http://twitter.com/Moca_Yes/status/225420164508815380)

(<http://www.mocaves.org/post/27349726946/moca-is-ours-sharaveen-rush>)



MOCA is Ours! - Sharaveen Rush

RT @mocanomi (<http://twitter.com/mocanomi>):
MOCA Shakers events are always a great time
Here are some pictures from our trip to the de la Cruz Collection: <https://t.co/https://t.co/>
14 days ago
(http://twitter.com/Moca_Yes/status/22541952889418498)

(<http://www.mocaves.org/post/27349726946/moca-is-ours-cassandra>)



MOCA is Ours! - Cassandra

RT @KnightArts (<http://twitter.com/KnightArts>):
Peanut Butter Jelly Time at MOCA Art Institute's creative arts summer program
<http://t.co/v34Vc6RV> (<http://t.co/v34Vc6RV>)
15 days ago
(http://twitter.com/Moca_Yes/status/225198913404141588)

(<http://www.mocaves.org/post/27349681585/moca-is-ours-ivonne>)

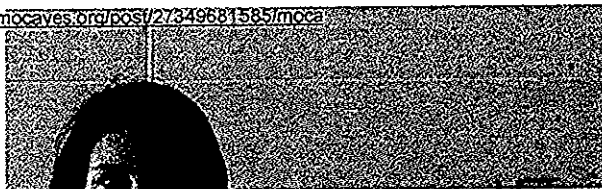
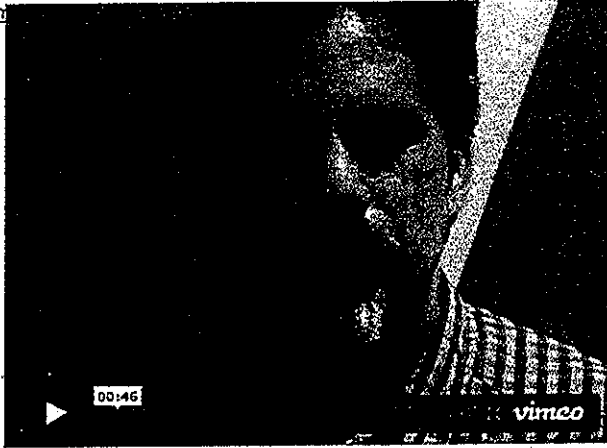


EXHIBIT 15 (pg 2 of 5)

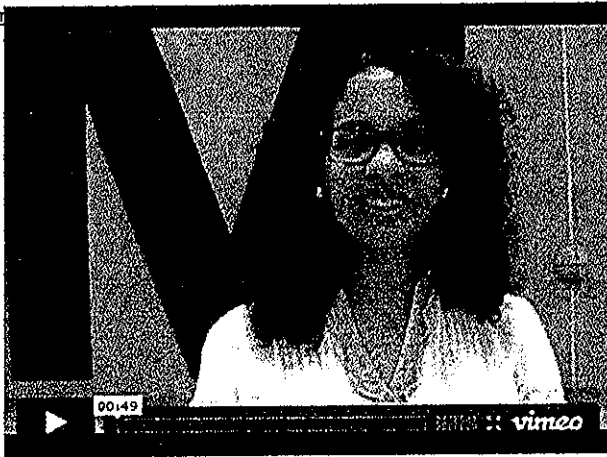
MOCA is Ours! - Ivonne

(http://www.n
-is-ours-
luis-
garcia)



MOCA is Ours! - Luis Garcia

(http://www.n
-is-ours-
natalie)



MOCA is Ours! - Natalie

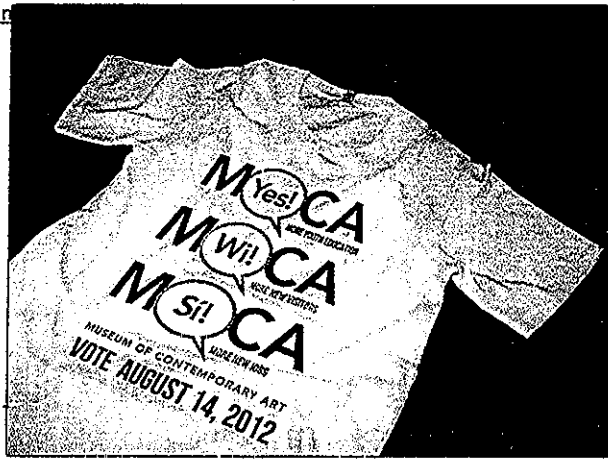
(http://www.n
-creative-
arts-
summer-
program)



EXHIBIT 15 (pg 3&5)

MOCA's Creative Arts Summer Program

(<http://www.mocayes.org>)
-tees-
went-like
-hot-
cakes-at-
the-north
-miami)



These Tees went like hot cakes at the North Miami 4th of July event.

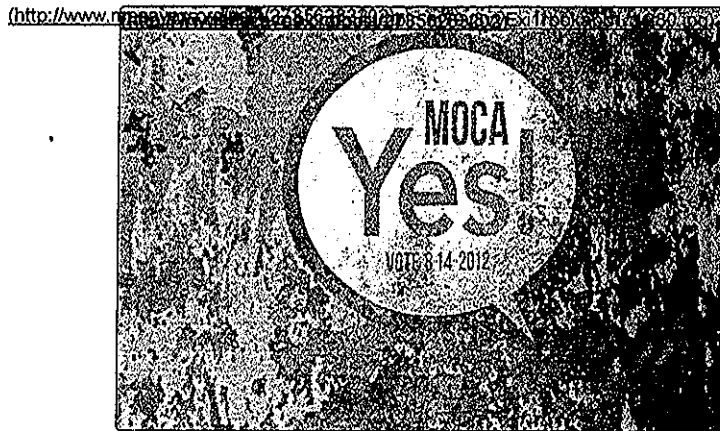
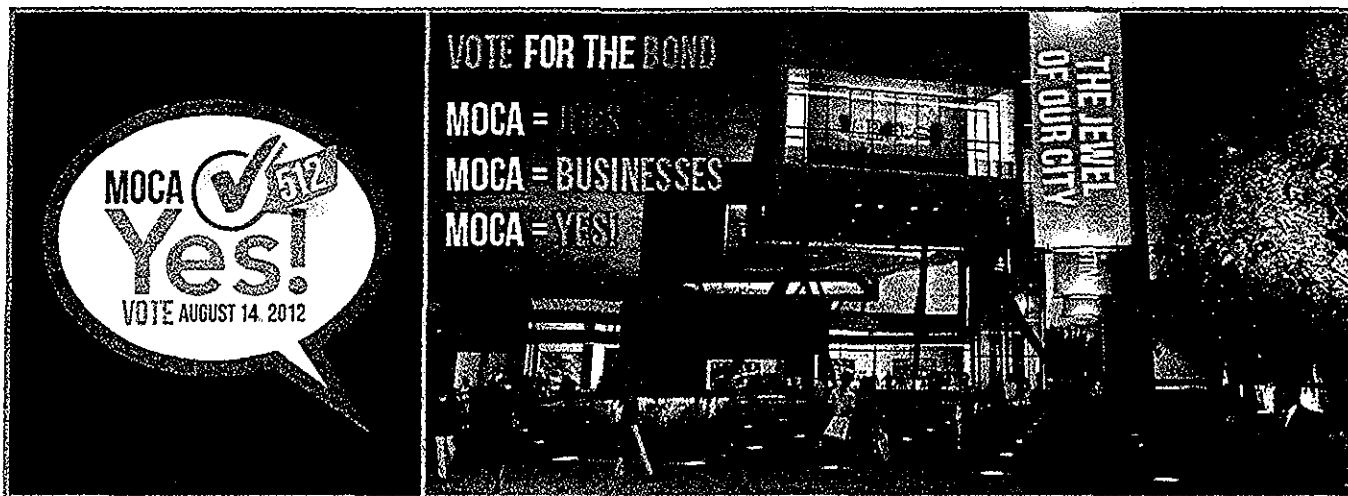


EXHIBIT 15 (pg 4 of 5)



(1)

Welcome to the MOCA YES! website. Please VOTE 512

Jul 16 (<http://www.mocayes.org/post/27226309709/welcome-to-the-moca-yes-website-please-vote-512>)

(<http://www.mocayes.org/post/27226309709/welcome-to-the-moca-yes-website-please-vote-512>)

-to-the-
moca-
yes-
website-
please-
vote-512)

About

Your voting support for MOCA is greatly encouraged on August 14,

2012 as our museum's expansion will be on the ballot.

By voting "FOR" the bond you're not just voting for the expansion of the museum, you're voting for more North Miami jobs, businesses, visitors and youth education.



Share the Love for MOCA. Submit your post. (/submit)

Connect

EXHIBIT 15 (pg 545)

- [Facebook](#)
- [Twitter](#)
- [Google](#)
- [Tumblr](#)

These Tees went like hot cakes at the North Miami 4th of July event

[Zoom](#)

These Tees went like hot cakes at the North Miami 4th of July event

- [Jul 11](#)
- [Facebook](#)
- [Twitter](#)
- [Google](#)
- [Tumblr](#)

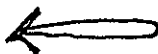
[Zoom](#)

- [Jul 10](#)
- [Random post](#)
- [Browse the Archive](#)
- [Get the RSS](#)

About

Your voting support for MOCA is greatly encouraged on August 14, 2012 as our museum's expansion will be on the ballot.

By voting "FOR" the bond, you're not just voting for the expansion of the museum, you're voting for more North Miami jobs, businesses, visitors and youth education.

Political Advertisement Paid For And Approved by MOCA Yes! Political Action Committee. Not Authorized By Any Candidate Or Candidate's Committee. 

