

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: **Robby Strickland**

Case No.: **FEC 16-854**

TO: Robby Strickland
12019 North US Hwy 301
Oxford, FL 34484

Sumter County Supervisor of Elections
900 N. Main Street
Bushnell, FL 33513

NOTICE OF HEARING (AUTOMATIC FINE)

A hearing will be held in this case before the Florida Elections Commission on, **May 17, 2017 at 8:30 am, or as soon thereafter as the parties can be heard**, at the following location: **Augustus B. Turnbull Conference Center, 555 West Pensacola Street, Room 214, Tallahassee, Florida 32301**

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

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

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

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

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

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

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

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

See further instructions on the reverse side.

Amy McKeever Toman
Executive Director
Florida Elections Commission
May 1, 2017

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

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

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

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

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

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

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

FLORIDA ELECTIONS COMMISSION
CASE REPORT
Case Number: FEC-16-854

NAME: **ROBBY STRICKLAND**

DATE APPEAL RECEIVED: 11/22/16

DATE REPORT DUE: 11/4/16 (2016 G7)

DATE OF ELECTRONIC RECEIPT: 11/5/16

DATE FILING OFFICER RECEIVED REPORT: 11/5/16

NUMBER OF DAYS LATE: 1

AMOUNT OF FINE: **\$437.50**

FINE BASED ON: (..) NUMBER OF DAYS (..) 25% OF RECEIPTS (X) 25% OF EXPENDITURES

TOTAL RECEIPTS FOR REPORTING PERIOD: \$0

TOTAL EXPENDITURES FOR REPORTING PERIOD: \$368.35

DATE OF FIRST NOTIFICATION: 11/7/16

SUMMARY: Robby Strickland was a candidate for Wildwood City Commission, Group 3 in the 2016 elections. Mr. Strickland appointed himself as his own treasurer.

Mr. Strickland is appealing the fine claiming that unusual circumstances existed that caused the 2016 G7 Report to be untimely filed. According to Mr. Strickland, "I had severe internet/computer trouble at home and was unable to submit the report until the day after it was due. The position I was running for was a very low salaried position. I cannot afford the fine that was assessed to me. Please consider my hardship and disallow the fine".

- The 2016 G7 Report covers the time period from 10/22/16 through 11/3/16.
- Mr. Strickland did not provide any documentation to support his claim of him having severe internet/computer trouble at his home.

PRIOR CASES: None.

CORRECTION OF FINE: The Filing Officer incorrectly fined Respondent in the amount of \$437.50. That fine was based on 25% of the total monetary contributions to date. The actual correct fine total should be \$92.09 which is based on 25% of the expenditure total for the 2016 G7 Report.

CANDIDATE <input checked="" type="checkbox"/>	STATE <input type="checkbox"/>
PC <input type="checkbox"/>	DISTRICT <input type="checkbox"/>
CCE <input type="checkbox"/>	COUNTY <input checked="" type="checkbox"/>
POLITICAL PARTY <input type="checkbox"/>	CITY <input type="checkbox"/>

RECEIVED

2016 NOV 22 10:47

STATE OF FLORIDA
ELECTORAL
COMMISSION

To Whom it may concern,

I am writing to appeal a fine that was assessed to me for a late filing of my campaign treasurers report. The fine is in the amount of \$437.50. I had severe internet / computer troubles at home and was unable to submit the report until the day after it was due.

The position I was running for was a very low salaried position. I cannot afford the fine that was assessed to me. Please consider my hardship and disallow the fine.

Sincerely

Robby Strickland



KAREN S. KRAUSS
Sumter County Supervisor of Elections

November 16, 2016

Mr. Robby Strickland
12019 NE 37 Drive
Oxford, FL 34484

Mailing Address:
400 E Gulf Atlantic Hwy
Wildwood, FL 34785

RE: Late G7 Report / Fine

Dear Mr. Strickland:

Your campaign treasurer's report (G7), which was due November 4, 2016 (by midnight), was not filed until November 5, 2016.

