

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Anibal Cabrera

Case No.: FEC 19-512

TO: Anibal Cabrera
817 East Conover Street
Tampa, FL 33603

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

NOTICE OF VIRTUAL HEARING (INFORMAL HEARING)

A hearing will be held in this case before the Florida Elections Commission on **February 23, 2021 at 8:30 am, EST**, or as soon thereafter as the parties can be heard.

Please note that because of COVID-19, this will be a virtual meeting conducted by remote video or teleconference. Enclosed you will find additional details on joining the video conference via GoToWebinar, 9-Digit Webinar ID 627-359-707, or via teleconference by dialing (877) 309-2071 and entering the meeting access code 324-720-215, when prompted. If you wish to speak before the Commission, you will need to appear by webcam and will be sworn in remotely. Please be advised that the Commission will consider multiple cases, so you will need to wait until your case is considered. If you have any questions, please contact Commission staff at (850) 922-4539.

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

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

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

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

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

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

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

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

See further instructions on the reverse side.

Tim Vaccaro

Executive Director
Florida Elections Commission
February 2, 2021

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

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

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

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

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



Florida Elections Commission

107 West Gaines Street, Suite 224 Tallahassee, Florida 32399-6596

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

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



Commission Meeting February 23, 2021 at 8:30AM via GoToWebinar and OpenVoice

In order to participate in the public portion of the February 23, 2021, Florida Elections Commission meeting, please follow the instructions below:

- A. GoToWebinar – Remote Video Conferencing
 1. Open your web browser and search GoToWebinar or enter www.gotowebinar.com
 2. Select Join A Webinar in the upper right corner of the website
 3. Enter the 9-digit Webinar ID: 627-359-707
And your email address
 4. Register your name and email address
 5. You will automatically join to the meeting as an attendee. Attendees are muted and can choose to their webcam.

- B. OpenVoice - Teleconference
 1. Call 1-877-309-2071
 2. Enter Audio Access Code 324-720-215
 3. You will automatically join the meeting as an attendee. Attendees are muted.

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

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

Thank you,

Commission Staff

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

Florida Elections Commission,
Petitioner,

Case No.: FEC 19-512

v.

Anibal Cabrera, as Treasurer of Citizens
of Florida,
Respondent.

ORDER OF PROBABLE CAUSE

THIS MATTER was heard by the Florida Elections Commission (Commission) at its regularly scheduled meeting on December 1, 2020, in Tallahassee, Florida.

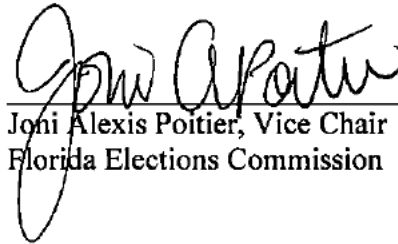
On May 20, 2020, Staff recommended to the Commission that there was probable cause to believe that the Florida Election Code was violated. The facts articulated in Staff's Recommendation are adopted by reference and incorporated herein. Based on the Complaint, Report of Investigation, Staff's Recommendation, and oral statements (if any) made at the probable cause hearing, the Commission finds that there is **probable cause** to charge Respondent with the following violation(s):

Count 1:

On or about February 11, 2019, Respondent, violated Section 106.07(5), Florida Statutes, when Respondent certified Citizens of Florida's 2019 M1 Report was true and correct, when it was not.

The Commission also finds there is **no probable cause** Respondent violated **Sections 106.19(1)(b), 106.19(1)(c), and 106.19(1)(d), Florida Statutes.**

DONE AND ORDERED by the Florida Elections Commission on December 1, 2020.



Joni Alexis Poitier, Vice Chair
Florida Elections Commission

Copies furnished to:
Eric M. Lipman, General Counsel
Anibal Cabrera, as Treasurer for Citizens of Florida, 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: Anibal Cabrera

Case No.: FEC 19-512

TO: Anibal Cabrera
817 East Conover Street
Tampa, FL 33603

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, **December 1, 2020 at 10:00 AM**, *or as soon thereafter as the parties can be heard*, at the following location: **Senate Office Building, 404 South Monroe Street, Room 110-S, Tallahassee, Florida 32399**. Due to heightened security access requirements, please bring only essential items into the building and plan to arrive early to allow for delays coming through security.

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

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
November 9, 2020

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

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

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

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

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

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

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

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: **Anibal Cabrera, as treasurer
of Citizens of Florida**

Case No.: **FEC 19-512**

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 106.07(5), Florida Statutes**, and **no probable cause** to charge Respondent with violating **Sections 106.19(1)(b), 106.19(1)(c), and 106.19(1)(d), Florida Statutes**. Based upon a thorough review of the Report of Investigation submitted on December 19, 2019, the following facts and law support this staff recommendation.

