

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Preparing for Our Future PAC

Case No.: FEC 18-059

TO: Preparing for Our Future PAC
Willis Howard, Chair
3910 SW 186th Terrace
Miramar, FL 33029-2704

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

NOTICE OF HEARING (INFORMAL)

A hearing will be held in this case before the Florida Elections Commission on, **May 14, 2019 at 8:30 am**, or *as soon thereafter as the parties can be heard*, at the following location: **Senate Office Building, 404 South Monroe Street, Room 110-S, Tallahassee, Florida 32399**. Due to heightened security access requirements, please bring only essential items into the building and plan to arrive early to allow for delays coming through security.

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

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

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

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

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

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.

Tim Vaccaro
Executive Director
Florida Elections Commission
April 30, 2019

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

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

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

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

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

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

19 MAR 12 AM 9:42

STATE OF FLORIDA
ELECTIONS COMMISSION

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,
Petitioner,**

Case No.: FEC 18-059

v.

**Preparing for Our Future PAC,
Respondent.**

_____ /

ORDER OF PROBABLE CAUSE

THIS MATTER was heard by the Florida Elections Commission (Commission) at its regularly scheduled meeting on February 26, 2019, in Tallahassee, Florida.

On December 18, 2018, Staff recommended to the Commission that there was probable cause to believe that the Florida Election Code was violated. The facts articulated in Staff's Recommendation are adopted by reference and incorporated herein. Based on the Complaint, Report of Investigation, Staff's Recommendation, and oral statements (if any) made at the probable cause hearing, the Commission finds that there is **probable cause** to charge Respondent with the following violation(s):

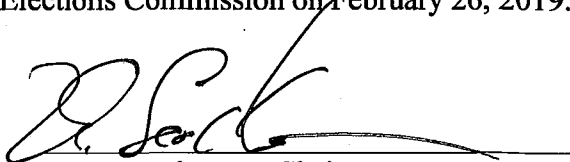
[THIS SPACE INTENTIONALLY LEFT BLANK]

Count 1:

On or about January 10, 2018, Preparing for Our Future PAC violated Section 106.07(7), Florida Statutes, when it failed to notify the filing officer in writing on the prescribed reporting date that it would not be filing its 2017 M12 Report.

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

DONE AND ORDERED by the Florida Elections Commission on February 26, 2019.



M. Scott Thomas, Chairman
Florida Elections Commission

Copies furnished to:
Wilson Brantley, Florida Elections Commission
Willis Howard, Respondent
Division of Elections, Complainant

NOTICE OF RIGHT TO A HEARING

As the Respondent, you may elect to resolve this case in several ways. First, you may elect to resolve this case by consent order where you and Commission staff agree to resolve the violation(s) and agree to the amount of the fine. The consent order is then presented to the Commission for its approval. To discuss a consent order, contact the FEC attorney identified in the Order of Probable Cause.

Second, you may request an informal hearing held before the Commission, if you do not dispute any material fact in the Staff Recommendation. You have 30 days from the date the Order of Probable Cause is filed with the Commission to request such a hearing. The date this order was filed appears in the upper right-hand corner of the first page of the order. At the hearing, you will have the right to make written or oral arguments to the Commission concerning the legal issues related to the violation(s) and the potential fine. At the request of Respondent, the Commission will consider and determine willfulness at an informal hearing. Otherwise, live witness testimony is unnecessary.

Third, you may request a formal hearing held before an administrative law judge in the Division of Administrative Hearings (DOAH), if you dispute any material fact in the Staff

Recommendation. You have 30 days from the date the Order of Probable Cause is filed with the Commission to request such a hearing. The date this order was filed appears in the upper right-hand corner of the first page of the order. At the hearing, you will have the right to present evidence relevant to the violation(s) listed in this order, to cross-examine opposing witnesses, to impeach any witness, and to rebut the evidence presented against you.

If you do not elect to resolve the case by consent order or request a formal hearing at the DOAH or an informal hearing before the Commission within 30 days of the date this Order of Probable Cause is filed with the Commission, the case will be sent to the Commission for a formal or informal hearing, depending on whether the facts are in dispute. The date this order was filed appears in the upper right-hand corner of the first page of the order.

To request a hearing, please send a written request to the Commission Clerk, Donna Ann Malphurs. The address of the Commission Clerk is 107 W. Gaines Street, Collins Building, Suite 224, Tallahassee, Florida 32399-1050. The telephone number is (850) 922-4539. The Clerk will provide you with a copy of Chapter 28-106, *Florida Administrative Code*, and other applicable rules upon request. No mediation is available.