- [Share the Love for MOCA. Submit your post.](#)

Connect

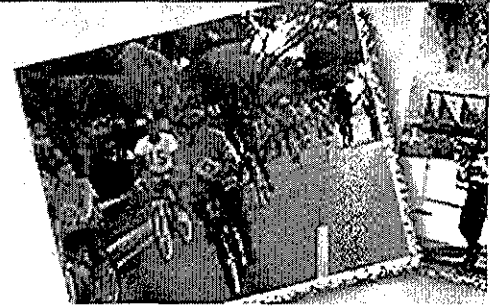
- [Twitter](#)
- [Facebook](#)

EXHIBIT 16

HOME | CALENDAR

NORTH MIAMI FLORIDA

776 NE 125 Street, North Miami, FL 33161
305.893.6511



RESIDENTS

BUSINESSES

GOVERNMENT

- Agendas & Minutes
- Biscayne Landing RFP
- Emergency Services
- Job Openings
- Bids and RFP's
- Public Notices

Government - Board Member Data

- [Advisory Committee on the Disabled](#)
- [Affordable Housing Advisory Committee](#)
- [Board of Adjustment](#)
- [Business Development Board](#)
- [Charter Board](#)
- [Community Redevelopment Agency Committee](#)
- [Community Relations Board](#)
- [Disaster Preparedness Committee](#)
- [Floodplain Management Planning Committee](#)
- [Health Facilities Authority](#)
- [Library Board](#)
- [Museum of Contemporary Art](#)
- [Nuisance Abatement Board](#)
- [Parks and Recreation Commission](#)
- [Personnel Board](#)
- [Planning Commission](#)
- [Quality Education Board](#)
- [Senior Citizens' Advisory Board](#)
- [University Relations Board](#)
- [Youth Opportunity Board](#)

ADVISORY COMMITTEE ON THE DISABLED

MEMBER	APPOINTEE	APPOINTED	TERM
Clint Bower, Chair	Steril	9/13/2011	6/11/
Cherry L. Doctor	Galvin	6/28/2011	6/11/

EXHIBIT 17 (pg 1 of 4)

Mary Flint	Marcellus	11/8/2011	6/11/
Vacant	Blynn		
Tonya Thomas	Pierre	9/27/2011	6/11/
Inez Couch	At-Large	2/23/2010	6/14/
Vacant	At-Large		
Vacant	At-Large		

AFFORDABLE HOUSING ADVISORY COMMITTEE

MEMBER	APPOINTEE	APPOINTED	TERM
Jean Castor	At-Large	6/24/2008	6/24/
Charles Ernst	At-Large	6/24/2008	6/24/
Douglas Hind-Marsh	At-Large	6/24/2008	6/24/
Linda Julien	At-Large	6/24/2008	6/24/
Michael McDearmaid	At-Large	6/24/2008	6/24/10
Jesus Remon	At-Large	6/24/2008	6/24/
Carmen Rivera-Spelorzi	At-Large	6/24/2008	6/24/
Kevin Seifried	At-Large	6/24/2008	6/24/
Tonya Thomas	At-Large	7/14/2009	6/24/
Bennie Trinidad	At-Large	6/24/2008	6/24/
Vacant	At-Large		

BOARD OF ADJUSTMENT

MEMBER	APPOINTEE	APPOINTED	TERM
Carol Keys, Chair	Blynn	8/23/2011	6/11/
Michael McDearmaid	Blynn	8/28/2012	6/10/14
Michelle Garcia	Galvin	6/28/2011	6/11/
Roseline Philippe	Galvin	8/28/2012	6/10/
Hans Mardy	Marcellus	10/11/2011	6/11/
Lucie Tondreau	Pierre	8/28/2012	6/10
Jeffy Mondesir	Steril	1/24/2012	6/11/
Charles Nacivre	Alternate	8/28/2012	6/10
Joseph Haber	Alternate	8/28/2012	6/10

BUSINESS DEVELOPMENT BOARD

MEMBER	APPOINTEE	APPOINTED	TERM
Paul Bertell, Chair	7th Ave	8/28/2012	8/28/
Donald Kressly	7th Ave	8/28/2012	8/28/
Max Sturman	7th Ave	1/11/2011	1/11/

EXHIBIT 17 (pg 2 of 4)

Vacant	Biscayne		
Adriana Sabino	Biscayne	1/25/2011	1/25/
Blanca Cobo	Biscayne	8/28/2012	8/28/
Michael J. George	CBD	6/28/2011	6/28/
Vacant	CBD		
Mark Wolin	CBD	8/28/2012	8/28/
Ron Welsandt	Chamber	8/28/2012	8/28/
Howard Albert	WDH	1/25/2011	1/25/
Deborah Mitchell	WDH	8/28/2012	8/28/
Jack Rizzo	WDH	6/28/2011	6/28/

CHARTER BOARD

MEMBER	APPOINTEE	APPOINTED	TERM
Cheryl Vernet	At-Large	10/11/2011	6/11/
Lucie Tondreau	At-Large	10/11/2011	6/11/
Kenny Each	Blynn	9/27/2011	6/11/
Carol Keys	Galvin	6/28/2011	6/11/
Hans Mardee	Marcellus	5/8/2012	6/11/
Mike McDearmaid, Chair	Pierre	9/27/2011	6/11/13
Clarence Merke	Steril	9/13/2011	6/11/

COMMUNITY REDEVELOPMENT AGENCY COMMITTEE

MEMBER	APPOINTEE		APPOINTED	TERM ENDING
Blanca Cobo	At-Large	Business	9/27/2011	
Clint Bower	At-Large	Resident	8/28/2012	
Mike McDearmaid, Chair	Blynn	Resident	9/27/2011	9/10/13
Mark Wolin	Blynn	Business	8/28/2012	
Armando Vidal, Vice Chair	Galvin	Resident	8/28/2012	
Clark Reynolds	Galvin	Business	9/27/2011	
Roseline Philippe	Marcellus	Resident	8/28/2012	
Lucie Tondreau	Marcellus	Business	10/25/2011	
Ken Each	Pierre	Business	8/28/2012	
Mary Estime-Irvin	Pierre	Resident	9/27/2011	
Dr. Pastor Enoch Millien	Steril	Resident	9/27/2011	
Jeffy Mondesir	Steril	Business	10/25/2011	

EXHIBIT 17 (pg 3 of 4)

COMMUNITY RELATIONS BOARD

MEMBER	APPOINTEE	APPOINTED	TERM
Raudel Balserio	At-Large	6/23/2009	6/14/
Vacant	At-Large		
Frank Mercado	Blynn	8/23/2011	6/11/
Cherry Doctor	Galvin	6/28/2011	6/11/
Vacant	Pierre		
Vacant	Steril		
Vacant	Marcellus		

DISASTER PREPAREDNESS COMMITTEE

MEMBER	APPOINTEE	APPOINTED	TERM
Myrna Pavilack, Chair	Blynn	8/23/2011	8/22/
Vacant	Galvin		
Frantz Rocourt	Marcellus	11/8/2011	11/7/
Charles Nacivre	Pierre	9/27/2011	6/26/
Chremeze Saint-Aime	Steril	1/11/2011	1/10/

FLOODPLAIN MANAGEMENT PLANNING COMMITTEE

MEMBER	APPOINTEE	APPOINTED	TERM
Vacant			
Dr. James Tracton	Keystone	2/22/2000	Ongo
Carol Frances Keys	NM Chamber	2/22/2000	Ongo
Maxine Calloway	Johnson	6/17/2005	Ongo
Jeff Geimer	Johnson	6/26/2007	Ongo
Aleem Ghany	Johnson	2/22/2000	Ongo
Tanya Wilson-Sejour	Johnson	6/26/2007	Ongo

HEALTH FACILITIES AUTHORITY

MEMBER	APPOINTEE	APPOINTED	TERM
Dr. James B. Tracton, Chair	Blynn	6/23/2009	6/23/
Mr. Kim Marks, CPA	Galvin	6/23/2009	6/23/
Michael McDearmaid	Marcellus	10/11/2011	6/12/15
Amanda Bellas	Pierre	6/25/2002	6/25/
Jessica Alston	Steril	9/27/2011	9/27/

LIBRARY BOARD

MEMBER	APPOINTEE	APPOINTED	TERM
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EXHIBIT 17 (pg. 4-4)



Re: AFFIDAVIT
MICHAEL MCDEARMAID
to:
Keith Smith
03/31/2013 08:29 PM
Please respond to MICHAEL MCDEARMAID
Show Details

Dear Keith,

I trust that you will find the Affidavit in your faxes this morning.

The individual that I trusted to send it to you called me Friday to ask me some questions about it. It appears that on their own initiative and in an effort to be helpful that she decided that the hand written copy was not acceptable and that some questions needed further clarification.

I know that you indicated that you would be calling me in reference to discussing the situation and I'm available anytime at your convenience.

Thanks,
Mike

From: Keith Smith <Keith.Smith@myfloridalegal.com>
To: MICHAEL MCDEARMAID <Imm2512@bellsouth.net>
Sent: Thursday, March 28, 2013 10:15 AM
Subject: Re: AFFIDAVIT

Mr. McDearmaid:

I'm not sure when or how (mail, fax, e-mail) the form was sent to me but as of yet, I have not received it.

Thanks,

Keith Smith, Investigator
Florida Elections Commission
107 West Gaines Street - Suite 224
Tallahassee, FL 32399-1050
(850) 922-4539 x112

MICHAEL MCDEARMAID ---03/28/2013 07:52:40 AM--- Dear keith,

From: MICHAEL MCDEARMAID <Imm2512@bellsouth.net>
To: "Keith.Smith@myfloridalegal.com"
<Keith.Smith@myfloridalegal.com>
~~Date: 03/28/2013 07:52 AM~~
Subject: AFFIDAVIT

Dear keith,
I was waiting to include the Federal form with the affidavit today and received a message that it was sent independently to you, which I hope that you have received.
I will call and make sure that it gets faxed to you today.

Thanks,
Mike



To: LMM2512@bellsouth.net
Cc: andrewlewis0946@att.net
Bcc:
Subject: MOCA

Mr. McDearmaid:

I am at a point now to where I need to turn in this case for review so that it can hopefully be heard by the members of the Florida Elections Commission at its next scheduled meeting.

During our last telephone conversation, March 15, you advised me that a friend's secretary was suppose to have faxed your sworn response to the affidavit to our office and that you would follow-up to find out the status of the sworn affidavit. As of today, I am without your sworn affidavit.

Also, it is my understanding that you were going to provide me, through Mr. Andrew Lewis, with a copy of Form 8872, which was suppose to be filed with the IRS. As of today, I have yet to receive a copy of Form 8872 and I have found no record on the website of the IRS where this form has been filed.

If you would like to have these two documents--the sworn affidavit and Form 8872--included as part of my report, please provide these records to me no later than the close of business on March 28, 2013.

Thank you in advance for your cooperation in this matter

Keith Smith, Investigator
Florida Elections Commission
107 West Gaines Street - Suite 224
Tallahassee, FL 32399-1050
(850) 922-4539 x112



To: MICHAEL MCDEARMAID <Imm2512@bellsouth.net>
Cc:
Bcc:
Subject: Re: MOCA Yes!

Mr. McDearmaid:

Sorry for missing your phone call this morning and a few minutes ago. Per your request, our fax # is (850) 921-0783

Should you have any questions, please let me know,

Thanks again for your cooperation

Keith Smith, Investigator
Florida Elections Commission
107 West Gaines Street - Suite 224
Tallahassee, FL 32399-1050
(850) 922-4539 x112

MICHAEL MCDEARMAID Dear keith, Really sorry but between... 03/11/2013 09:40:16 PM

From: MICHAEL MCDEARMAID <Imm2512@bellsouth.net>
To: Keith Smith <Keith.Smith@myfloridalegal.com>
Date: 03/11/2013 09:40 PM
Subject: Re: MOCA Yes!

Dear keith,

Really sorry but between my computer malfunctions including my printer/scanner going down I've gotten behind.