Section 106.07(2) and (8), Florida Statutes, provides a fine of \$50 per day for the first 3 days a report is late and, thereafter \$500 per day, although a fine cannot exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, for the reports immediately preceding each primary and general election, the fine is \$500 per day for each late day, not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report.

Since your report was deemed filed on Saturday, November 5th, you are fined in the amount of **\$437.50**.
1 day late = \$500.00 **25% of \$1750.000 = \$437.50**

The fine must be paid to our office within 20 days of receipt of this notice unless appealed to the Florida Elections Commission. Please note that as a candidate, the fine is not an allowable campaign expenditure and must be paid from **personal funds**. In remitting your check to this office, make the check out to Sumter County Supervisor of Elections.

If you wish to appeal to the Florida Elections Commission, you must submit a notice of appeal to the Commission, in writing within 20 days of the date of receipt of this notice. The Florida Elections Commission's address is:

107 West Gaines Street, Suite 224
Tallahassee, Florida 32399-0100
(850) 922-4539

*2nd letter w/ fine
Attempt to deliver
Failure to
file letter*

Sincerely,

Jeannie Chesling

Jeannie Chesling
Elections Specialist
Sumter County Supervisor of Elections

Didn't send 2nd letter, since delivery made on 2nd attempt.

Sumter Co Gov Svc Center
7375 Powell Road, Suite 145
Wildwood, FL 34785
(352) 689-4530

Main Office
900 N Main Street
Bushnell, FL 33513
(352) 569-1540 / (352) 569-1541 fax
www.sumterelections.org

The Villages Annex Office
8033 E. C-466, Suite 401
The Villages, FL 32162
(352) 689-4660



KAREN S. KRAUSS
Sumter County Supervisor of Elections

November 7, 2016

Mr. Robby Strickland
12019 NE 37 Drive
Oxford, FL 34484

RE: Late G7 Report / Fine

91 7108 2133 3939 6830 4475

Dear Mr. Strickland:

Your campaign treasurer's report (G7), which was due November 4, 2016 (by midnight), was not filed until November 5, 2016.

Section 106.07(2) and (8), Florida Statutes, provides a fine of \$50 per day for the first 3 days a report is late and, thereafter \$500 per day, although a fine cannot exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, for the reports immediately preceding each primary and general election, the fine is \$500 per day for each late day, not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report.

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Tallahassee, Florida 32399-0100
(850) 922-4539

Sincerely,

Jeannie Chesling

Jeannie Chesling
Elections Specialist
Sumter County Supervisor of Elections

*failure to file
letter*

Exhibit C

Sumter Co Gov Svc Center
7375 Powell Road, Suite 145
Wildwood, FL 34785
(352) 689-4530

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The Villages, FL 32162
(352) 689-4660



USPS Tracking®

Still Have Questions?

[Browse our FAQs >](#)



Get Easy Tracking Updates >
Sign up for My USPS.

Tracking Number: 9171082133393968304475



Delivered

Product & Tracking Information

Postal Product:
First-Class Mail®

Features:
Certified Mail™

Available Actions

Text Updates

Email Updates

DATE & TIME	STATUS OF ITEM	LOCATION
November 16, 2016 , 10:56 am	Delivered	WILDWOOD, FL 34785

Your item was delivered at 10:56 am on November 16, 2016 in WILDWOOD, FL 34785

November 14, 2016 , 11:14 am	Notice Left (No Authorized Recipient Available)	WILDWOOD, FL 34785
November 11, 2016 , 3:18 am	In Transit to Destination	
November 9, 2016 , 8:58 pm	Departed USPS Facility	ORLANDO, FL 32862
November 9, 2016 , 12:30 pm	Arrived at USPS Facility	ORLANDO, FL 32862
November 9, 2016 , 2:33 am	Departed USPS Facility	TAMPA, FL 33630
November 8, 2016 , 11:05 pm	Arrived at USPS Facility	TAMPA, FL 33630
November 8, 2016 , 4:38 pm	Departed Post Office	BUSHNELL, FL 33513
November 8, 2016 , 10:21 am	Picked Up	BUSHNELL, FL 33513

20 days = Dec 6th

Delivered

Track Another Package

Tracking (or receipt) number

Track It

Manage Incoming Packages

Track all your packages from a dashboard.
No tracking numbers necessary.