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Preparing for Our Future PAC

Case No.: FEC 18-059

TO: Preparing for Our Future PAC
Willis Howard, Chair
3910 SW 186th Terrace
Miramar, FL 33029-2704

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

NOTICE OF HEARING (PROBABLE CAUSE DETERMINATION)

A hearing will be held in this case before the Florida Elections Commission on, **February 26, 2019 at 9:30 am, or as soon thereafter as the parties can be heard**, at the following location: **Senate Office Building, 404 South Monroe Street, Room 110-S, Tallahassee, Florida 32399**. Due to heightened security access requirements, please bring only essential items into the building and plan to arrive early to allow for delays coming through security.

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

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

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

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

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

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.

Tim Vaccaro, J.D.
Executive Director
Florida Elections Commission
February 11, 2019

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

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

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

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

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

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.

THIS FILE CONTAINS INFORMATION
THAT IS CONFIDENTIAL
AND EXEMPT FROM DISCLOSURE
PURSUANT TO
CHAPTER 119, FLORIDA STATUTES



FLORIDA ELECTIONS COMMISSION

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

December 18, 2018

Preparing for Our Future PAC
Willis Howard, Chair
3910 SW 186th Terrace
Miramar, FL 33029-2704

RE: Case No.: FEC 18-059

Dear Mr. Howard:

Enclosed please find an addendum to the Investigation Report previously sent to you. The only change made to the original report of investigation is the rewording of paragraph 19.

Please let me know if you have any questions.

Sincerely,

Donna Ann Malphurs
Agency Clerk

/dam

Enclosure: Addendum to Report of Investigation

**FLORIDA ELECTIONS COMMISSION
AMENDED REPORT OF INVESTIGATION
Case No.: FEC 18-059**

Respondent: Preparing for Our Future PAC

Complainant: Division of Elections

On March 1, 2018, the Florida Elections Commission (“Commission”) received a referral from the Division of Elections alleging that Respondent violated Chapter 106, Florida Statutes. Commission staff investigated whether Respondent violated the following statutes:

Section 106.07(7), Florida Statutes, failure to notify the filing officer on the prescribed reporting date that no report would be filed on that date because it had not received funds, made contributions, or expended reportable funds during the reporting period; and

Section 106.19(1)(c), Florida Statutes, falsely reporting or deliberately failing to include information required by Chapter 106, Florida Statutes.

I. Preliminary Information:

1. Respondent was a political committee registered with the Division of Elections. Mr. Willis Howard was the chairperson, treasurer, and registered agent for the committee. The committee was disbanded on May 23, 2018.

2. Complainant is the Division of Elections (Division).

3. Respondent’s filing officer was Kristi Willis, Chief, Bureau of Election Records.

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

4. I investigated whether Respondent violated this section of the election laws by failing to notify the filing officer on the prescribed reporting date that no report would be filed on that date because it had not received funds, made contributions, or expended reportable funds during the 2017 M12 reporting period.

5. On September 13, 2017, Mr. Howard filed an Appointment of Campaign Treasurer and Designation of Campaign Depository for Political Committees (DS-DE 6 form) with the Division. He appointed himself as treasurer. To review the September 13, 2017 DS-DE 6 form, refer to Exhibit 1.

6. On September 14, 2017, Complainant mailed Respondent a letter acknowledging receipt of the DS-DE 6 form and informing Mr. Howard that the name of the organization had

been placed on the active committee list as a political committee. To review a copy of the September 14, 2017 acknowledgment letter, refer to Exhibit 2.

7. The 2017 M12 reporting period covered the time period of December 1, 2017 through December 31, 2017 and a report, or a notice-of-no-activity, was due on January 10, 2018. On January 11, 2018, the Division mailed Mr. Howard notification that the 2017 M12 campaign treasurer's report had not been filed. To review a copy of the January 11, 2018 notification, refer to Exhibit 3.

8. On January 22, 2018, the Division mailed Mr. Howard notification that the 2017 M12 campaign treasurer's report had not been filed. To review a copy of the January 22, 2018 notification, refer to Exhibit 4.

9. On February 5, 2018, the Division mailed Mr. Howard final notification with delivery confirmation that the 2017 M12 report had not been filed. To review a copy of the February 5, 2018 final notification with delivery confirmation, refer to Exhibit 5.

10. On May 23, 2018, the Division received a letter from Mr. Howard, stating that the political committee was closing, as they have had no activity since opening the committee. On May 24, 2018, the Division mailed Mr. Howard a letter, acknowledging receipt of the disbandment of the political committee. To review the May 23, 2018 letter of disbandment, refer to Exhibit 6. To review the May 24, 2018 acknowledgment letter, refer to Exhibit 7.

11. On September 25, 2018, a subpoena for bank records was sent by certified mail to Bank of America, the primary depository listed on Respondent's DS-DE 6 form. In a letter dated September 28, 2018, Bank of America sent a letter by mail, stating they had received the subpoena, however, the bank was unable to locate any accounts or records requested. To review the September 28, 2018 letter, refer to Exhibit 8.