I will take the affidavit to my meeting in the morning and ask if I can send it from there. I don't know the e-mail address so it obviously will be from a different e-mail address. I will call you later to verify your receipt.

I have left a message for Andrew Louis to send the 8872 directly to you to avoid any further delays.

Thanks,
Mike

From: Keith Smith <Keith.Smith@myfloridalegal.com>

To: LMM2512@bellsouth.net
Sent: Monday, March 11, 2013 3:13 PM
Subject: MOCA Yes!

Mr. McDearmaid:

The only thing I am waiting on to conclude my part of the investigation is your notarized response to the questionnaire--affidavit as well as copy of the completed Form 8872 filed with the IRS.

Once I am in receipt of these documents, I will be in a position to turn the case in for review.

Thank you in advance for your cooperation in this matter.

Keith Smith, Investigator
Florida Elections Commission
107 West Gaines Street - Suite 224
Tallahassee, FL 32399-1050
(850) 922-4539 x112



To: MICHAEL MCDEARMAID <Imm2512@bellsouth.net>,
Cc:
Bcc:
Subject: Re: MOCA YES

Mr. McDearmaid:

I did receive the e-mailed version of the affidavit (non-notarized) and am now just waiting on the notarized version as well as a copy of Form 8872.

Thanks for your cooperation in this matter.

Keith Smith, Investigator
Florida Elections Commission
107 West Gaines Street - Suite 224
Tallahassee, FL 32399-1050
(850) 922-4539 x112

MICHAEL MCDEARMAID

Dear Keith,

02/25/2013 11:32:30 PM

From: MICHAEL MCDEARMAID <Imm2512@bellsouth.net>
To: "Keith.Smith@myfloridalegal.com" <Keith.Smith@myfloridalegal.com>
Date: 02/25/2013 11:32 PM
Subject: Re: MOCA YES

Dear Keith,

Sorry for the delay.

Attached please find the affidavit that you wanted me to fill out.

The Secretary will be in Wednesday morning and I will have her notarize the Affidavit unless you have any questions about what I filled out.

I did finally get ahold of Andrew Lewis and he is bringing me the 8872 form tomorrow.

Thanks,
Mike

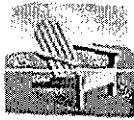
☞ MICHAEL MCDEARMAID ---02/25/2013 11:32:30 PM--- Dear Keith,

From: MICHAEL MCDEARMAID <Imm2512@bellsouth.net>
To: "Keith.Smith@myfloridalegal.com" <Keith.Smith@myfloridalegal.com>
Date: 02/25/2013 11:32 PM
Subject: Re: MOCA YES

Dear Keith,
Sorry for the delay.
Attached please find the affidavit that you wanted me to fill out.
The Secretary will be in Wednesday morning and I will have her notarize the Affidavit unless you have any questions about what I filled out.
I did finally get ahold of Andrew Lewis and he is bringing me the 8872 form tomorrow.

Thanks,
Mike

[attachment "Scan0023.pdf" deleted by Keith Smith/OAG]



To: MICHAEL MCDEARMAID <Imm2512@bellsouth.net>
Cc:
Bcc:
Subject: Re: MOCA YES

Mr McDearmaid:

I am in receipt of the completed questionnaire-affidavit. Please be advised that once I have concluded my investigation, I will call you for a "final interview" which is basically where I will summarize the case and offer you an opportunity to comment or ask questions.

I certainly appreciate your help in this matter

Keith Smith, Investigator
Florida Elections Commission
107 West Gaines Street - Suite 224
Tallahassee, FL 32399-1050
(850) 922-4539 x112

MICHAEL MCDEARMAID OOPS Sorry hopes this comes through.

02/26/2013 07:56:42 AM

From: MICHAEL MCDEARMAID <Imm2512@bellsouth.net>
To: Keith Smith <Keith.Smith@myfloridalegal.com>
Date: 02/26/2013 07:56 AM
Subject: Re: MOCA YES

OOPS. Sorry hopes this comes through okay.

Thanks,
Mike

From: Keith Smith <Keith.Smith@myfloridalegal.com>
To: MICHAEL MCDEARMAID <Imm2512@bellsouth.net>
Sent: Tuesday, February 26, 2013 7:41 AM
Subject: Re: MOCA YES

Mr McDearmaid:

Thanks for your e-mail; however, it appears you forgot to include an attachment to it. At your earliest possible convenience, please respond with the attachment.

Thanks again for your cooperation in this matter.

Keith Smith, Investigator
Florida Elections Commission
107 West Gaines Street - Suite 224
Tallahassee, FL 32399-1050
(850) 922-4539 x112



To: MICHAEL MCDEARMAID <Imm2512@bellsouth.net>
Cc:
Bcc:
Subject: Re: Follow-up to Affidavit

Mr. McDearmaid:

If you could complete the affidavit over the weekend and e-mail it back to me where I will have it first thing Monday morning, it would certainly be appreciated

Keith Smith, Investigator
Florida Elections Commission
107 West Gaines Street - Suite 224
Tallahassee, FL 32399-1050
(850) 922-4539 x112

MICHAEL MCDEARMAID Keith, Just saw your e-mail of Friday. 02/18/2013 02:20:32 PM

From: MICHAEL MCDEARMAID <Imm2512@bellsouth.net>
To: Keith Smith <Keith.Smith@myfloridalegal.com>
Date: 02/18/2013 02:20 PM
Subject: Re: Follow-up to Affidavit

Keith,

Just saw your e-mail of Friday.

Did find the Affidavit that you forwarded in my spam.

My work schedule with travel which is now 6:00 a.m. to 6:30-7:00 p.m. but I will get this done by Thursday.

Hopefully we can get this resolved soon.

Thanks,

Mike mcDearmaid

From: Keith Smith <Keith.Smith@myfloridalegal.com>
To: LMM2512@bellsouth.net
Sent: Friday, February 15, 2013 9:02 AM
Subject: Follow-up to Affidavit

Mr McDearmaid:

I wanted to follow-up with you to make sure that you were in receipt of the questionnaire-affidavit that I e-mailed to you back on February 6, 2013, relative to your involvement with MOCA Yes and the complaint that had been filed.

At your earliest convenience, please let me know the status of the questionnaire-affidavit

Thank you for your cooperation in this matter

Keith Smith, Investigator
Florida Elections Commission
107 West Gaines Street - Suite 224
Tallahassee, FL 32399-1050
(850) 922-4539 x112



MOCA Yes! Questionnaire-affidavit
Keith Smith to: LMM2512

02/06/2013 03:39 PM

Mr McDearmaid:

Per our telephone conversation today (02/06/13), please find the questionnaire-affidavit that I spoke of during our conversation. It was agreed that you will print-out the affidavit, complete it, have it notarized, and mail it back to me via regular mail. In the meantime, you agreed to also complete the affidavit and forward the completed affidavit back to me so that I can conclude my investigation.

Also, as a reminder, we spoke briefly about a filing that you believe you had filed with the Federal Elections Commission whereby you registered MOCA Yes! as a political committee on the federal level. It is my understanding from our conversation that you would look for any documentation related to this filing.

Thank you again for taking the time to speak with me this afternoon.



Affidavit of Michael McDearmaid.doc

Keith Smith, Investigator
Florida-Elections Commission
107 West Gaines Street - Suite 224
Tallahassee, FL 32399-1050
(850) 922-4539 x112



Re: MOCA Yes!
MICHAEL MCDEARMAID
to:
Keith Smith
02/06/2013 08:16 AM
Please respond to MICHAEL MCDEARMAID
Show Details

Dear Mr. Smith,

Found this in my spam this morning.

Sorry that I missed your call. My number is (305) 439-5838.

I have a radio interview this morning from 9 to 11 but please feel free to call me anytime after at your convenience.

Thank You

From: Keith Smith <Keith Smith@myfloridalegal.com>
To: LMM2512@bellsouth.net
Sent: Monday, February 4, 2013 8:49 AM
Subject: MOCA Yes!

Mr. McDearmaid:

I was unexpectedly out-of-town most of last week and I have tried calling you this morning at (305) 439-5938; however, I keep getting a message indicating that you are not accepting calls at this time.

At your earliest convenience, please call me at (850) 922-4539.

Keith Smith, Investigator
Florida Elections Commission
107 West Gaines Street - Suite 224
Tallahassee, FL 32399-1050
(850) 922-4539 x112



Re: MOCA Yes!
mike@Bell South
to:
Keith Smith
01/28/2013 12:38 PM
Show Details

Yes, its the best number.
Look forward to speaking with you on Thursday.

Thanks

Sent from my iPad

On Jan 28, 2013, at 12:26 PM, Keith Smith <Keith.Smith@myfloridalegal.com> wrote:

Mr. McDearmaid:

I will be out of the office tomorrow and Wednesday. I will plan to call you Thursday morning around 8:30 a.m. The only telephone number that I have for you is (305) 439-5938. Is this a good number to reach you?

Thanks for responding.

Keith Smith, Investigator
Florida Elections Commission
107 West Gaines Street - Suite 224
Tallahassee, FL 32399-1050
(850) 922-4539 x112

<graycol gif>"mike @ Bell South" ---01/28/2013 12:20:07 PM---Dear Mr. Smith, I am in a training for the next few days.

From: "mike @ Bell South" <imm2512@bellsouth.net>
To: Keith Smith <Keith.Smith@myfloridalegal.com>
Date: 01/28/2013 12:20 PM
Subject: Re: MOCA Yes!

Dear Mr. Smith,
I am in a training for the next few days.
I will call you tomorrow during my lunch hour. Which would be the best for you, between 12 and 1 or 1 to 2?
You are most welcome to call me between 8 and 9 or anytime after 5:30.

Thanks,
Mike

Sent from my iPad

On Jan 25, 2013, at 4:23 PM, Keith Smith <Keith.Smith@myfloridalegal.com> wrote:

Mr. McDearmaid:

At your earliest convenience, please give me a call next week concerning a questionnaire-affidavit that I had previously mailed to you regarding MOCA Yes!

Please be advised that I will be in the office on Monday, January 28th, although I will not be in until after 9:30 a.m. and will be here until 4:30 p.m. Also, I will be out of the office on Tuesday (29th) and Wednesday (30th) all day but I will be back in the office on Thursday (31st).

I look forward to hearing from you.

Keith Smith, Investigator
Florida Elections Commission
107 West Gaines Street - Suite 224
Tallahassee, FL 32399-1050
(850) 922-4539 x112

Received
April 1
2013

RECEIVED

RECEIVED

2013 MAR 32 A 6:43

2013 MAR 32 A 6:4

AFFIDAVIT OF BACKGROUND INFORMATION
STATE OF FLORIDA
Case Number: **FEC 12-188** ELECTIONS COMMISSION

STATE OF FLORIDA
ELECTIONS COMMISSION

STATE OF FLORIDA
County of Miami-Dade

Michael McDearmaid, being duly sworn, says:

1. This affidavit is made upon my personal knowledge.
2. I am of legal age and competent to testify to the matters stated herein. I am currently employed by Greenspoon Marder as Title Officer
3. Have you ever run for public office? If so, please name the office(s) you ran for and the date(s) of the election(s) you ran in.