1. On September 6, 2019, the Florida Elections Commission ("Commission") received a referral from the Division of Elections ("Division") alleging Anibal Cabrera ("Respondent") violated Chapter 106, Florida Statutes.

2. Respondent is the treasurer for Citizens of Florida ("COF"), a political committee registered with the Division of Elections. COF's initial Appointment of Campaign Treasurer and Designation of Campaign Depository for Committee's form ("DS-DE 6") was filed with the Division on January 17, 2019. (Attachment A) COF filed a second DS-DE 6 with the Division on January 29, 2019. (ROI Exhibit 1)¹ Both DS-DE 6s appointed Respondent as COF's campaign treasurer. (ROI Exhibit 1 and Attachment A)

3. On January 17, 2019, COF also filed a Statement of Organization of Political Committee form ("DS-DE 5"). However, it was incomplete. (Attachment B) COF filed a corrected DS-DE 5 on January 29, 2019. (ROI Exhibit 2)

4. By letter dated January 30, 2019, Kristi Reid Willis, Chief, Bureau of Election Records, Division of Elections, notified COF's chair the Division had received COF's DS-DE 5 and DS-DE 6, the documents had been placed on file in the Division's office, and the organization's name had been placed on the Division's active committee list as a political committee. (ROI Exhibit 3, page 1) A copy of Ms. Willis's letter was sent to Respondent. (ROI Exhibit 3, page 2)

5. The letter advised Respondent all political committees filing reports with the Division are required to use the Division's Electronic Filing System ("EFS") and provided Respondent with a user identification number and initial password to access the EFS. (ROI Exhibit

¹ The Report of Investigation shall be referred to herein as "ROI."

3, page 1) The letter also instructed Respondent that, "Each campaign treasurer's report filed by means of the EFS is considered to be under oath by the candidate and campaign treasurer and such persons are subject to the provisions of Section 106.07(5), Florida Statutes." (ROI Exhibit 3. Page 2)

6. Ms. Willis's January 30, 2019 letter further advised Respondent that all the Division's publications and reporting forms were available on the Division's website and directed Respondent to print a copy of Chapter 106, Florida Statutes, the *Political Committee Handbook*, and the *Calendar of Reporting Dates* as well as other documents. *Id.*

7. By letter dated October 16, 2019, the Executive Director notified Respondent that Commission staff would investigate the following alleged violations:

Section 106.07(5), Florida Statutes: Respondent, Treasurer of Citizens of Florida, a political committee registered with the Division of Elections, may have certified the 2019 M1 campaign treasurer's report was true, correct, and complete when it was not, as alleged in the complaint.

Section 106.19(1)(b), Florida Statutes: Respondent, Treasurer of Citizens of Florida, a political committee registered with the Division of Elections, may have failed to report one or more contributions required to be reported by Chapter 106, Florida Statutes, as alleged in the complaint.

Section 106.19(1)(c), Florida Statutes: Respondent, Treasurer of Citizens of Florida, a political committee registered with the Division of Elections, may have falsely reported or deliberately failed to include information in the 2019 M1 campaign treasurer's report, as required by Chapter 106, Florida Statutes, as alleged in the complaint.

Section 106.19(1)(d), Florida Statutes: Respondent, Treasurer of Citizens of Florida, a political committee registered with the Division of Elections, may have made or authorized one or more expenditures prohibited by Chapter 106, Florida Statutes, as alleged in the complaint.

Sections 106.07(5) and 106.19(1)(c), Florida Statutes:

8. Respondent allegedly certified COF's 2019 M1 Report was true and correct when it was not, and allegedly falsely reported or deliberately failed to include information required to be reported on COF's 2019 M1 Report.

9. Respondent's 2019 M1 Report covering the dates of January 1, 2019, through January 31, 2019, was due on February 11, 2019. (ROI Exhibit 3, page 1; Attachment C)² Respondent timely filed COF's 2019 M1 Report and certified the Report was true, correct and complete. (Attachment D) Respondent reported that COF spent more on expenditures than it collected in contributions during the 2019 M1 reporting period. (ROI Exhibit 4 and ROI Exhibit 5, page 2)³

10. More specifically, Respondent reported COF received a January 30, 2019 \$20 cash contribution. (ROI Exhibit 5, page 3) Respondent also reported COF made a January 19, 2019 \$32.16 expenditure to Federal Express and a January 25, 2019 \$12.35 expenditure to Federal Express. (ROI Exhibit 5, page 4) The contribution listed on COF's 2019 M1 Report matches the information on COF's campaign account records. However, COF's campaign records do not show any expenditures were made during the 2019 M1 reporting period. (ROI Exhibit 5, pages 3 and 4; ROI Exhibit 6)