12. A review of Respondent's filing history indicates there were three reporting periods before the 2017 M12 reporting period. Of the three previous reporting periods, two notices-of-no-activity were filed late; the 2017 M9 waiver of report was 42 days late, and the 2017 M10 waiver of report was 8 days late. The 2017 M11 report was due on December 11, 2017 and has not been filed as of the date of this report. To review a copy of Respondent's filing history, refer to Exhibit 9.

13. As of the date of this report, a 2017 M12 treasurer's report nor a notice-of-no-activity has been filed.

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

14. I investigated whether Respondent violated this section of the election laws by falsely reporting or deliberately failing to include information required by Chapter 106, Florida Statutes, when it did not file a report on the prescribed reporting date for the 2017 M12 reporting period.

15. As previously discussed in paragraph 7 through 9, Complainant mailed Respondent notifications that a 2017 M12 campaign treasurer's report had not been filed.

16. As previously discussed in paragraph 11, Respondent's primary campaign depository stated in a letter dated September 28, 2018 that they were unable to locate account records for Respondent.

17. As previously discussed in paragraph 10, Mr. Howard sent a letter to the Division on May 23, 2018, notifying them that the political committee was closing, and that there had been no activity since the committee was opened.

18. As previously discusses in paragraph 12, Respondent's filing history indicates there were three reporting periods before the 2017 M12 reporting period. Respondent filed two late notices-of-no-activity, stating the committee had not received funds or made contributions. Nothing has been filed for the 2017 M11 reporting period.

19. As of the date of this report, neither a 2017 M12 treasurer's report nor a notice-of-no-activity has been filed.

IV. FEC History:

20. There are other cases for Respondent.

Conclusion:

21. Respondent has not returned phone calls or submitted a written response to the referral, and I am unable to ascertain whether Respondent has read Chapter 106, Florida Statutes, and/or the *Political Committee Handbook*.

22. In the September 14, 2017 acknowledgment letter, Respondent was informed that all of the Division's publications were available online at the Division's website. In the letter, Respondent was admonished as follows: **It is your responsibility to read, understand, and follow the requirements of Florida's election laws. Therefore, please print a copy of the following documents: Chapter 106, Florida Statutes, *Political Committee Handbook*, *Calendar of Reporting Dates*, and Rule 1S-2.017, Florida Administrative Code; Exhibit 2.**

Respectfully submitted on December 18, 2018.



Samantha Spore
Investigation Specialist

Current address of Respondent

Mr. Willis Howard, Chair
3910 SW 186th Terrace
Miramar, FL 33029-2704

Current address of Complainant

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

Name and Address of Filing Officer:

Ms. Kristi Willis
Chief of Bureau of Election Records
500 South Bronough Street, Room 316
Tallahassee, FL 32399

Copy furnished to:

Mr. David Flagg, Investigations Manager

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Preparing for Our Future PAC

Case No.: FEC 18-059

STAFF RECOMMENDATION FOLLOWING INVESTIGATION

Pursuant to Section 106.25(4)(c), Florida Statutes, undersigned staff counsel files this written recommendation for disposition of the referral in this case recommending that there is **probable cause** to charge Respondent with violating **Section 106.07(7), Florida Statutes**, and that there is **no probable cause** to charge Respondent with violating **Section 106.19(1)(c), Florida Statutes**. Based upon a thorough review of the Report of Investigation submitted on November 1, 2018, the following facts and law support this staff recommendation:

1. On March 1, 2018, the Florida Elections Commission (“Commission”) received a referral from the Department of State, Division of Elections (“Division”) alleging that Preparing for Our Future PAC (“Respondent”) violated Chapter 106, Florida Statutes.

2. Respondent was a political committee registered with the Division. (ROI Exhibit 1)¹ On May 23, 2018, the Division received Respondent’s notice that it was disbanding. (ROI Exhibit 6)

3. By letter dated August 28, 2018, the Executive Director notified Respondent that Commission staff would investigate the following statutory provisions:

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

- 2017 M12

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

- 2017 M12

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

4. By letter dated September 14, 2017, Kristi Reid Bronson, Chief, Bureau of Election Records, sent Respondent a letter acknowledging that the Division had received its Statement of Organization and Appointment of Campaign Treasurer and Designation of Campaign Depository for Political Committees forms. (ROI Exhibit 2, page 1)

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

6. Respondent’s 2017 M12 Report was due to be filed by January 10, 2018; however, Respondent failed to timely file the report or notify the filing officer that no report would be filed. (Attachment A) By letters dated January 11, 2018, January 22, 2018, and February 5, 2018, the Division notified Respondent that its 2017 M12 Report had not been received. The letters also notified Respondent that it was still required to notify the Division if the committee had no reportable financial activity. (ROI Exhibits 3-5) The February 5th letter was confirmed delivered. (Attachment B)

7. On September 28, 2018, a subpoena was issued to Respondent’s campaign depository to ascertain whether any financial activity occurred during 2017 M12 reporting period. The bank was unable to locate any accounts or records requested with the information provided. (ROI Exhibit 8)

8. As it appears that Respondent had no financial activity during the 2017 M12 reporting period, Respondent was required to notify the filing officer in writing that it would not be filing its 2017 M12 Report on the prescribed reporting date, but failed to do so. Additionally, it does not appear that Respondent falsely reported or deliberately failed to include information on its 2017 M12 Report as the report was waived due to a lack of reportable financial activity.