No.

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

No.

5. Have you ever held the office of chairperson or campaign treasurer (or deputy) for a political committee? If so, please list the names and addresses of the committees and dates when you held the position.

No.

6. Have you ever held the office of chairperson or campaign treasurer (or deputy) for a committee of continuous existence? (Committee of continuous existence is defined in Section 106.04, Florida Statutes.) If so, please list the name and addresses of the committees and dates when you held the position.

No.

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

Andrew Lewis & other Campaign consultants

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

9. If so, when did you first obtain it?

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

11. Do you possess a copy of the *Candidate and Campaign Treasurer Handbook*? Yes No

12. If so, when did you first obtain it?

13. Have you read the *Candidate and Campaign Treasurer Handbook*? Yes No

14. Prior to becoming involved with MOCA Yes! Political Action Committee were you a member of the Museum of Contemporary Arts North Miami?

As a volunteer

15. Prior to becoming involved with MOCA Yes! Political Action Committee did you serve on the Board of Trustees or the Executive Committee with the Museum of Contemporary Arts North Miami? If so, please list any office you held and describe the duties of the position.

No

16. Please explain how you became involved with MOCA Yes! Political Action Committee?

As a volunteer

17. Did you hold any position/title, such as president, chairman, secretary, etc., with MOCA Yes! Political Action Committee? If so, please list the position/title and briefly describe the duties of the position.

Yes. President.

18. Did other individuals hold a position/title with MOCA Yes! Political Action Committee? If so, please list the name(s) and their position/title.

No.

19. It is appears that MOCA Yes! Political Action Committee was organized for the purpose of helping with the passage of the bond for the museum's expansion. Is this correct? Yes () No. If no, please explain otherwise.

20. In an effort to help its cause, did MOCA Yes! Political Action Committee solicit monetary contributions/donations? If no, please explain how MOCA Yes! was funded.

Yes.

21. When (on what date) did members of MOCA Yes! Political Action Committee first discuss the need to solicit or acquire contributions/donations?

June 1, 2012, but only members were the undersigned, Michael McDearmaid & Andres Lewis.

22. When (on what date) did members of MOCA Yes! Political Action Committee first discuss the need to make expenditures for advertising the passage of the bond?

June 1, 2012, but only members were the undersigned,

Michael McDearmaid, and Andrew Lewis.

23. There is no record of MOCA Yes! Political Action Committee having registered as a political committee with the North Miami City Clerk's office or with the Miami-Dade County Supervisor of Elections' office. Yet, the IRS assigned MOCA Yes! an Employer Identification Number (EIN) on or about June 13, 2012. Were you responsible for applying for the EIN on behalf of MOCA Yes! Political Action Committee? Yes () No. If yes, what prompted you to apply for an EIN with the IRS?

Guidance from Andres Lewis in order to form a PAC.

24. Prior to applying with the IRS on or about June 13, 2012, who did you seek guidance from (City Clerk, Supervisor of Elections, State Division of Elections, Election-law attorney, etc.) to determine whether MOCA Yes! Political Action Committee should register as a political committee?

Andrew Lewis and the City Clerk of North Miami.

25. When you applied for the EIN with the IRS on or about June 13, 2012, had MOCA Yes! Political Action Committee already accepted a monetary contribution/donation? If so, please specify the amount and list the date of the contribution/donation.

No.

26. To your knowledge, who was responsible for the wording of the political disclaimer, "Political Advertisement Paid For And Approved by MOCA Yes! Political Action Committee. Not Authorized By Any Candidate or Candidate's Committee," as it appeared on all political advertisements?

Andrew Lewis.

27. Did you review and approve all of the political advertising as published by MOCA Yes!
Political Action Committee?
NO. NO.

28. To your knowledge, who gave final approval prior to any political advertisement (mailers, newspaper ads, campaign signs, etc.) being published and distributed?

Group decision, including loose knit volunteers.

29. Please explain why all political advertising published on behalf of MOCA Yes! includes ~~use of~~ its name, "Political Action Committee," since the group/organization is not registered as a political committee.

Do not know. Check with Andrew Lewis.

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

Michael W. Dearmond

Signature of Affiant

Sworn to (or affirmed) and subscribed before me this 12th day of

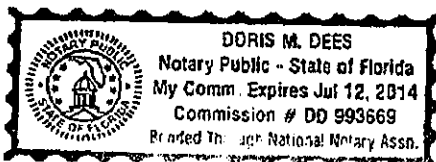
March

2013

Doris M. Dees

Signature of Notary Public - State of Florida

Print, Type, or Stamp Commissioned Name of Notary Public



Personally Known _____ or Produced Identification

Type of Identification Produced: FL Driver's License

Case Investigator: KS

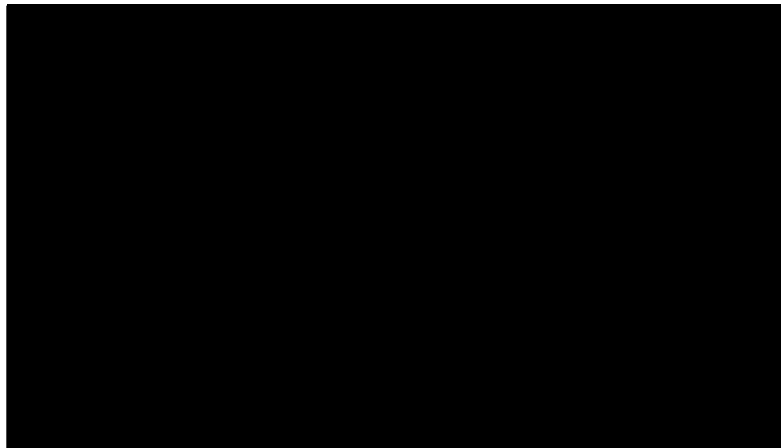
RECEIVED

2013 APR -1 A 6:54

STATE OF FLORIDA
ELECTIONS COMMISSION

605 439-5838

Email



RECEIVED

FACSIMILE COVER SHEET

DATE: March 31, 2013
2013 APR -1

FROM: MICHAEL MCDEARMAID
STATE OF FLORIDA
ELECTIONS COMMISSION
FLORIDA COMMISSION ON ETHICS

FACSIMILE NO.: (850) 921-0783

NUMBER OF PAGES, INCLUDING THIS COVER SHEET: 6

RE: CASE NO.: FEC 12-188
AFFIDAVIT OF BACKGROUND INFORMATION

RECEIVED
2013 MAR 32 A 6:43
STATE OF FLORIDA
ELECTIONS COMMISSION

Attached please find the Affidavit in reference to the above-referenced case. It is my understanding that the Commission is expecting this at the Commission Office via facsimile no later than tomorrow. It should arrive to you in the next several minutes, one day in advance of the deadline. I regret the inconvenience, but I wanted to answer the questions as thoroughly as I could. Thank you for your patience and your courtesies in considering this submission.

Michael McDearmaid

CONFIDENTIAL TRANSMISSION

URGENT-TIME SENSITIVE MATERIAL INCLUDED

INFORMATION IN THIS FACSIMILE IS PROTECTED BY THE ATTORNEY PRIVILEGE AND THE CONFIDENTIAL INFORMATION IS INTENDED ONLY FOR THE INDIVIDUAL NAMED ABOVE IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISTRIBUTION OR COPY OF THIS COMMUNICATION IS STRICTLY PROHIBITED IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, OR IF YOU DID NOT RECEIVE THE CORRECT NUMBER OF PAGES PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AT THE NUMBER LISTED ABOVE THANK YOU



FLORIDA ELECTIONS COMMISSION

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

September 18, 2012

CERTIFIED MAIL 70042510000147397941

MOCA Yes! Political Action Committee
840 N.E. 127 Street
North Miami, FL 33161

RE: Case No.: FEC 12-188

Dear Mr McDearmaid:

In a letter dated August 9, 2012 the Florida Elections Commission sent you a complaint in the above referenced matter I have reviewed the complaint and find that it contains one or more legally sufficient allegations. Along with all allegations in the complaint, the Commission staff will investigate the following alleged violations:

Section 106.03(1), Florida Statutes. MOCA Yes, failed to file a Statement of Organization within 10 days of receiving contributions or making expenditures that exceed \$500 during a calendar year as alleged in the complaint.

Section 106.19(1)(c), Florida Statutes. MOCA Yes, falsely reported or deliberately failed to report information required by Chapter 106, Florida Statutes, as alleged in the complaint.

Section 106.07, Florida Statutes. MOCA Yes, failed to file numerous periodic reports listing all contributions received, and all expenditures made during the given reporting period.

Section 106.071(2), Florida Statutes. MOCA Yes, failed to include a proper disclaimer on political advertisements as alleged in the complaint.

You may respond to the allegations above by filing a notarized statement providing any information regarding the facts and circumstances surrounding the allegations. If you choose to file a response to the alleged violations, you should

do so within 20 days of the date you receive this letter. Your response will be included as an attachment to the investigator's report.

When we conclude the investigation, you will receive a copy of the Report of Investigation. You may file a response to the report within 14 days from the date the report is mailed to you. Based on the results of the investigation, legal staff will make a written recommendation to the Commission on whether there is probable cause to believe you have violated Chapter 104 or 106, Florida Statutes. You will receive a copy of the Staff Recommendation and may file a response within 14 days from the date the recommendation is mailed to you. Your timely filed response(s) will be considered by the Commission when determining probable cause.

The Commission will then hold a hearing to determine whether there is probable cause to believe you have violated Chapter 104 or 106, Florida Statutes. You and the complainant will receive a notice of hearing at least 14 days before the hearing. The notice of hearing will indicate the location, date, and time of your hearing. You will have the opportunity to make a brief oral statement to the Commission, but you will not be permitted to testify or call others to testify, or introduce any documentary or other evidence. The Commission also may allow the complainant to make a brief oral statement.

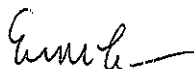
At any time before a probable cause finding, you may notify us in writing that you want to enter into negotiations directed towards reaching a settlement via consent agreement.

The Report of Investigation, Staff Recommendation, and Notice of Hearing will be mailed to the same address as this letter. Therefore, if your address changes, you must notify the investigator assigned to this case of your new address. Otherwise, you may not receive the correspondence from the staff. Failure to receive the documents will not delay the probable cause hearing

Under section 106.25, Florida Statutes, complaints, Commission investigations, investigative reports, and other documents relating to an alleged violation of Chapters 104 and 106, Florida Statutes, are confidential until the Commission finds probable cause or no probable cause. The confidentiality provision does not apply to the person filing the complaint. However, it does apply to you, the Respondent, unless you waive confidentiality in writing. The confidentiality provision does not preclude you from seeking legal counsel. However, if you retain counsel, your attorney must file a notice of appearance with the Commission before any member of the Commission staff can discuss this case with him or her.