[Sign up for My USPS >](#)



Exhibit E

1 of 2

Late Report
Due 11/4
Submitted 11/5

CAMPAIGN TREASURER'S REPORT SUMMARY

(1) Robby Derrel Strickland
Name
(2) 12019 NE 37 Drive
Address (number and street)
Oxford, FL 34484
City, State, Zip Code

OFFICE USE ONLY
ONLINE SUBMISSION
[1135189]
Submitted on:
11/5/2016 15:40:07 (eastern)

Check here if address has changed (3) ID Number: _____ 197

(4) Check appropriate box(es):
 Candidate Office Sought: Wildwood City Commission, Group 3
 Political Committee (PC)
 Electioneering Communications Org. (ECO) Check here if PC or ECO has disbanded
 Party Executive Committee (PTY) Check here if PTY has disbanded
 Independent Expenditure (IE) (also covers an individual making electioneering communications) Check here if no other IE or EC reports will be filed

(5) Report Identifiers

Cover Period: From 10 / 22 / 2016 To 11 / 3 / 2016 Report Type: G7
 Original Amendment Special Election Report

(6) Contributions This Report
 Cash & Checks \$ _____ , _____ , 0 . 00
 Loans \$ _____ , _____ , 0 . 00
 Total Monetary \$ _____ , _____ , 0 . 00
 In-Kind \$ _____ , _____ , 0 . 00

(7) Expenditures This Report
 Monetary Expenditures \$ _____ , _____ , 368 . 35
 Transfers to Office Account \$ _____ , _____ , 0 . 00
 Total Monetary \$ _____ , _____ , 368 . 35

(8) Other Distributions
 \$ _____ , _____ , 0 . 00

(9) TOTAL Monetary Contributions To Date
 \$ _____ , 1 , 750 . 00

(10) TOTAL Monetary Expenditures To Date
 \$ _____ , 1 , 515 . 38

(11) Certification

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

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

(Type name) _____
 Individual (only for IE or electioneering comm.) Treasurer Deputy Treasurer
X
 Signature

(Type name) _____
 Candidate Chairperson (only for PC and PTY)
X
 Signature

Exhibit B

CAMPAIGN TREASURER'S REPORT - ITEMIZED CONTRIBUTIONS

(1) Name Robby Derrel Strickland (2) I.D. Number 197

10/22/2016 through 11/3/2016

(3) Cover Period / / through / / (4) Page 1 of 0

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor		(9) Contribution	(10) In-kind	(11)	(12)
		Type	Occupation	Type	Description	Amendment	Amount
/ /							
/ /							
/ /							
/ /							
/ /							
/ /							

CAMPAIGN TREASURER'S REPORT - ITEMIZED EXPENDITURES

(1) Name Robby Derrel Strickland

(2) I.D. Number 197

10/22/2016 through 11/3/2016

(3) Cover Period / / through / /

(4) Page 1 of 1

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
10/22/2016 / /	Campaign Graphics, 3315 SW 13th Street Ocala, FL 34474	signs	MO		\$368.35
1					
/ /					
/ /					
/ /					
/ /					
/ /					
/ /					
/ /					
/ /					