11. Section 106.11(1)(a), Florida Statutes, requires:

The campaign treasurer or deputy campaign treasurer of a candidate or **political committee** shall make **expenditures from funds on deposit in the primary campaign depository only by means of a bank check drawn upon the campaign account of the candidate or political committee**. The campaign account shall be separate from any personal or other account and shall be used only for the purpose of depositing contributions and making expenditures for the candidate or **political committee**. (Emphasis added)

12. COF was required to make the two expenditures to Federal Express by means of a check drawn on its campaign account. However, because COF did not open its campaign account until January 30, 2019, COF could not have paid for the expenditures with a campaign check. (Section 106.11(1)(a), Florida Statutes; ROI Exhibit 6)

13. Based upon the information above, it appears Respondent certified COF's 2019 M1 Report was true, and correct when it was not. However, it does not appear that Respondent's actions rise to the level of falsely reporting or deliberately failing to include information on COF's 2019 M1 Report.

Section 106.19(1)(b), Florida Statutes.

14. Respondent allegedly did not report one or more contributions required to be reported on COF's 2019 M1 Report.

² Respondent's 2019 M1 Report states it covers the dates of January 19, 2019, through January 31, 2019. (ROI Exhibit 5, page 2)

³ The 2019 M1 Report was COF's first campaign report. (Exhibit 3, page 1; Attachment C)

15. As noted above, COF's campaign account records show its campaign account was opened on January 30, 2019, with a \$20 cash contribution. This matches the information Respondent reported on COF's 2019 M1 Report. (ROI Exhibit 5, page 3 and ROI Exhibit 6)

16. Based on the foregoing, it does not appear Respondent failed to report a contribution required to report on COF's 2019 M1 Report.

Section 106.19(1)(d), Florida Statutes.

17. Respondent allegedly made or authorized one or more expenditure prohibited by Chapter 106.

18. As indicated above, Respondent reported COF made two expenditures to Federal Express prior to opening its campaign account. Because the expenditures were not made by a check drawn on COF's campaign account, the expenditures were prohibited. (Section 106.11(1)(a), Florida Statutes, and ROI Exhibit 5, page 4) However, it is unclear whether Respondent made or authorized either expenditure.

19. Based on the above information, it is unclear who made or authorized the prohibited expenditures.

20. On August 7, 2019, the Division contacted Respondent and advised Respondent he needed to provide a written explanation for the deficit reflected on COF's 2019 M1 Report. The Division's notes state Respondent indicated COF may have run a deficit at the end of January 2019. (Attachment E)

21. On August 20, 2019, Respondent called the Division and was instructed to find the deficit and amend the report, which Respondent failed to do. (Attachments E and F)

22. On November 21, 2019, Investigator Smith attempted to contact Respondent by telephone. Investigator Smith left a message on Respondent's voicemail requesting Respondent to return the call at his earliest convenience, which Respondent failed to do. (ROI Exhibit 8, Phone Log Entry 1)

23. On November 25, 2019, Investigator Smith attempted to speak with Respondent by telephone. Investigator Smith left a message on Respondent's voicemail that he sent Respondent an affidavit by email and regular mail. Investigator Smith stated that if Respondent preferred, Respondent could return the call and Investigator Smith would ask the questions over the phone. (ROI Exhibit 7 and ROI Exhibit 8, Phone Log Entry 2)

24. On December 16, 2019, Investigator Smith attempted to call Respondent by telephone. Investigator Smith left a message on Respondent's voicemail asking Respondent to return the phone call, which Respondent failed to do. (ROI Exhibit 8, Phone Log Entry 3)

25. "Probable Cause" is defined as a reasonable ground 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

25. Respondent is the treasurer for Citizens of Florida, a political committee registered with the Division of Elections. Citizens of Florida filed an Appointment of Campaign Treasurer and Designation of Campaign Depository for Committee's form on January 17, 2019, and January 29, 2019. Both forms appointed Respondent as Citizens of Florida's campaign treasurer.

26. The above facts also show that Citizens of Florida's 2019 M1 Report covering the dates of January 1, 2019, through January 31, 2019, was due on February 11, 2019. Respondent timely filed Citizens of Florida's 2019 M1 Report and certified the Report was true and correct. On Citizens of Florida's 2019 M1 Report, Respondent reported Citizens of Florida received a January 30, 2019 \$20 cash contribution, made a January 19, 2019 \$32.16 expenditure to Federal Express, and made a January 25, 2019 \$12.35 expenditure to Federal Express.