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

Sincerely,



Eric Lipman
Interim Executive Director

cc: Stephanie Kienzle, Complainant

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>C. Date of Delivery</p>
<p>1. Article Addressed to:</p> <p>MOCA Yes! Political Action Committee 840 N.E. 127 Street North Miami, FL 33161</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7004 2510 0001 4739 7941</p>

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

7004 2510 0001 4739 7941

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)											
For delivery information visit our website at www.usps.com											
OFFICIAL USE											
<table border="1"> <tr> <td>Postage</td> <td>\$</td> </tr> <tr> <td>Certified Fee</td> <td></td> </tr> <tr> <td>Return Receipt Fee (Endorsement Required)</td> <td></td> </tr> <tr> <td>Restricted Delivery Fee (Endorsement Required)</td> <td></td> </tr> <tr> <td>Total Postage & Fees</td> <td>\$</td> </tr> </table>	Postage	\$	Certified Fee		Return Receipt Fee (Endorsement Required)		Restricted Delivery Fee (Endorsement Required)		Total Postage & Fees	\$	<p>Postmark Here</p>
Postage	\$										
Certified Fee											
Return Receipt Fee (Endorsement Required)											
Restricted Delivery Fee (Endorsement Required)											
Total Postage & Fees	\$										
<p>Sent To <u>12-188 - MOCA Yes!</u></p> <p>Street, Apt. No., or PO Box No.</p> <p>City, State, ZIP+4</p>											
<p>PS Form 3800, June 2002 See Reverse for Instructions</p>											



Case No. FEC 12-188
 andrew Lewis
 to:
 fec@myfloridalegal.com
 08/25/2012 12:26 PM
 Please respond to andrew Lewis
 Show Details

Attn: Donna Ann Malphurs

Dear Ma'am:

Thank you for giving us the opportunity to respond to the allegations. Three which are based on misunderstandings and one while true, after it came to our attention, was, within minutes, immediately corrected.

As for the complaints:

1. As a 527 federal political committee we do not have to file a statement of organization with the municipalities in which we operate. If we had chosen hypothetically to operate on even a county-wide level for the Miami-Dade Mayor's re-election, filing statement of organizations with every municipality would quickly have become onerous.

But we still shared this concern with the complainant. That is the reason we sought out counsel of the City Clerk, Michael Etienne Esq. After being assured that we would not need to file a statement of organization, we asked the City Clerk in the presence of the Assistant City Clerk, Jacqui Vieira, to please notify Moca Yes! if there is a fundamental change that would require us to come in and file and we would gladly do so. As of the receipt of this letter from the FEC on election day August 14, 2012, the office of the City Clerk of North Miami had not contacted us.

2. Our first campaign report due (Form 8872) to the Internal Revenue service *will* be on Thursday September 13, 2012.

From the IRS:

At organization's option, quarterly/semiannually or monthly, on same basis for entire calendar year

*(see form instructions for detailed information):
 general election report (due by the 30th day after general election)*

Since the matter was to be decided on Election Day August 14th the general election for the Bond Initiative was on August 14th

3. This is true. This is due to having a website designer who had not previously worked on any sort of political campaign before. The fault lies with Moca Yes! volunteers who HAD worked on campaigns - at any level. Within minutes of it being brought to his attention the designer corrected it.

4. This is completely false. We will file our 8872 on September 13, 2012 to prove it. If your office would need our filings earlier and/or a detailed report from the Moca Yes! bank (First Citizens Bank) detailing every deposit, contribution, expenditure etc., we would swiftly provide it.

Thank you,

Andrew Lewis
Moca Yes!

CASE# F2012-188

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

107 West Gaines Street, Suite 224, Tallahassee, Florida 32399-1050
Telephone Number: (850) 922-4539
www.fec.state.fl.us

RECEIVED

2012 AUG -9 P 1:19

CONFIDENTIAL COMPLAINT FORM

STATE OF FLORIDA
ELECTIONS COMMISSION

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

1. PERSON BRINGING COMPLAINT:

Name: Stephanie Kienzle Work Phone: ()
Address: 1653 NE 178 Street Home Phone: (305) 335-2093
City: N Miami Beach County: Miami-Dade State: FL Zip Code: 33162

2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:

A person can be an individual, political committee, committee of continuous existence, political party, electioneering communication organization, club, corporation, partnership, company, association, or any other type of organization. If both an individual and a committee or organization are involved, name both.

Name of individual: _____
Address: _____ Phone: ()
City: _____ County: _____ State: _____ Zip Code: _____

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

Name of committee or organization: MOCA Yes! Political Action Committee
Address: unknown Phone: ()
City: North MIami County: Miami-Dade State: FL Zip Code: unknown

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

3. ALLEGED VIOLATION(S):

Please list the provisions of The Florida Election Code that you believe the person named above may have violated. The Commission has jurisdiction only to investigation the following provisions: **Chapter 104, Chapter 106, Section 98.122, and Section 105.071, Florida Statutes.** Also, please include:

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

SEE ATTACHED

Additional materials attached (check one)? Yes No

4. OATH
STATE OF FLORIDA
COUNTY OF Broward

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

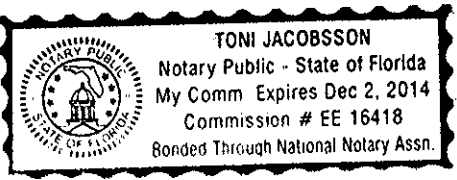
Stephanie G. Le

Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this 2nd day of
August, 20 12

Toni Jacobsson
Signature of Officer Authorized to Administer Oaths or Notary public

RECEIVED
2012 AUG -9 P 1:19
STATE OF FLORIDA
ELECTIONS COMMISSION



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

Personally known Or Produced Identification _____
Type of Identification Produced _____

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

Attachment to Confidential Complaint Form

Person Bringing the Complaint: Stephanie Kienzle

Committee against whom complaint is brought: Moca Yes! Political Action Committee

A political action committee, MOCA Yes! Has been formed in the municipality of North Miami, for the purpose of sponsoring the affirmative vote on the authorization of general obligation bonds for City of North Miami Museum of Contemporary Art not exceeding Fifteen Million Dollars. The special election is August 14, 2012

The undersigned believes that MOCA Yes! Has received and or made expenditures in excess of \$500.00

(Enclosed is an original flyer which has been mailed and photos of yard signs provided by MOCA Yes!)

1. MOCA Yes! has violated FS Chapter 106.03 by failing to file a statement of organization with the officer before whom municipal candidates qualify, ie the City Clerk of North Miami.
2. MOCA Yes! Has violated FS Chapter 106.07 by failing to file any of the required campaign reports.
3. MOCA Yes! Has violated FS Chapter 106.143 by creating a website that does not contain the necessary disclosures such as "Paid political advertisement" and who has paid for it. (Copy of website enclosed).
4. MOCA Yes! May have violated FS Chapter 106.113 by accepting public funds from a municipality or one of its departments, MOCA, for a political advertisement concerning an issue that is subject to a vote of the electors. This cannot be ascertained until the reports required under FC Chapter 106.07 have been filed.

Enclosed is a printout of the City's website, election section, which includes the ballot language. Also enclosed are Two ads from the Miami Herald dated July 29, 2012 and August 5, 2012; an ad in the Biscayne Times, August edition, an original Four page color mailer and Two photos of the yard signs.

Persons who may be able to provide information would be the City Manager, Stephen Johnson or the City Clerk, Michael Etienne, both at 305-893-6511. The office of the Political Action Committee is 13148 West Dixie Highway, Studio B, North Miami, Florida 33161.

No other information is available, as no statement of organization has been filed.



RESIDENTS BUSINESSES GOVERNMENT DEPARTMENTS

City Clerk

- Boards and Committees
- Business Tax Receipt
- City Charter/Code of Ordinances
- Contracts and Agreements
- Elections
- Forms
- Lobbyist
- New Ordinances
- Passport
- Public Notices
- Resolutions

City Clerk's Office - Election

General Information

By City Charter, all candidates in North Miami municipal elections must win by a 50% plus 1 margin. The Mayor position is elected to a two-year term. Each individual can serve a maximum of two consecutive terms.

The City Council is elected by district to four-year terms beginning with the election in 2013. Councilpersons can serve a maximum of two consecutive four-year terms.

The City Clerk is elected to four-year terms. Beginning with the election in 2013, the City Clerk can serve a maximum of two consecutive four-year terms.

For general election inquiries, you may also contact the North Miami Office of the City Clerk at 305 895 9817; Monday - Friday, 8 a.m. - 5 p.m.

How do I?

- ▶ apply for a U.S. Passport
- ▶ apply for a business tax receipt?

Quick Links

- ▶ Miami-Dade Elections Department
- ▶ Florida Division of Elections
- ▶ Department of State - Passport services
- ▶ Florida Department of Business and Professional Regulation
- ▶ Minority Business - One Florida Initiative

Staff

- City District Map 2012
- Voter Precincts in North Miami
- Primary Election - August 14, 2012
- 2013 Elections
- 2011 Elections
- Early Voting

Agendas & Minutes
 Biscayne Landing RFP
 Emergency Services
 Job Openings
 Bids and RFP's
 Public Notices

Primary Election - August 14 2012

The City of North Miami reminds all registered voters to exercise your right to vote on Election Day - Tuesday, August 14, 2012

North Miami voters will have a Special Election question at the end of the ballot concerning the future of the City's Museum of Contemporary Art

- o The Facts - English - Spanish - Creole
- o Canvassing Board Schedule August 14, 2012
- o Official Sample Ballot - NORTH MIAMI SPECIAL ELECTION
- o What is on the North Miami Special Election Ballot?
- o What does this really mean to North Miami residents?
- o How can I vote?
- o Where do I vote?

What is on the North Miami Special Election Ballot?

OFFICIAL SPECIAL ELECTION BALLOT
 NORTH MIAMI, FLORIDA
 AUGUST 14, 2012

electors voting on this issue.

How can I vote?

All registered voters that reside in the city of North Miami are eligible to participate in this election. There are several options to cast your vote:

- **Early voting**

Early voting sites are open throughout Miami-Dade County from Saturday, August 4th through Saturday, August 11th. The North Miami Public Library, 835 NE 132 ST, is one of several early voting sites throughout Miami-Dade County. Below is the schedule for early voting:

Early Voting Schedule - 2012 7:00 a.m. - 7:00 p.m. North Miami Public Library 835 NE 132 Street.						
Mon.	Tues.	Wed.	Thurs.	Fri.	Sat.	Sun
					August 4	August 5
August 6	August 7	August 8	August 9	August 10	August 11	

- **Absentee ballot**

If you will not be able to vote on Election Day you can request an absentee ballot by mail. Call Miami-Dade County at 3-1-1 or 305-499-VOTE.