9. As of December 11, 2018, Respondent has not filed a notice of no activity. (Attachment A)

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

11. The facts set forth above show that Respondent was a political committee registered with the Division. Respondent disbanded on May 23, 2018. Respondent failed to timely file its 2017 M12 Report or notify the filing officer that no report would be filed. Because

Respondent had no open campaign account when the 2017 M12 Report was due, it appears that Respondent had no financial activity during the 2017 M12 reporting period. Therefore, Respondent was required to notify the filing officer in writing that it would not be filing a 2017 M12 Report on the prescribed reporting date, but failed to do so. As of December 11, 2018, Respondent has not filed a notice of no activity for the 2017 M12 reporting period.

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

Count 1:

On or about January 10, 2018, Preparing for Our Future PAC violated Section 106.07(7), Florida Statutes, when it failed to notify the filing officer in writing on the prescribed reporting date that it would not be filing its 2017 M12 Report.


I further recommend that the Commission find **no probable cause** to charge Respondent with violating Section 106.19(1)(c), Florida Statutes.

Respectfully submitted on December 18, 2018.




Wilson Brantley, J.D.

I reviewed this Staff Recommendation this 18th day of December 2018.



Eric M. Lipman
General Counsel



Tim Vaccaro
Executive Director



search | directory | contact us | 411 | subscribe | tour | help

Florida Department of State - Division of Elections

Florida Election System Reports

Candidate/Committee Lookup

Committee Name: Preparing for Our Future, PAC

Name:

Account: 70084

Election:

Acct: 70084

Type: **Committee**

Search **Reset**

Date Due	Type	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amount Paid
6/11/2018	M5		NEN	0	\$0.00		\$0.00	\$0.00
5/10/2018	M4		NEN	0	\$0.00		\$0.00	\$0.00
4/10/2018	M3		NEN	0	\$0.00		\$0.00	\$0.00
3/12/2018	M2		NEN	0	\$0.00		\$0.00	\$0.00
2/12/2018	M1		NEN	0	\$0.00		\$0.00	\$0.00
1/10/2018	M12		FEC	0	\$0.00		\$0.00	\$0.00
12/11/2017	M11		FEC	0	\$0.00		\$0.00	\$0.00
11/13/2017	M10	11/21/2017	CLO	8	\$0.00		\$0.00	\$0.00
10/10/2017	M9	11/21/2017	CLO	42	\$0.00		\$0.00	\$0.00

Attachment A

USPS Tracking®

FAQs > (<http://faq.usps.com/?articleId=220900>)

Track Another Package +

Tracking Number: 9114901496451448182632

Remove X

Expected Delivery on

THURSDAY

8

FEBRUARY
2018 ⓘ

by

8:00pm ⓘ

 **Delivered**

February 8, 2018 at 12:08 pm
Delivered, Front Desk/Reception
MIAMI, FL 33169

Get Updates ▾

Text & Email Updates



Tracking History



Product Information



See Less ^

How can I help you?

Attachment B

FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Case No.: FEC 18-059

Respondent: Preparing for Our Future PAC

Complainant: Division of Elections

On March 1, 2018, the Florida Elections Commission (“Commission”) received a referral from the Division of Elections alleging that Respondent violated Chapter 106, Florida Statutes. Commission staff investigated whether Respondent violated the following statutes:

Section 106.07(7), Florida Statutes, failure to notify the filing officer on the prescribed reporting date that no report would be filed on that date because it had not received funds, made contributions, or expended reportable funds during the reporting period; and

Section 106.19(1)(c), Florida Statutes, falsely reporting or deliberately failing to include information required by Chapter 106, Florida Statutes.

I. Preliminary Information:

1. Respondent was a political committee registered with the Division of Elections. Mr. Willis Howard was the chairperson, treasurer, and registered agent for the committee. The committee was disbanded on May 23, 2018.
2. Complainant is the Division of Elections (Division).
3. Respondent’s filing officer was Kristi Willis, Chief, Bureau of Election Records.

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

4. I investigated whether Respondent violated this section of the election laws by failing to notify the filing officer on the prescribed reporting date that no report would be filed on that date because it had not received funds, made contributions, or expended reportable funds during the 2017 M12 reporting period.

5. On September 13, 2017, Mr. Howard filed an Appointment of Campaign Treasurer and Designation of Campaign Depository for Political Committees (DS-DE 6 form) with the Division. He appointed himself as treasurer. To review the September 13, 2017 DS-DE 6 form, refer to Exhibit 1.