27. Additionally, the above facts show the contribution Respondent reported on Citizens of Florida's 2019 M1 Report matches Citizens of Florida's campaign account records. However, COF's campaign account records do not show Citizens of Florida made any expenditures during the 2019 M1 reporting period. Therefore, Respondent certified Citizens of Florida's 2019 M1 Report was true and complete when it was not. However, Respondent's actions did not rise to the level of falsely reporting or deliberately failing to include information on Citizens of Florida's 2019 M1 Report. Moreover, even though the two expenditures to Federal Express were prohibited, it is uncertain whether Respondent made or authorized either of the two prohibited expenditures.

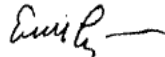
Based on the foregoing, I recommend the Commission find probable cause to charge Respondent with the following violation:

Count 1:

On or about February 11, 2019, Respondent, violated Section 106.07(5), Florida Statutes, when Respondent certified Citizens of Florida's 2019 M1 Report was true and correct, when it was not.

I further recommend the Commission find **no probable cause** that Respondent violated Sections 106.19(1)(b), 106.19(1)(c), and 106.19(1)(d), Florida Statutes.

Respectfully submitted on May 20, 2020.



Eric M. Lipman
General Counsel

I have reviewed this Staff Recommendation this 20^{TK} day of May 2020.



Tim Vaccaro
Executive Director

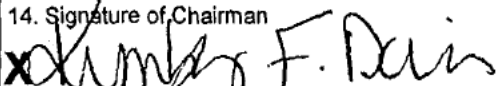
**APPOINTMENT OF CAMPAIGN TREASURER
AND DESIGNATION OF CAMPAIGN
DEPOSITORY FOR
POLITICAL COMMITTEES**
(Sections 106.011(2) and 106.021(1), F.S.)

RECEIVED
DEPARTMENT OF STATE
2019 JAN 17 PM 4:25
DIVISION OF ELECTIONS

CHECK APPROPRIATE BOX:

OFFICE USE ONLY

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

1. Committee or Organization Citizens of Florida		2. Telephone (813) 765-9835	
3. Name of Treasurer or Deputy Treasurer Amibal Cabrera - Three Bridges		4. Email (optional) Advorney@gmail.com	
5. Telephone (optional) (813) 409-8465		6. Mailing Address 8270 Woodland Center Blvd, Tampa, FL 33614	
7. Street Address 8270 Woodland Center Blvd, Tampa, FL 33614		ATTN: Amibal Cabrera	
8. The following bank has been designated as the		<input checked="" type="checkbox"/> Primary Depository <input type="checkbox"/> Secondary Depository	
9. Name of Bank Fifth Third Bank		10. Street Address 3411 W. Columbus Dr	
11. City Tampa		12. State FL	13. Zip Code 33606
14. Signature of Chairman 		15. Name of Chairman (Print or Type) Kimberly F. Davis	

Campaign Treasurer's Acceptance of Appointment

I, Amibal David Cabrera, do hereby accept the appointment as
(Please Print or Type)
treasurer or deputy treasurer for Citizens of Florida
(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.

1-16-18
Date


Signature of Campaign Treasurer or Deputy Treasurer

**STATEMENT OF ORGANIZATION
OF POLITICAL COMMITTEE**

(PLEASE TYPE)

OFFICE USE ONLY
RECEIVED
DEPARTMENT OF
STATE

2019 JAN 17 PM 4:25

FLORIDA STATE
DIVISION OF ELECTIONS

INCOMPLETE

1. Full Name of Committee

Citizens of Florida

Telephone

813-785-9835

Mailing Address (include city, state and zip code)

2501 W. Tampa Bay Blvd., Tampa, FL 33607

Street Address (include city, state and zip code)

2501 W. Tampa Bay Blvd., Tampa, FL 33607

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

Name of Affiliated or Connected Organization	Mailing Address	Relationship
None		

3. Area, Scope and Jurisdiction of the Committee

Political Committee supporting or opposing statewide legislative, multicounty candidates and/or issues.

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

Political candidates

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

Full Name	Mailing Address	Committee Title or Position
Amibal Cabrera	8270 Woodland Center Blvd. Tampa, FL 33614	Treasurer

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

Full Name	Mailing Address	Committee Title or Position
Kimberly F. Davis	3414 W. San Pedro St. Tampa, FL 33629	Chairman

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

Full Name	Mailing Address	Office Sought	Party
None			

8. List Any Issues this Committee is Supporting: Protection of FL citizens and neighborhoods

List Any Issues this Committee is Opposing: N/A

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

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

Residual funds will be deposited to a 501(c)3.