- **Election Day**

On Tuesday, August 14th polls will be open from 7:00 a.m. to 7:00 p.m.

Where do I vote?

Polling place information for Election Day is available at:
 North Miami City Hall
 City Clerk - 1st floor
 776 N.E. 125 Street
 North Miami, Florida 33161

To find out more election related information, including additional early voting sites, precinct information and more, visit miamidade.gov/elections or call Miami-Dade County's general information line at 3-1-1.

You can also view a copy online at www.northmiamifi.gov.

For additional information on the upcoming referendum, please contact

- North Miami City Clerk's Office at 305-895-9817
- Miami-Dade County Elections Department at 305-499-VOTE or miamidade.gov/elections

2013 Elections ▼ ▲

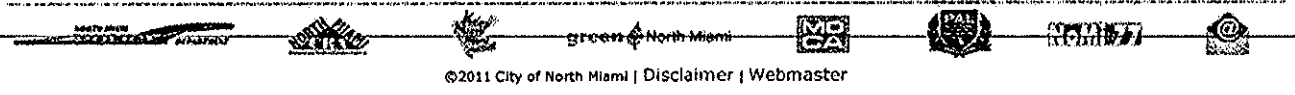
Date of Election - Tuesday, May 2013

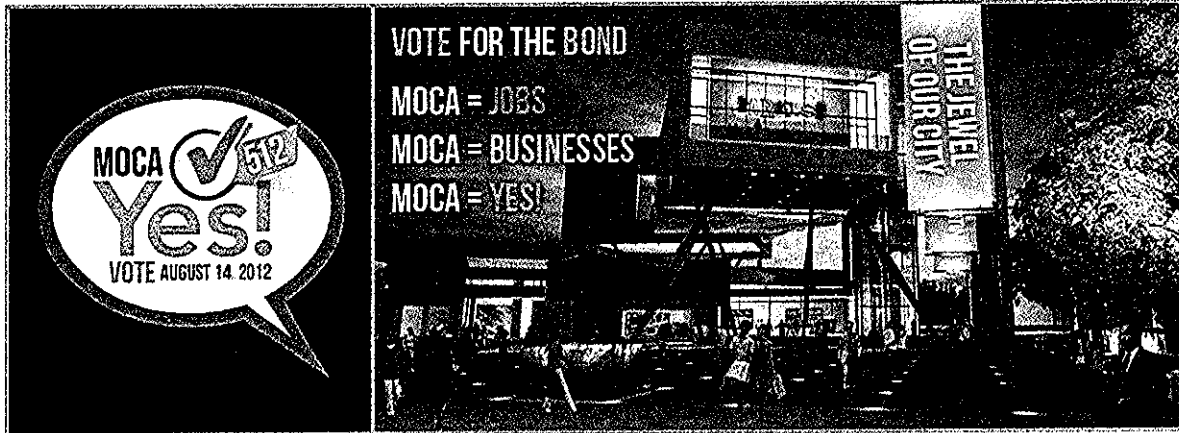
- Candidates List - Statement of Candidate/Appointment of Campaign Treasurer - Campaign Reports
- 2012 Calendar of Reporting Dates

2011 Elections

Date of Election - **Tuesday, May 10, 2011**
Date of Runoff Election - **Tuesday, May 31**

- Candidates List - Statement of Candidate/Appointment of Campaign Treasurer - Campaign Reports
- Sample Ballot - Official Regular Election Ballot North Miami, Florida - Tuesday, May 10, 2011
- **OFFICIAL RESULTS - May 10, 2011**
- **UN - OFFICIAL RESULTS - MAY 31, 2011**





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<http://www.mocaves.org/post/27226309709/welcome>
 Welcome to the MOCA YES! website. Please VOTE 512
 -to-the
 moca-
 yes-
 website-
 please-
 vote-512)

About

Your voting support for MOCA is greatly encouraged on August 14 2012 as our museum's expansion will be on the ballot.



By voting "FOR" the bond, you're not just voting for the expansion of the museum, you're voting for more North Miami jobs, businesses, visitors and youth education.

Share the Love for MOCA. Submit your post. (/submit)

<http://www.mocaves.org/post/27226309709/welcome>



<http://www.mocaves.org/post/27226309709/welcome>

Connect

Latest Tweets

http://www.twitter.com/Moca_Yes

MOCA's Creative Arts Youth Program featured on the front page of the Miami Herald local section <http://t.co/dFxiRfRC> (<http://t.co/dFxiRfRC>)

3 days ago
http://twitter.com/Moca_Yes/status/229567263932561168

Kids build mini-city at summer MOCA workshop
 Featured on front page of the Herald
<http://t.co/4Spq76vV> (<http://t.co/4Spq76vV>)

4 days ago
http://twitter.com/Moca_Yes/status/229247327695679490

Kids build mini-city at summer MOCA workshop
 Featured on front page of the Herald
<http://t.co/a6J09zOv> (<http://t.co/a6J09zOv>)

4 days ago
http://twitter.com/Moca_Yes/status/229247292790581601

<http://www.nbc.com/news/teens-at-cbs-4-miami-moca-summer-journalism>



MOCA Teens at CBS 4 Miami (MOCA Summer Journalism Institute)

(<http://www.mocayes.org/>
-is-ours-
-sharaveen-
-rush)



MOCA is Ours! - Sharaveen Rush

Kids build mini-city at summer MOCA workshop
Featured on front page of the Herald.
<http://t.co/AXOxlq9o> (<http://t.co/AXOxlq9o>)
4 days ago
(http://twitter.com/Moca_Yes/status/229220475799236608)

Kids build mini-city at summer MOCA workshop
Featured on front page of the Herald.
<http://t.co/GQYnhv7> (<http://t.co/GQYnhv7>)
4 days ago
(http://twitter.com/Moca_Yes/status/229220470820589568)

WSVN 7 News aired a story on orphaned
Haitian artist Hannah and her scholarship at
MOCA <http://t.co/09Ok9mtA>
(<http://t.co/09Ok9mtA>)
4 days ago
(http://twitter.com/Moca_Yes/status/229216682275100672)

MOCA's art camp in the Herald today
<http://t.co/AXOxlq9o> (<http://t.co/AXOxlq9o>)
9 days ago
(http://twitter.com/Moca_Yes/status/227401857980852800)

RT @mocanomi (<http://twitter.com/mocanomi>):
Emmet Moore designer and artist talking to
Creative Arts summer campers!
<http://t.co/PScklAix> (<http://t.co/PScklAix>)
14 days ago
(http://twitter.com/Moca_Yes/status/225420164508815360)

(<http://www.mocayes.org/post/27349726946/moca>
-is-ours-
-cassandra)

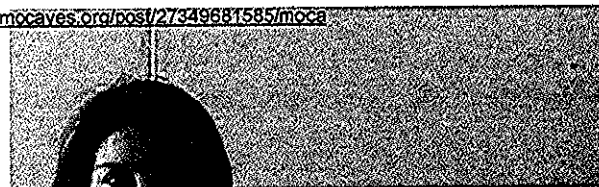


MOCA is Ours! - Cassandra

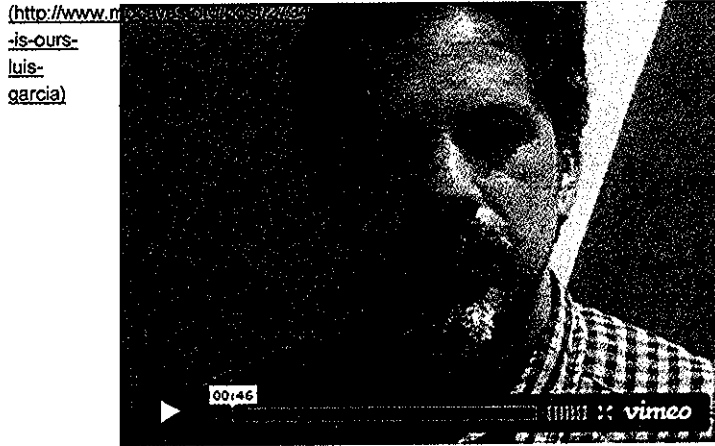
RT @mocanomi (<http://twitter.com/mocanomi>):
MOCA Shakers events are always a great time
Here are some pictures from our trip to the de la
Cruz Collection: <https://t> (<https://t>)
14 days ago
(http://twitter.com/Moca_Yes/status/225418529599418498)

RT @KnightArts (<http://twitter.com/KnightArts>):
Peanut Butter Jelly Time at MOCA Art Institute's
creative arts summer program
<http://t.co/34Vc8RV> (<http://t.co/34Vc8RV>)
15 days ago
(http://twitter.com/Moca_Yes/status/225198913404141688)

(<http://www.mocayes.org/post/27349681585/moca>
-is-ours-
-ivonne)