6. On September 14, 2017, Complainant mailed Respondent a letter acknowledging receipt of the DS-DE 6 form and informing Mr. Howard that the name of the organization had

been placed on the active committee list as a political committee. To review a copy of the September 14, 2017 acknowledgment letter, refer to Exhibit 2.

7. The 2017 M12 reporting period covered the time period of December 1, 2017 through December 31, 2017 and a report, or a notice-of-no-activity, was due on January 10, 2018. On January 11, 2018, the Division mailed Mr. Howard notification that the 2017 M12 campaign treasurer's report had not been filed. To review a copy of the January 11, 2018 notification, refer to Exhibit 3.

8. On January 22, 2018, the Division mailed Mr. Howard notification that the 2017 M12 campaign treasurer's report had not been filed. To review a copy of the January 22, 2018 notification, refer to Exhibit 4.

9. On February 5, 2018, the Division mailed Mr. Howard final notification with delivery confirmation that the 2017 M12 report had not been filed. To review a copy of the February 5, 2018 final notification with delivery confirmation, refer to Exhibit 5.

10. On May 23, 2018, the Division received a letter from Mr. Howard, stating that the political committee was closing, as they have had no activity since opening the committee. On May 24, 2018, the Division mailed Mr. Howard a letter, acknowledging receipt of the disbandment of the political committee. To review the May 23, 2018 letter of disbandment, refer to Exhibit 6. To review the May 24, 2018 acknowledgment letter, refer to Exhibit 7.

11. On September 25, 2018, a subpoena for bank records was sent by certified mail to Bank of America, the primary depository listed on Respondent's DS-DE 6 form. In a letter dated September 28, 2018, Bank of America sent a letter by mail, stating they had received the subpoena, however, the bank was unable to locate any accounts or records requested. To review the September 28, 2018 letter, refer to Exhibit 8.

12. A review of Respondent's filing history indicates there were three reporting periods before the 2017 M12 reporting period. Of the three previous reporting periods, two notices-of-no-activity were filed late; the 2017 M9 waiver of report was 42 days late, and the 2017 M10 waiver of report was 8 days late. The 2017 M11 report was due on December 11, 2017 and has not been filed as of the date of this report. To review a copy of Respondent's filing history, refer to Exhibit 9.

13. As of the date of this report, a 2017 M12 treasurer's report not a notice-of-no-activity has been filed.

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

14. I investigated whether Respondent violated this section of the election laws by falsely reporting or deliberately failing to include information required by Chapter 106, Florida Statutes, when it did not file a report on the prescribed reporting date for the 2017 M12 reporting period.

15. As previously discussed in paragraph 7 through 9, Complainant mailed Respondent notifications that a 2017 M12 campaign treasurer's report had not been filed.

16. As previously discussed in paragraph 11, Respondent's primary campaign depository stated in a letter dated September 28, 2018 that they were unable to locate account records for Respondent.

17. As previously discussed in paragraph 10, Mr. Howard sent a letter to the Division on May 23, 2018, notifying them that the political committee was closing, and that there had been no activity since the committee was opened.

18. As previously discusses in paragraph 12, Respondent's filing history indicates there were three reporting periods before the 2017 M12 reporting period. Respondent filed two late notices-of-no-activity, stating the committee had not received funds or made contributions. Nothing has been filed for the 2017 M11 reporting period.

19. As of the date of this report, neither a 2017 M12 treasurer's report nor a notice-of-no-activity has been filed.

IV. FEC History:

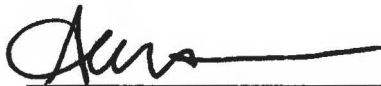
20. There are other cases for Respondent.

Conclusion:

21. Respondent has not returned phone calls or submitted a written response to the referral, and I am unable to ascertain whether Respondent has read Chapter 106, Florida Statutes, and/or the *Political Committee Handbook*.

22. In the September 14, 2017 acknowledgment letter, Respondent was informed that all of the Division's publications were available online at the Division's website. In the letter, Respondent was admonished as follows: **It is your responsibility to read, understand, and follow the requirements of Florida's election laws. Therefore, please print a copy of the following documents: Chapter 106, Florida Statutes, *Political Committee Handbook*, *Calendar of Reporting Dates*, and Rule 1S-2.017, Florida Administrative Code; Exhibit 2.**

Respectfully submitted on November 1, 2018.