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

Name of Bank or Depository & Account Number	Mailing Address
Fifth Third Bank	3411 W. Columbus Dr Tampa FL 33607

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

Report Title	Dates Required to be Filed	Name & Position of Official	Mailing Address
None			

STATE OF Florida Hillsborough COUNTY

I, Kimberly F. Davis, certify that the information in this Statement of

Organization is complete, true and correct.

X Kimberly F. Davis

Signature of Chairman of Political Committee

1/16/19

Date

ATTACHMENT B, page 2

2019 Calendar of Reporting Dates

Candidates, Political Committees and
Electioneering Communications Organizations
registered with the Division of Elections

<u>Cover Period</u>	<u>Report Code</u>	<u>Due Date</u>
1/1/19 – 1/31/19	2019 M1	2/11/19
2/1/19 – 2/28/19	2019 M2	3/11/19
3/1/19 – 3/31/19	2019 M3	4/10/19
4/1/19 – 4/30/19	2019 M4	5/10/19
5/1/19 – 5/31/19	2019 M5	6/10/19
1/1/2018 – 12/31/2018	2018 MUC* (PC Only)	7/1/19
6/1/19 – 6/30/19	2019 M6	7/10/19
7/1/19 – 7/31/19	2019 M7	8/12/19
8/1/19 – 8/31/19	2019 M8	9/10/19
9/1/19 – 9/30/19	2019 M9	10/10/19
10/1/19 – 10/31/19	2019 M10	11/12/19
11/1/19 – 11/30/19	2019 M11	12/10/19
12/1/19 – 12/31/19	2019 M12	1/10/20

* If not reported as individual contributions when received, a political committee must report contributions that comprise multiple uniform contributions from the same person aggregating no more than \$250 per calendar year, collected by an organization that is the affiliated sponsor of the political committee. The report must list the name, address, and occupation of the person making the contribution; however, the occupation need not be listed if the aggregate contribution from the person is \$100 or less.

ATTACHMENT C



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Florida Department of State - Division of Elections

Florida Election System Reports

Candidate/Committee Lookup

Committee Name: Citizens of Florida

Name:

Account: 74077

Election:

Acct: 74077

Type:

Date Due	Type	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amount Paid
4/10/2020	M3	4/10/2020						
3/10/2020	M2	3/10/2020						
2/10/2020	M1	2/24/2020	CLO	14	\$0.00		\$0.00	\$0.00
1/10/2020	M12	1/10/2020						
12/10/2019	M11	12/10/2019						
11/12/2019	M10	11/12/2019						
10/10/2019	M9	10/10/2019						
9/10/2019	M8	9/10/2019						
8/12/2019	M7	8/12/2019						
7/10/2019	M6	7/10/2019						
6/10/2019	M5	6/11/2019	CLO	1	\$0.00		\$0.00	\$0.00
5/10/2019	M4	5/10/2019						
4/10/2019	M3	4/10/2019						
3/11/2019	M2	3/11/2019						
2/11/2019	M1	2/11/2019						

ATTACHMENT D

Report Detail

Account/Seq 74077 1

Election/Type
20201103-GEN
PAC

Citizens of Florida

Status/Reviewer	Mailed	Type/Recd	R E S P O N S E
REF njtaylor	1st: 7/5/2019	AUT	
9/5/19 9:39 am	2nd: 7/22/2019		
	3rd: 8/12/2019		TEL 8/20/2019

NOTES: 8/20/19 - I received a call and instructed him to find the deficit balance and amend the report, and to send us a signed written explanation before August 22nd when I believe the 7 days from delivery of the notice is up. - zjs
8/7/19 - Contacted the treasurer to let him know we need a written explanation for the deficit balance on report M1. He said he thinks they may have run a deficit at the end of January and will provide a signed letter explaining why. I gave him our fax number. -njt

ATTACHMENT 5

Eric Lipman

From: Willis, Kristi R. (Bronson) <Kristi.Willis@DOS.MyFlorida.com>
Sent: Wednesday, May 6, 2020 10:19 AM
To: Eric Lipman
Subject: RE: Committee 47077 -- 2019 M1
Attachments: rptNotesHistory.pdf; rptDetailNotes.pdf

The report has not been amended.

From: Eric Lipman <Eric.Lipman@myfloridalegal.com>
Sent: Monday, May 04, 2020 11:16 AM
To: Willis, Kristi R. (Bronson) <Kristi.Willis@DOS.MyFlorida.com>
Subject: Committee 47077 -- 2019 M1

EMAIL RECEIVED FROM EXTERNAL SOURCE

Kristi,

1. Did PC 74077 ever file a corrected 2019 M1 to fully correct the error of having a deficit (first report filed)?
2. **If they filed** an amended report, can you send it to me along and also send me an updated Queued Transaction Report for the 2019 M1 Reporting period
3. Can you please send me your phone/contact notes for that PC ?