MOCA is Ours! - Ivonne



MOCA is Ours! - Luis Garcia

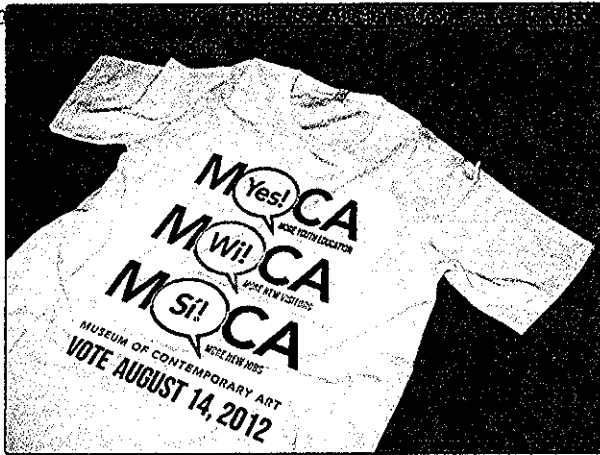


MOCA is Ours! - Natalie



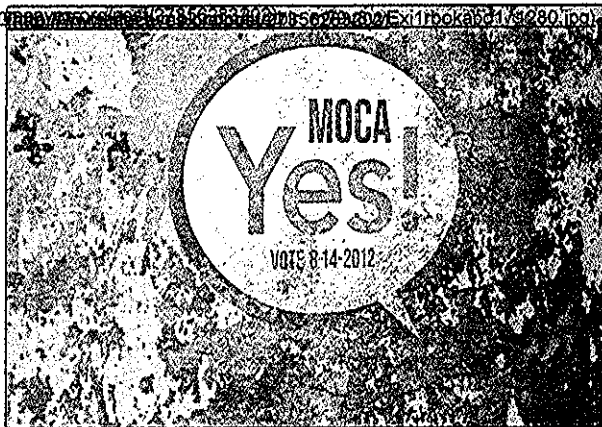
MOCA's Creative Arts Summer Program

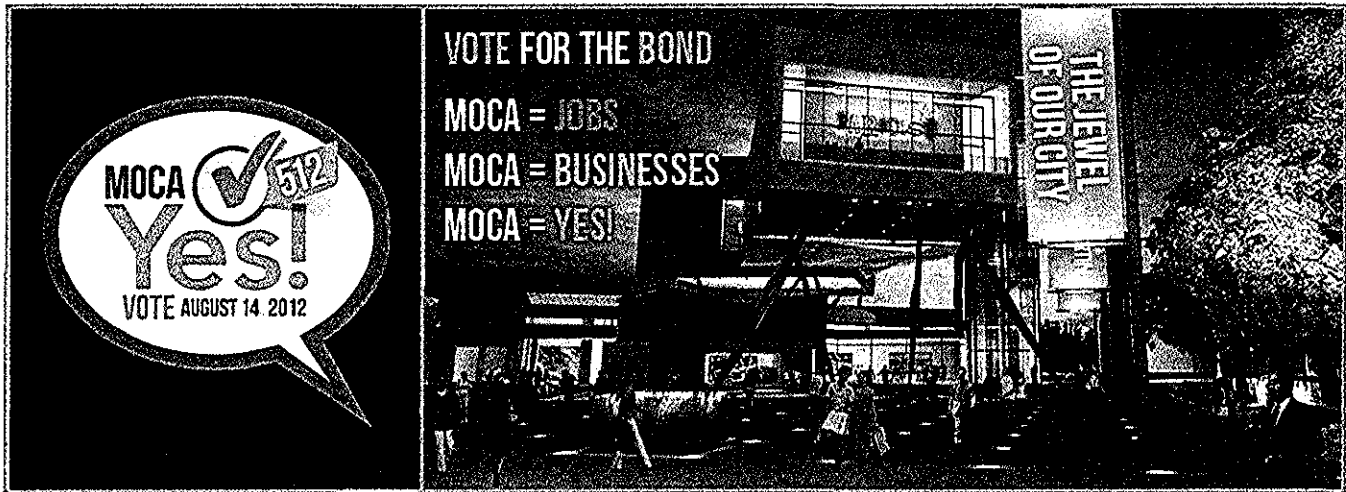
(<http://www.mocayes.org>)
-tees-
went-like
-hot-
cakes-at-
the-north
-miami)



These Tees went like hot cakes at the North Miami 4th of July event

(<http://www.mocayes.org>)





(1)

Welcome to the MOCA YES! website. Please VOTE 512

Jul 16 (<http://www.mocaycs.org/post/27226309709/welcome-to-the-moca-yes-website-please-vote-512>)

(<http://www.mocaycs.org/post/27226309709/welcome-to-the-moca-yes-website-please-vote-512>)

-to-the-
moca-
yes-
website-
please-
vote-512)

About

Your voting support for MOCA is greatly encouraged on August 14, 2012 as our museum's expansion will be on the ballot



By voting "FOR" the bond you're not just voting for the expansion of the museum you're voting for more North Miami jobs, businesses visitors and youth education.

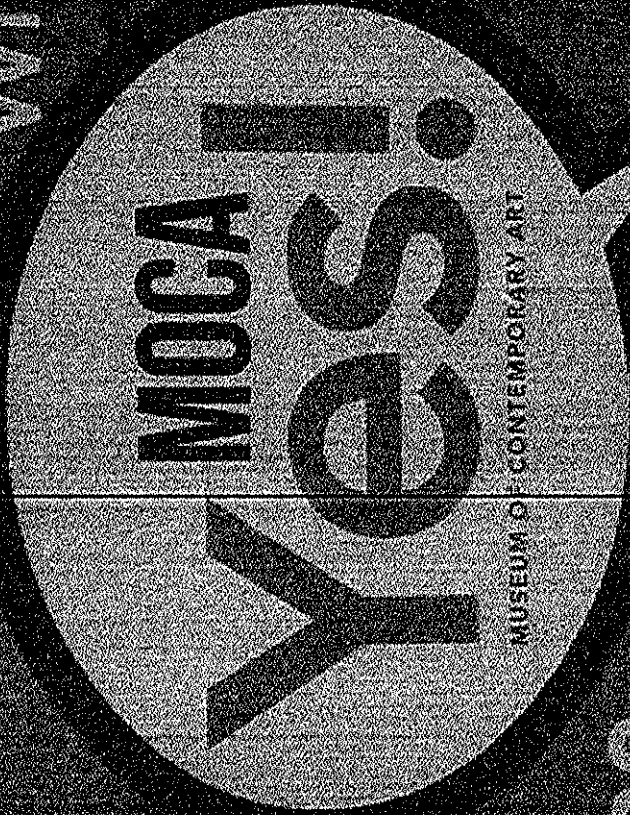
Share the Love for MOCA. Submit your post. (/submit)

Connect

VOTE

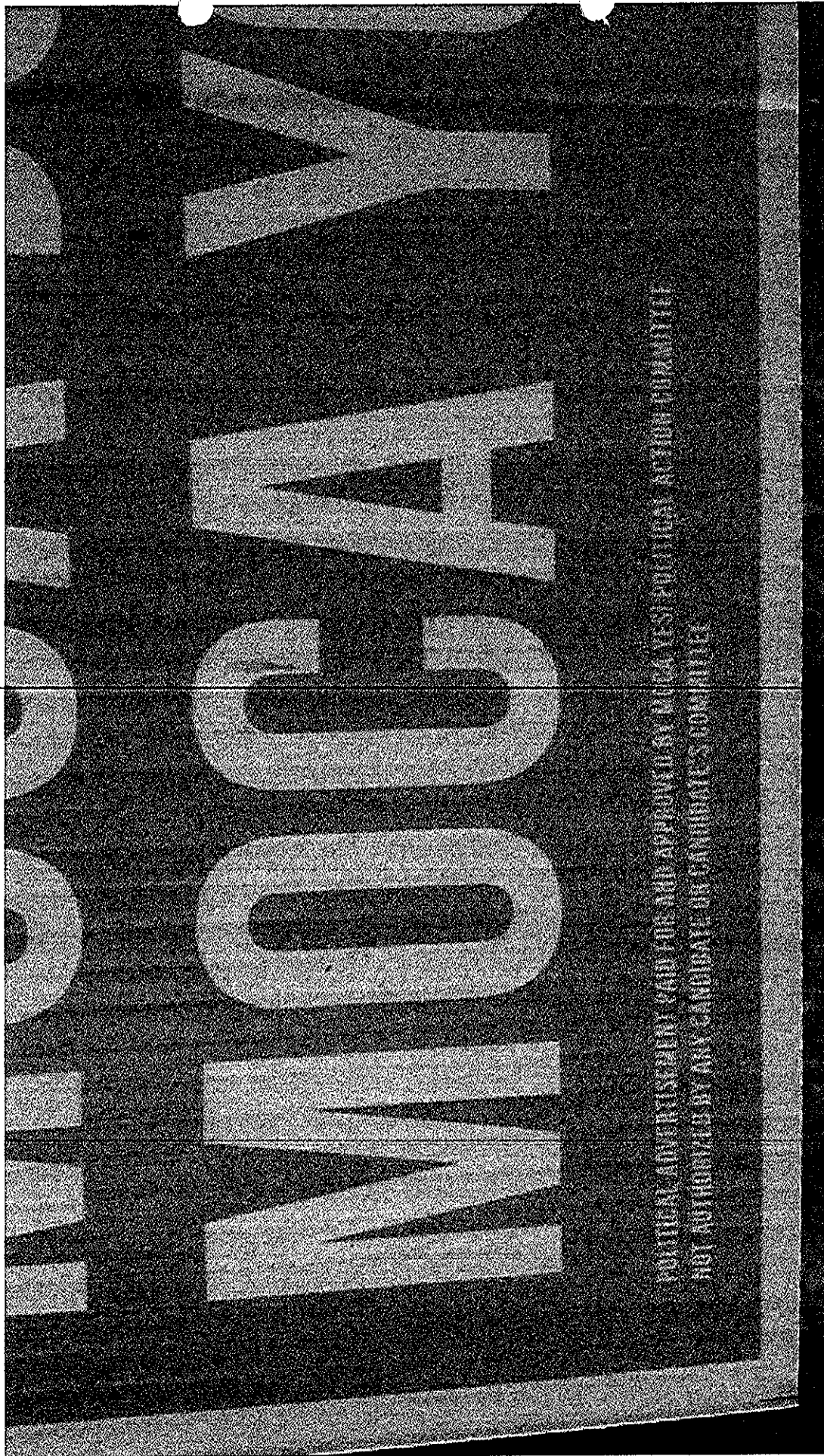
AUGUST 14, 2012

WILL



IT'S

**MOCA JOBS
MOCA YOUTH**



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ACADEMY OF SCIENCES PRESS

ELECT STATE REPRESENTATIVE BARBARA WATSON

VOTE TO PROTECT OUR JOBS, OUR SAFETY AND OUR FUTURE!



Vote Tuesday, August 14th!

STATE REPRESENTATIVE BARBARA WATSON 'THE REAL DEMOCRAT'

Punch #461

HAS BEEN RECOMMENDED BY:

- AFL-CIO, PBA, The Miami Herald, Miami-Dade County Commissioner Sally Heyman, Fraternal Order of Police, South Florida Council of Firefighters, United Teachers of Dade (UTD)



STATE HOUSE 108 | CAMPAIGN 2012

Incumbent facing two amid probe

ELECTION, FROM 12E

Highway Patrol, said he would take a close look at wasteful spending on the state level. As an example, he points to the 511 traffic-alert system, the Florida Department of Transportation system that gives drivers real-time traffic and lane-closure information.

"I am totally opposed to the FCAT and vouchers. As a fifth-grade teacher in the classroom right now, I'm for assessments, but the FCAT is a political game. We are teaching to the test and not the curriculum. The kids are not learning," he said.

Santangelo, 62, a retired spokesman for the Florida Highway Patrol, said he would take a close look at wasteful spending on the state level. As an example, he points to the 511 traffic-alert system, the Florida Department of Transportation system that gives drivers real-time traffic and lane-closure information.

"The 511 system is a joke. It has never worked. If you're on I-95 and you're stuck in traffic, they have no clue what's going on. And usually, besides not being accurate, it's broken. Either make it work or cancel it."

Desulme and Santangelo would not comment on Campbell's legal woes.

"That's between her and the Democratic Party," Santangelo said. "I'm just staying in my lane and doing my race."