Samantha Spore
Investigation Specialist

Current address of Respondent

Mr. Willis Howard, Chair
3910 SW 186th Terrace
Miramar, FL 33029-2704

Current address of Complainant

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

Name and Address of Filing Officer:

Ms. Kristi Willis
Chief of Bureau of Election Records
500 South Bronough Street, Room 316
Tallahassee, FL 32399

Copy furnished to:

Mr. David Flagg, Investigations Manager

FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Preparing For Our Future PAC -- FEC 18-059

LIST OF EXHIBITS	
Exhibits #s	Description of Exhibits
Exhibit 1	September 13, 2017 DS-DE 6 Form
Exhibit 2	September 14, 2017 Acknowledgment Letter
Exhibit 3	January 11, 2018 Notification
Exhibit 4	January 22, 2018 Notification
Exhibit 5	February 5, 2018 Final Notification with Delivery Confirmation
Exhibit 6	May 23, 2018 Letter of Disbandment
Exhibit 7	May 24, 2018 Acknowledgment of Disbandment Letter
Exhibit 8	September 28, 2018 Letter from Bank of America
Exhibit 9	Respondent's Filing History

RECEIVED
DEPARTMENT OF STATE

17 SEP 13 AM 9:32

DIVISION OF ELECTIONS
TALLAHASSEE, FL

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

CHECK APPROPRIATE BOX:

OFFICE USE ONLY

Original Appointment of Treasurer Reappointment of Treasurer Deputy Treasurer

1. Committee or Organization
Preparing for Our Future, PAC

2. Telephone
(954) 401-3228

3. Name of Treasurer or Deputy Treasurer
Willis Howard

4. Email (optional)
willishowardii@gmail.com

5. Telephone (optional)
()

6. Mailing Address
19821 NW 2nd Ave., #354 Miami, Fl. 33169

7. Street Address
19821 NW 2nd Ave., #354 Miami, Fl. 33169

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


9. Name of Bank
Bank of America

10. Street Address
15999 SW 29th st. Hollywood, Fl 33027

11. City
Hollywood

12. State
Fl


13. Zip Code
33027

14. Signature of Chairman
X 

15. Name of Chairman (Print or Type)
Willis Howard

Campaign Treasurer's Acceptance of Appointment
I, Willis Howard, do hereby accept the appointment as
(Please Print or Type)
treasurer or deputy treasurer for Preparing for Our Future, PAC
(Committee or Organization)

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

8/2/2017 X 
Date Signature of Campaign Treasurer or Deputy Treasurer



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

September 14, 2017

Willis Howard, Chairperson
Preparing for Our Future, PAC
19821 Northwest 2nd Avenue #354
Miami, Florida 33169

Dear Mr. Howard:

This will acknowledge receipt of the Statement of Organization and Appointment of Campaign Treasurer and Designation of Campaign Depository for **Preparing for Our Future, PAC**, which were placed on file in our office on September 13, 2017. This information appears to comply with the requirements of Section 106.03, Florida Statutes, and the name of this organization has been placed on our active committee list as a political committee.

Campaign Treasurer's Reports

Your first campaign treasurer's report will be due on **October 10, 2017**. The report will cover the period of September 1-30, 2017 (M9). All political committees that file reports with the Division of Elections are required to file by means of the Division's Electronic Filing System (EFS).

EFS Access

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

EFS Website Address: <https://efs.dos.state.fl.us>
Identification Number: 70084

Timely Filing

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

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

EXHIBIT 2 page 1 of 2



Willis Howard, Chairperson
September 14, 2017
Page Two

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

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

Electronic Receipts

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

Instructions and Assistance

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

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

Please let me know if you need additional information.

Sincerely,



Kristi Reid Willis, Chief
Bureau of Election Records

KRW/ljr

Enclosures

EXHIBIT 2 page 2 of 2



FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

January 11, 2018

Willis Howard, Chairperson
Preparing for Our Future, PAC
19821 Northwest 2nd Avenue
#354
Miami, FL 33169-3169

PAC 70084

Dear Mr. Howard:

Our records indicate that you have not filed either your campaign treasurer's report or notification that no reportable activity occurred, whichever is applicable. The filing date was January 10, 2018.

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

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

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

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

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

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

Sincerely,

Kristi Reid Willis, Chief
Bureau of Election Records

EXHIBIT 3



FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

Second Notice

January 22, 2018

Willis Howard, Chairperson
Preparing for Our Future, PAC
19821 Northwest 2nd Avenue
#354
Miami, FL 33169-3169

PAC 70084

Dear Mr. Howard:

Our records indicate that you have not filed either your campaign treasurer's report or notification that no reportable activity occurred, whichever is applicable. The filing date was January 10, 2018.

We mailed, via regular mail, the first notice of the failure to file the above-mentioned report or notification to the address on file with our office on January 11, 2018.

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

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

Sincerely,

Kristi Reid Willis, Chief
Bureau of Election Records

EXHIBIT 4



FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

Final Notice
Delivery Confirmation:

USPS TRACKING # & CUSTOMER RECEIPT 9114 9014 9645 1448 1826 32
For Tracking or inquiries go to USPS.com or call 1-800-222-1811

February 5, 2018

Willis Howard, Chairperson
Preparing for Our Future, PAC
19821 Northwest 2nd Avenue
#354
Miami, FL 33169-3169

PAC 70084

Dear Mr. Howard:

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

<u>Year</u>	<u>Report</u>	<u>Cover Period</u>
2017	M12	12/1/17 - 12/31/17

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

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

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

Sincerely,

Kristi Reid Willis, Chief
Bureau of Election Records

EXHIBIT

5

RECEIVED
DEPARTMENT OF STATE

2018 MAY 23 AM 8:15

DEPARTMENT OF STATE
DIVISION OF ELECTIONS

May 18, 2018

Attn: Kristi Willis

Re: Preparing For Our Future PAC

I am the Chairman and Treasurer of Preparing For Our Future PAC. I would like to close the PAC.
We have had no activity since opening the PAC.