FILE INVENTORY SHEET

Name: STRICKLAND, ROBBY

DATE	DOCUMENTS REC'D	REPORTS REC'D
03/24/16	DS-DE 9, 84 AND UNDUE BURDEN	
4/11		M3 Rec'd
5/6	Appt letter with forms sent	
5/10		M4 Rec'd
6/10		M5 Rec'd
6/21	Qualified	
6/30		P1 Rec'd
7/14		P2 Rec'd
7/27		P3 & P4 Rec'd
8/12		P5 Rec'd
8/19		P6 and P7 Rec'd
9/9		G1 Rec'd
9/21		G2 Rec'd
10/7		G3 Rec'd
10/14		G4 Rec'd
10/21		G5 Rec'd
10/28		G6 Rec'd
11/5		G7 Rec'd - Late
11/7	Fine letter sent (400 E Gulf Atlantic Hwy, Wildwood 34785)	
11/10	TRG memo sent	
11/16	Cert. delivered: Dec 6 payment due.	
12/2	SPOKE w/FEC (Erin). They are behind in processing appeals. Erin said He should send me a copy of appeal.	
12/19		TRG Rec'd
1/3/17	FBI copy sent to us of his Appeal to state	
1/17/17	Made copy of file for Commission	

Exhibit F

2016 - CANDIDATE REPORT CHECKOFF SHEET

Name: STRICKLAND, ROBBY DERREL

Race/Seat: Wildwood Commission Group 3

Filed Papers: 03/24/16

Monthly

Primary

General

Final

SUBMITTED	RPT NAME	STARTS	ENDS	DUE DATE	Days from Election
✓	2016-M3	03/01	03/31	04/11	Monthly
✓	2016-M4	04/01	04/30	05/10	Monthly
✓	2016-M5	05/01	05/31	06/10	Monthly
✓	2016-P1	06/01	06/24	07/01	60 th Day
✓	2016-P2	06/25	07/08	07/15	46 th Day
✓	2016-P3	07/09	07/22	07/29	32 nd Day
✓	2016-P4	07/23	07/29	08/05	25 th Day
✓	2016-P5	07/30	08/05	08/12	18 th Day
✓	2016-P6	08/06	08/12	08/19	11 th Day
✓	2016-P7	08/13	08/25	08/26	4 th Day
✓	2016-G1	08/26	09/02	09/09	60 th Day
✓	2016-G2	09/03	09/16	09/23	46 th Day
✓	2016-G3	09/17	09/30	10/07	32 nd Day
✓	2016-G4	10/01	10/07	10/14	25 th Day
✓	2016-G5	10/08	10/14	10/21	18 th Day
✓	2016-G6	10/15	10/21	10/28	11 th Day
✓ L	2016-G7	10/22	11/03	11/04	4 th Day
	2016-TRQ	06/01	09/22	09/22	Final
	2016-TRP	08/26	11/28	11/28	Final
✓	2016-TRG	11/04	02/06	02/06/17	Final

Copy of Candidate's
Reporting Dates

Exhibit A

16 MAR 24 9:52 AM

16 JUN 2 11:03 AM

AFFIDAVIT OF UNDUE BURDEN FOR MUNICIPAL CANDIDATES
(Election Assessment Only)
Section 99.093, Florida Statutes


I swear (or affirm) under oath that I intend to qualify as a candidate for the office of

~~Robby Strickland~~ Wildwood City Commission Seat 3

and that I am unable to pay the 1% election assessment fee for that office without imposing an undue burden on my personal resources or on resources otherwise available to me.

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

Robby Strickland
Print name of Candidate


Signature of Candidate

12019 NE 37 Drive
Residence Address (do no use post office box)

Wt Oxford FL 34484
City State Zip Code

Please print or type your name, mailing address, agency name, and position below:

FOR OFFICE USE ONLY:

LAST NAME -- FIRST NAME -- MIDDLE NAME :
STRICKLAND, ROBERT

MAILING ADDRESS :
Po Box 9

FILER ID #: 203836

CITY : **Oxford** ZIP : **34484-9** COUNTY : **SUMTER**

NAME OF AGENCY :
WILDWOOD - MAYOR AND CITY COMMISSION

NAME OF OFFICE OR POSITION HELD OR SOUGHT :
COMMISSIONER

'15 JUN 21 11:03 AM

You are not limited to the space on the lines on this form. Attach additional sheets, if necessary.