RELIGION NOTES

RELIGION, FROM 12NE

http://lighthouse18.org

Miami Gardens Church of Christ: 9 a.m. Sunday Bible Study; 2225 NW 83rd St., Miami Gardens, 305-575-0688. Miami Lakes United Methodist Church: Holy prayer services and events throughout the week; Sunday school at 9:30 a.m. Women's Mission Worship, 10 a.m. MUMC Worship Service and Children's Church, 11 a.m. Welcome Luncheon, 11:30 a.m., 2:30 p.m. New Direction Christian Center and 7-8 p.m. New Direction Christian Center, 16500 NW 57th Ave., Miami Lakes, 305-883-7274. Miami Springs Baptist Church: 7 p.m. Tuesdays, 6:30 p.m. Wednesdays and 9 a.m. Sundays Bible Study; 1075 a.m. Sundays, Worship Services; 378 Westward Dr., Miami Springs, 305-898-1538 or www.miamispringsbaptist.org. Mount Zion Methodist Episcopal Church: 7:30 a.m. Morning Bible study; 15250 NW 22nd Ave., Miami Gardens, 305-681-3300.

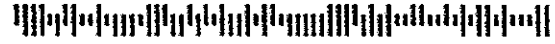
TURN TO RELIGION, 17NE

Advertisement for MOCA expansion featuring 'YES = MORE BUSINESSES YES = MORE JOBS YES = MORE MOCA' slogan, 'THE CITY OF NORTH MIAMI the Next Art & Cultural Mecca', and 'PUNCH 512' ballot information.



www.MocaYes.org

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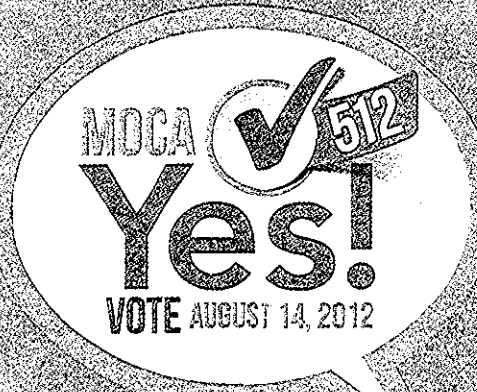
MUSEUM OF CONTEMPORARY ART

M Sí! **CA** **M** Yes! **CA** **M** Wi! **CA**

MORE NEW INRS

MORE YOUTH EDUCATION

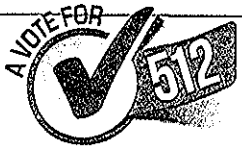
MORE NEW VISITORS



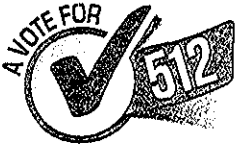
VOTE FOR THE BOND IS A VOTE FOR THE MOCA EXPANSION



WILL create jobs for North Miami residents



WILL help North Miami businesses
by bringing more customers to the city



WILL bring more money to North Miami
by making it an art and cultural Mecca

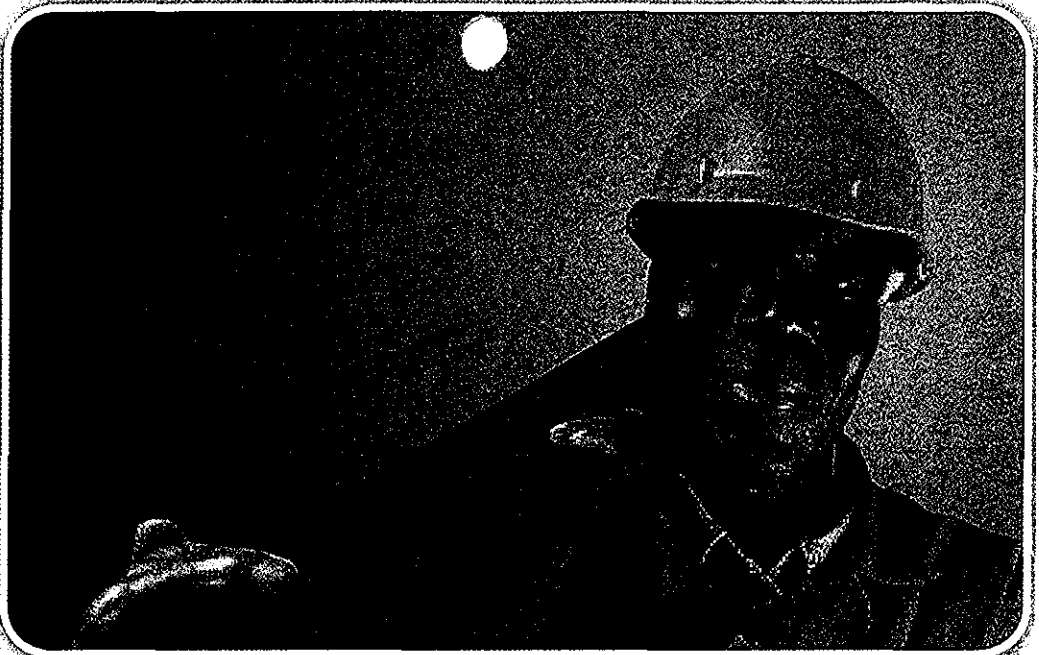
**PUNCH
512**



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MORE
NEW JOBS

VOTE AUGUST 14, 2012



MORE TOURIST
DOLLARS

VOTE AUGUST 14, 2012



MORE YOUTH
EDUCATION

VOTE AUGUST 14, 2012



VOTE ARGENTEE VOTE FOR THE BOND VOTE ARGENTEE V

VOTE FOR THE BOND

MOCA = JOBS

MOCA = BUSINESSES

MOCA = YES!

**THE JEWEL
OF OUR CITY**

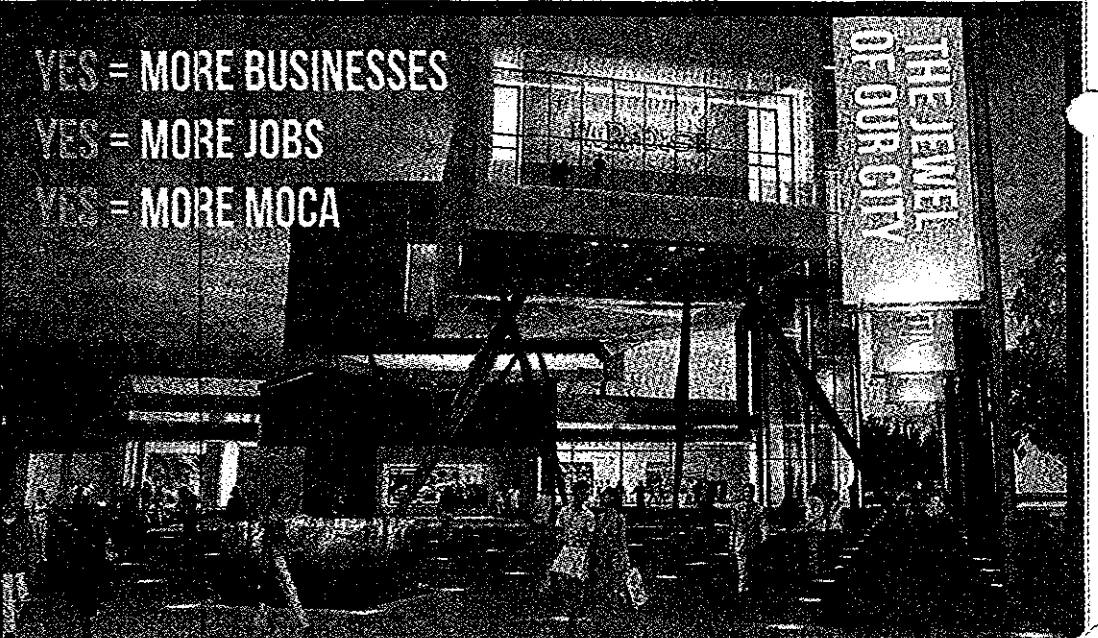
HARDY

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YES = MORE BUSINESSES
YES = MORE JOBS
YES = MORE MOCA



**VOTE FOR
THE BOND
PUNCH 512**

THE CITY OF NORTH MIAMI
the Next Art & Cultural Mecca

The Museum of Contemporary Art (MOCA), the shining jewel of North Miami and the cornerstone of downtown is on the ballot **August 14** for expansion.

Political Advertisement Paid For And Approved by MOCA Yes! Political Action Committee. Not Authorized By Any Candidate Or Candidate's Committee.

NEIGHBORS CALENDAR

HOW TO POST IN OUR CALENDAR OF EVENTS

If you want your event published on our website and to be automatically considered for our free listings in the Neighbors section, please go to Miamiherald.com/events and click on "Add to our Listings" on the upper-right. Be sure to choose "Community" as the first category. Then, from the drop-down window, pick a second category that best fits the type of event.

Do not choose Business & Technology because those events are published exclusively in the Herald's Business Monday Agenda. In addition, choose Club only if you are posting a hobbyist, support group or other type social club. Nightclub listings, happy hour and the like can in our Weekend entertainment section and should be marked Music and Lounge. If you are posting sequential classes, workshops and other events that are not of a pay-per-event, drop-in nature, click on the time and date of only your initial event and be sure to note price or state "free" on the money line. You can put your schedule or variety of classes in the description if you wish, but we will not publish more than one listing per month at the same venue in the interest of fairness to other, time-limited community happenings.

Post your item at least two weeks in advance of your event so it can be considered for our Calendar section in Neighbors. Do not list in "Miami" unless your event is taking place within the city of Miami. If it's in unincorporated Miami-Dade, please state it as Southeast Miami-Dade, Southwest Miami-Dade, Northeast Miami-Dade or Northwest Miami-Dade.

Some important tips: You must be a registered user of Miamiherald.com. Do not put time, date, venue, admission or free, contact information, or website in the description field. Please put those elements in the fields provided. Also, click on all of the days your event occurs and put in a start time for each day. If you have questions, you can email Sue Haffner at sueh@miamiherald.com. Please put "Calendar questions" in the subject line. Or call Sue at 305-378-3335.

ACTIVISM
Lunch On Miami: Celebrate World Breezefest Week with La Lucha League of Miami-Dade County as Miami Moms join the effort to break the record of number of moms & babies nursing simultaneously around the world during The Big Latch.

• TURN TO CALENDAR, TIME

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YES = MORE BUSINESSES
YES = MORE JOBS
YES = MORE MOCA

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The Next Art & Cultural Mecca

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**MORE
NEW JOBS**
VOTE AUGUST 14, 2012



MOCA **512**
Yes!
VOTE AUGUST 14, 2012

VOTE FOR THE BOND
IS A VOTE FOR THE MOCA EXPANSION



**MORE TOURIST
DOLLARS**
VOTE AUGUST 14, 2012

VOTE FOR 512 WILL create jobs for North Miami residents

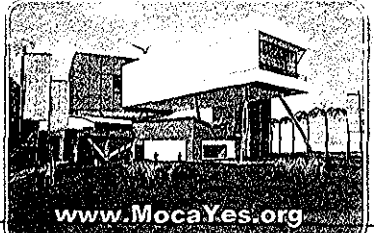
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**MORE YOUTH
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