Thank You,

Willis Howard



EXHIBIT 6



FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

May 24, 2018

Willis Howard, Chairperson
Preparing for Our Future, PAC (70084)
19821 Northwest 2nd Avenue #354
Miami, Florida 33169

Dear Mr. Howard:

This will acknowledge receipt of your committee's letter informing us of the disbandment of **Preparing for Our Future, PAC** as a political committee. This information has been placed on file in our office. Your final report (2018 M5) may be filed at any time but is due no later than **June 11, 2018**. This report must be filed via the Division's Electronic Filing system. If you have no activity to report, you are still required to file a waiver. Should you need to file amendments after the final report has been filed, please contact our office to have your account activated.

If you have any questions, or if we may be of further assistance to you at any time, please do not hesitate to call (850) 245-6280.

Sincerely,

KR Kristi Reid Willis, Chief
Bureau of Election Records

KRW/ms

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



EXHIBIT

7

September 28, 2018

FLORIDA ELECTIONS COMMISSION
SAMANTHA SPORE, INV. SPECIALIST
107 WEST GAINES ST, SUITE 224
TALLAHASSEE, FL 32399-1050

Regarding reference number: D092818000481
Case name: PREPARING FOR OUR FUTURE PAC
Case number: FEC 18-059
Customer name:

Bank of America, N.A. ("the Bank") received the above referenced subpoena.
Please see our response below.

What you need to know

- The Bank is unable to locate any accounts or records requested with the information provided.
- The Bank is unable to locate any records requested for the timeframe specified.
- The Bank is unable to locate any information or records on any account(s) for the date requested as the date exceeds the Bank's retention period.
- The Bank is unable to comply with the subpoena/legal request requesting documents from a separate legal entity. It will be necessary for you to serve a proper subpoena/legal request on that entity.
- Other. The Bank does not possess and/or cannot produce any of the requested records for the following reasons:
- Since we will not be producing any documents in response to your subpoena, we do not intend on appearing on October 19, 2018.

What you need to do

If you need to forward any additional correspondence to us regarding this case, please mail it to the following address:

Bank of America
DE5-024-02-08
P.O. Box 15047
Wilmington, DE 19850



**Florida Department of State
Division of Elections**

Preparing for Our Future, PAC

Campaign Finance Activity

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

	Filing Period	Contributions			Expend	Other	Transfers
		Monetary	Loans	InKind			
W	09/03/2017 - 09/30/2017	0.00	0.00	0.00	0.00	0.00	0.00
W	10/01/2017 - 10/31/2017	0.00	0.00	0.00	0.00	0.00	0.00
W	All Dates (Totals)	0.00	0.00	0.00	0.00	0.00	0.00

Note: (E) indicates that report was filed electronically

X Indicates that detail has not been released

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

Select Detail Type

Contributions ▼

Select Sort Order

Date(Ascending) ▼

Select Output Type

Display On Screen ▼

Submit Query Now

Query the Campaign Finance Data Base

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

EXHIBIT 9 page 1 of 2



search | directory | contact us | 411 | subscribe | tour | help

Florida Department of State - Division of Elections

Florida Election System Reports

Candidate/Committee Lookup

Committee Name: Preparing for Our Future, PAC

Name: Preparing for our future

Account: 70084

Election:

Acct: 70084

Type:

Committee

Search

Reset

Date Due	Type	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amount Paid
6/11/2018	M5		SNT	0	\$0.00		\$0.00	\$0.00
5/10/2018	M4		SNT	0	\$0.00		\$0.00	\$0.00
4/10/2018	M3		SNT	0	\$0.00		\$0.00	\$0.00
3/12/2018	M2		SNT	0	\$0.00		\$0.00	\$0.00
2/12/2018	M1		SNT	0	\$0.00		\$0.00	\$0.00
1/10/2018	M12		FEC	0	\$0.00		\$0.00	\$0.00
12/11/2017	M11		FEC	0	\$0.00		\$0.00	\$0.00
11/13/2017	M10	11/21/2017	CLO	8	\$0.00		\$0.00	\$0.00
10/10/2017	M9	11/21/2017	CLO	42	\$0.00		\$0.00	\$0.00

EXHIBIT 9 page 2 of 2



FLORIDA ELECTIONS COMMISSION

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

www.fec.state.fl.us; fec@myfloridalegal.com

August 28, 2018

Willis Howard, Chair
Preparing for Our Future PAC
3910 SW 186th Terrace
Miramar, FL 33029-2704