Thank you,

Eric M. Lipman, General Counsel
Florida Elections Commission
107 West Gaines Street
The Collins Building, Suite 224
Tallahassee, Florida 32399-1050
(850) 922-4539
eric.lipman@myfloridalegal.com

ATTACHMENT F

FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Case No.: FEC 19-512

Respondent: Anibal Cabrera

Complainant: Division of Elections

Pursuant to Section 106.25(2), Florida Statutes, on September 6, 2019, the Florida Elections Commission (Commission) received information from the Division of Elections (Division) that Respondent violated Chapter 106, Florida Statutes. Commission staff, therefore, investigated whether Respondent violated the following statutes:

Section 106.07(5), Florida Statutes, prohibiting a candidate from certifying to the correctness of a campaign treasurer's report that is incorrect, false, or incomplete.

Section 106.19(1)(b), Florida Statutes, failure of a person or organization to report a contribution required to be reported by Chapter 106, Florida Statutes;

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

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

I. Preliminary Information:

1. Respondent, Anibal Cabrera, is the treasurer for Citizens of Florida, a political committee registered with the Division.

2. On January 29, 2019, the political committee's Appointment of Campaign Treasurer and Designation of Campaign Depository for Political Committees form (DS-DE 6) was filed with the Division. Anibal Cabrera was appointed to serve as treasurer; Kimberly F. Davis was named as chairperson. To review the DS-DE 6 form, refer to Exhibit 1.

3. Complainant is the Division.

4. The political committee's filing officer is Kristi Reid Willis, Chief, Bureau of Election Records.

5. On January 29, 2019, the political committee's Statement of Organization was filed with the Division. The political committee's area, scope and jurisdiction was listed as, "Political committee supporting or opposing statewide, legislative, multicounty candidates and/or issues." To review the political committee's Statement of Organization, refer to Exhibit 2.

6. On January 30, 2019, the Division sent a letter to Respondent's chairperson acknowledging that Citizens of Florida has been placed on its active committee list as a political committee¹. The last paragraph of the letter advised that all of the Division's publications and reporting forms are available on its website. The letter further read, "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." To review a copy of the acknowledgement letter, refer to Exhibit 3.

II. Alleged Violation of Section 106.07(5), and 106.19(1)(c), Florida Statutes:

7. I investigated whether Respondent violated this section of the election laws by certifying to the correctness of a campaign report as true, correct, and complete, when it was not.

8. Complainant included with the referral a copy of a printout titled, Sum of Contributions vs Expenditures. Based on the printout, it appeared that the political committee had a deficit balance following the filing of the 2019 M1 campaign report. To review the printout titled, Sum of Contributions vs Expenditures, refer to Exhibit 4.

9. The political committee's 2019 M1 campaign report was filed with the Division on February 11, 2019; the reporting period covered January 19 – January 31, 2019. Respondent certified the 2019 M1 campaign report as true, correct, and complete. The campaign report reveals one contribution in the amount of \$20.00, and two expenditures totaling \$44.51. Table 1 is reflective of how the two expenditures were reported. To review the 2019 M1 campaign report, refer to Exhibit 5.

TABLE 1: RESPONDENT'S 2019 M1 CTR – ITEMIZED EXPENDITURES					
Date	Full Name, Street Address & City, State, Zip Code	Purpose	Expenditure Type	Amend.	Amount
Sequence #					
01/19/2019 1	Fed Ex 5101 West Waters Ave Tampa, FL 33634	PAC Admin	MON		\$32.16
01/25/2019 2	Fed Ex Office 101 S Dale Mabry Tampa, FL 33609	PAC Admin	MON		\$12.35

¹ Respondent's treasurer was copied on the letter.

10. I subpoenaed the political committee's campaign account records from its designated campaign depository, Centennial Bank. The bank statement reveals that the only activity in the campaign account was a \$20.00 deposit made on January 30, 2019. To review the bank statement, refer to Exhibit 6.

11. Respondent did not offer a response to the referral.

12. A questionnaire-affidavit was prepared and mailed to Respondent to ask him about the two expenditures reported in the political committee's 2019 M1 campaign report. As of the date of this report, he has not returned the affidavit. To review the questionnaire-affidavit, refer to Exhibit 7.