CHECK ONLY IF CANDIDATE OR NEW EMPLOYEE OR APPOINTEE

****** BOTH PARTS OF THIS SECTION MUST BE COMPLETED ******

DISCLOSURE PERIOD:

THIS STATEMENT REFLECTS YOUR FINANCIAL INTERESTS FOR THE PRECEDING TAX YEAR, WHETHER BASED ON A CALENDAR YEAR OR ON A FISCAL YEAR. PLEASE STATE BELOW WHETHER THIS STATEMENT IS FOR THE PRECEDING TAX YEAR ENDING EITHER (must check one):

DECEMBER 31, 2015 OR SPECIFY TAX YEAR IF OTHER THAN THE CALENDAR YEAR: _____

MANNER OF CALCULATING REPORTABLE INTERESTS:

FILERS HAVE THE OPTION OF USING REPORTING THRESHOLDS THAT ARE ABSOLUTE DOLLAR VALUES, WHICH REQUIRES FEWER CALCULATIONS, OR USING COMPARATIVE THRESHOLDS, WHICH ARE USUALLY BASED ON PERCENTAGE VALUES (see instructions for further details). CHECK THE ONE YOU ARE USING (must check one):

COMPARATIVE (PERCENTAGE) THRESHOLDS OR DOLLAR VALUE THRESHOLDS

PART A -- PRIMARY SOURCES OF INCOME [Major sources of income to the reporting person - See instructions]
(If you have nothing to report, write "none" or "n/a")

NAME OF SOURCE OF INCOME	SOURCE'S ADDRESS	DESCRIPTION OF THE SOURCE'S PRINCIPAL BUSINESS ACTIVITY
Blessed + Grateful Auction	400 E Golf Atlanta Hwy Wildwood FL 34785	Auction

PART B -- SECONDARY SOURCES OF INCOME
[Major customers, clients, and other sources of income to businesses owned by the reporting person - See instructions]
(If you have nothing to report, write "none" or "n/a")

NAME OF BUSINESS ENTITY	NAME OF MAJOR SOURCES OF BUSINESS' INCOME	ADDRESS OF SOURCE	PRINCIPAL BUSINESS ACTIVITY OF SOURCE
N/A			

PART C -- REAL PROPERTY [Land, buildings owned by the reporting person - See instructions]
(If you have nothing to report, write "none" or "n/a")

6480 CR 154B Wildwood FL 34785

FILING INSTRUCTIONS for when and where to file this form are located at the bottom of page 2.

INSTRUCTIONS on who must file this form and how to fill it out begin on page 3.

**FLORIDA ELECTIONS COMMISSION
PHONE LOG
Case No.: FEC 16-854**

Respondent: Robby Strickland

Complainant: Sumter County SOE

1. **Date and time:** February 8, 2017 @ 9:40 am
Name: William Keen/Jeanine Chesling/Tracy Oliver—Filing Officers
Phone #: (352) 569-1540
Summary: I attempted telephone contact to explain how the correct auto fine should have been calculated. I was informed that Mr. Keen and his assistant Ms. Oliver were currently in a meeting. I was informed that Ms. Chesling retired at the end of December 2016. Ms. Oliver replaced her. I left a message for Mr. Keen or Ms. Oliver to return my call.
Memo to File? No
Entered by: CKO

2. **Date and time:** February 8, 2017 @ 10:15 am
Name: Respondent
Phone #: (352) 603-5885
Summary: I had telephone contact to inquire if any actual documentation of computer problems would be included with this appeal. Respondent advised me that he didn't have any records of his computer having technical difficulties. Respondent stated that he went to a family member's home the following day to have the report filed, albeit a day late. I also went over the fine correction with him. Respondent thanked me for my assistance with this matter.
Memo to File? No
Entered by: CKO

3. **Date and time:** February 8, 2017 @ 2:45 pm
Name: Tracy Oliver—Filing Officer
Phone #: (352) 569-1540
Summary: I had telephone contact from Ms. Oliver in regards to message left on her behalf. I explained the correct way to total out an automatic fine. Ms. Oliver thanked me for my assistance with this matter.
Memo to File? No
Entered by: CKO