RE: Case No.: FEC 18-059; Respondent: Preparing for Our Future PAC

Dear Mr. Howard:

On March 1, 2018, the Florida Elections Commission received a complaint alleging that your committee violated Florida's election laws. I have reviewed the complaint and find that it contains one or more **legally sufficient allegations**. The Commission staff will investigate the following alleged violations:

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

- 2017 M12

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

- 2017 M12

When we conclude the investigation, a copy of the Report of Investigation (ROI) will be mailed to you at the above address. Based on the results of the investigation, a staff attorney will make a written recommendation (Staff Recommendation or SR) to the Commission as to whether there is probable cause to charge respondent with violating Chapters 104 or 106, Florida Statutes. You will have an opportunity to respond to both the ROI and the SR. The Commission will then hold one or more hearings to determine whether the alleged violations occurred and, if so, the amount

Willis Howard, Chair
August 28, 2018
Page 2
FEC 18-059

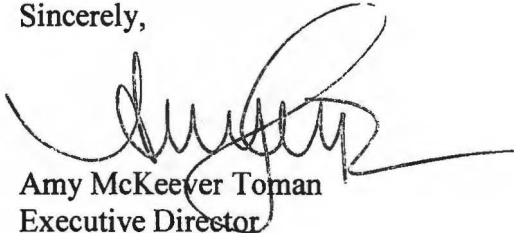
of the fine to be imposed. You and the complainant will receive notice at least 14 days before any hearing at which your case is to be considered.

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

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

If you have additional questions, please contact **Samantha Spore**, the investigator assigned to this case at extension 110.

Sincerely,



Amy McKeever Toman
Executive Director

AMT/enr

**DIVISION OF ELECTIONS
FEC NOTICE FORM**

To FEC from Division of Elections

Name: Preparing for Our Future, PAC
Account Number: 70084
Chairperson: Willis Howard
Treasurer: Willis Howard
Registered Agent: Willis Howard

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

Report(s):

2017 M12

Sent By: Kristi Reid Willis *KRW*
Date: February 27, 2018

ejr

AFFIDAVIT

STATE OF FLORIDA

County of Leon

Kristi Reid Willis, being duly sworn, says:

1. I am the Chief of the Bureau of Election Records of the Division of Elections (Division). In that capacity, I oversee the Division's duties related to the filing of campaign finance reports.
2. This affidavit is made upon my personal knowledge, including information obtained from review of the attached records, of which I am the custodian.
3. I am of legal age and competent to testify to the matters stated herein.
4. Preparing for Our Future, PAC (70084) is a political committee registered with the Division. On September 13, 2017, Mr. Willis Howard filed the DSDE 5 and 6 with the Division of Elections indicating that he was the chairperson and treasurer for the committee.
5. The 2017 M12 campaign treasurer's report was due on January 10, 2018. On January 11, 2018, the Division mailed Mr. Howard notification that the 2017 M12 campaign treasurer's report had not been filed.
6. On January 22, 2018, the Division mailed Mr. Howard notification that the 2017 M12 campaign treasurer's report had not been filed.
7. On February 5, 2018, the Division mailed Mr. Howard final notification with delivery confirmation that the 2017 M12 report had not been filed. (See attached letter and delivery confirmation.)
8. Mr. Howard did not notify the Division of Elections prior to or on the prescribed reporting date for the 2017 M12 report that no report was to be filed.

9. As of February 27, 2018, Mr. Howard has not filed the 2017 M12 report.

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



Signature of Affiant

Sworn to (or affirmed) and subscribed before me this 27th day of February, 2018.



Signature of Notary Public - State of Florida

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known





FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

Final Notice
Delivery Confirmation:

USPS TRACKING # **9114 9014 9645 1448 1826 32**
& CUSTOMER RECEIPT For Tracking or inquiries go to USPS.com
or call 1-800-222-1811

February 5, 2018

Willis Howard, Chairperson
Preparing for Our Future, PAC
19821 Northwest 2nd Avenue
#354
Miami, FL 33169-3169

PAC 70084

Dear Mr. Howard:

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

<u>Year</u>	<u>Report</u>	<u>Cover Period</u>
2017	M12	12/1/17 - 12/31/17

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

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

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

Sincerely,

Kristi Reid Willis, Chief
Bureau of Election Records

USPS Tracking®

FAQs > (<http://faq.usps.com/?articleId=220900>)

Track Another Package +

Tracking Number: 9114901496451448182632

Remove X

Expected Delivery on

THURSDAY

8 FEBRUARY
2018 ⓘ

by
8:00pm ⓘ

 **Delivered**

February 8, 2018 at 12:08 pm
Delivered, Front Desk/Reception
MIAMI, FL 33169

Get Updates ▾

Text & Email Updates



Tracking History



Product Information



See Less ^

How can I help you?