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

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

14. I investigated whether Respondent violated this section of the election laws by failing to report a contribution.

15. As per paragraph eight, Complainant included a printout titled, Sum of Contributions vs Expenditures. Based on the deficit balance following the filing of the 2019 M1 campaign report, it appeared that Respondent may have failed to report a contribution. To review the Sum of Contributions vs Expenditures printout, refer to Exhibit 4.

16. As previously addressed, the bank statement (Exhibit 6) reveals a \$20.00 deposit was made on January 30, 2019, which coincides with the \$20.00 contribution reported in the 2019 M1 campaign report. The deficit balance as shown in the Sum of Contributions vs Expenditures printout was the result of two reported expenditures totaling \$44.51 that were not found in the bank records.

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

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

18. I investigated whether Respondent violated this section of the election laws by making prohibited expenditures from the campaign account during the 2019 M1 reporting period.

19. Based on the Sum of Contributions vs Expenditures printout included with the referral, it appeared that Respondent may have made a prohibited expenditure from the campaign account because of the apparent deficit balance.

20. As previously addressed, the deficit balance as shown in the Sum of Contributions vs Expenditures printout was the result of two reported expenditures totaling \$44.51 that were not found in the bank records. The bank records for the 2019 M1 reporting period do not show

evidence of a deficit balance. To review the bank statement, refer to Exhibit 6.

21. Respondent did not return a questionnaire-affidavit in which he was asked, in part, to explain the two expenditures reported in the political committee's 2019 M1 campaign report but not found in the campaign account records. To review the questionnaire-affidavit, refer to Exhibit 7.

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

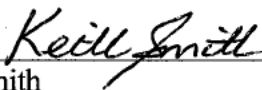
V. FEC History:

23. Respondent has no prior history with the Florida Elections Commission.

Conclusion:

24. On November 11, November 25 and December 16, 2019, I called Respondent and left voice-mail messages asking that he return my telephone calls so that he may have an opportunity to respond to the allegations. As of the date of this report, Respondent has not returned my telephone calls. To review the phone log, refer to Exhibit 8.

Respectfully submitted on December 19, 2019.



Keith Smith
Investigation Specialist

Current address of Respondent	Current address of Complainant
Anibal Cabrera 817 E. Conover Street Tampa, Florida 33603	Division of Elections 500 South Bronough Street, Room 316 Tallahassee, Florida 32399-0250
Name and Address of Filing Officer:	

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

Copy furnished to: Cole Kekelis, Chief Regulatory Counsel

FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Anibal Cabrera -- FEC 19-512

LIST OF EXHIBITS	
Exhibits #s	Description of Exhibits
Exhibit 1	DS-DE 6
Exhibit 2	DS-DE 5
Exhibit 3	Ack ltr
Exhibit 4	Sum of Contributions vs Expenditures
Exhibit 5	2019 M1 CTR
Exhibit 6	January 2019 bank statement
Exhibit 7	Q/A
Exhibit 8	Phone Log

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

RECEIVED
DEPARTMENT OF STATE
2019 JAN 29 PM 12:57
DIVISION OF ELECTIONS

CHECK APPROPRIATE BOX:

OFFICE USE ONLY

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

1. Committee or Organization Citizens of Florida		2. Telephone (813) 785-9835	
3. Name of Treasurer or Deputy Treasurer Anibal Cabrera - Three Bridges Advisory@gmail.com		4. Email (optional) Three Bridges Advisory@gmail.com	
5. Telephone (optional) (813) 409-8465		6. Mailing Address 9270 Woodland Center Blvd., Tampa, FL 33614	
7. Street Address 9270 Woodland Center Blvd., Tampa, FL 33614		ATTN: Anibal Cabrera	
8. The following bank has been designated as the		<input checked="" type="checkbox"/> Primary Depository <input type="checkbox"/> Secondary Depository	
9. Name of Bank Centennial Bank		10. Street Address 4600 W. Kennedy Blvd.	
11. City Tampa		12. State FL	13. Zip Code 33609
14. Signature of Chairman X Kimberly F. Davis		15. Name of Chairman (Print or Type) Kimberly F. Davis	

Campaign Treasurer's Acceptance of Appointment

I, **Anibal David Cabrera**, do hereby accept the appointment as
(Please Print or Type)
 treasurer or deputy treasurer for **Citizens of Florida**
(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.**

1-22-20 EXHIBIT
Date

X 
Signature of Campaign Treasurer or Deputy Treasurer

**STATEMENT OF ORGANIZATION
OF POLITICAL COMMITTEE**

(PLEASE TYPE)

OFFICE USE ONLY
RECEIVED
DEPARTMENT OF STATE
2019 JAN 29 PM 12:57
DIVISION OF ELECTIONS

1. Full Name of Committee

Citizens of Florida

Telephone

(813) 785-4835

Mailing Address (include city, state and zip code)

2501 W. Tampa Bay Blvd, Tampa, FL 33607

Street Address (include city, state and zip code)

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

Name of Affiliated or Connected Organization	Mailing Address	Relationship
None		

3. Area, Scope and Jurisdiction of the Committee

Political Committee supporting or opposing statewide legislative, ^{multicounty candidates and/or issues.}

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

Political Candidates

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

Full Name	Mailing Address	Committee Title or Position
Amibal Cabrera	8270 Woodland Center Blvd Tampa, FL 33614	Treasurer

EXHIBIT 2 (1 of 2)

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

Full Name	Mailing Address	Committee Title or Position
Kimberly F. Davis	3414 W. San Pedro St. Tampa, FL 33629	Chairman

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

Full Name	Mailing Address	Office Sought	Party
To be determined			

8. List Any Issues this Committee is Supporting: Protection of FL citizens and neighborhoods
List Any Issues this Committee is Opposing: To be determined

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

10. In the Event of Dissolution, What Disposition will be Made of Residual Funds?
 Residual funds will be deposited to a 501(c)3.

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

Name of Bank or Depository & Account Number	Mailing Address
Centennial Bank	4600 W. Kennedy Blvd. Tampa, FL 33609

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

Report Title	Dates Required to be Filed	Name & Position of Official	Mailing Address
None			

STATE OF Florida Hillsborough COUNTY

I, Kimberly F. Davis, certify that the information in this Statement of Organization is complete, true and correct.

Kimberly F. Davis EXHIBIT 2 (2 of 2) 1/22/19
 Signature of Chairman of Political Committee Date



FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

JENNIFER KENNEDY
Interim Secretary of State

January 30, 2019

Kimberly F. Davis, Chairperson
Citizens of Florida
3414 West San Pedro Street
Tampa, Florida 33629

Dear Ms. Davis:

This will acknowledge receipt of the Statement of Organization and Appointment of Campaign Treasurer and Designation of Campaign Depository for **Citizens of Florida**, which were placed on file in our office on January 29, 2019. 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 **February 11, 2019**. The report will cover the period of January 1-31, 2019 (2019 M1). 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: 74077

Timely Filing

All reports must be completed and filed through the EFS no later than midnight, Eastern Standard Time, of the due date. Reports not filed by midnight of the due date are late filed and subject to

EXHIBIT 3 (of 2)
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

FLORIDA
DIVISION OF
ELECTIONS

Kimberly Davis, Chairperson
January 30, 2019
Page Two

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

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

Electronic Receipts

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


Instructions and Assistance

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

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

Please let me know if you need additional information.

Sincerely,



Kristi Reid Willis, Chief
Bureau of Election Records

KRW/jcs

Enclosures

EXHIBIT 3 (2 of 2)

pc: Anibal Cabrera, Treasurer

Sum of Contributions vs Expenditures

8/12/2019 8:18:52 AM

Citizens of Florida

74077

Elec ID	Year	Report	Contributions	Expenditures	Running Total
Previous Balance:					
20201103-GEN	2019	M1	\$20.00	\$44.51	(\$24.51)
		M2	\$1,500.00	\$850.00	\$625.49
		M3	\$0.00	\$0.00	\$625.49
		M4	\$0.00	\$0.00	\$625.49
		M5	\$0.00	\$0.00	\$625.49
		M6	\$0.00	\$0.00	\$625.49
Campaign Total:			\$1,520.00	\$894.51	

Grand Total:

Queued Items for 2019-M

Account: 74077

Citizens of Florida

Rpt Seq: 1

<i>ProcessDescription</i>	<i>Status</i>	<i>Submitter</i>	<i>Created</i>	<i>LastUpdate</i>
Create Pending Report	Processing Complete	74077	2/11/2019 10:29:04 PM	2/11/2019 10:29:04 PM
Review Pending Report	Processing Complete	74077	2/11/2019 10:38:34 PM	2/11/2019 10:38:34 PM
Review Pending Report	Processing Complete	74077	2/11/2019 10:46:39 PM	2/11/2019 10:46:39 PM
File Pending Report	Processing Complete	74077	2/11/2019 10:48:16 PM	2/11/2019 10:48:16 PM

EXHIBIT 5 (1 of 4)

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

(1) Citizens of Florida (2) 74077
Candidate, Committee or Party Name I.D. Number

(3) 2501 West Tampa Bay Boulevard Tampa FL 33607
Address (number and street) City State Zip Code

Check box if address has changed since last report

(4) Check appropriate box(es):

- Candidate (office sought):
 Political Committee Check If PC has DISBANDED
 Committee of Continuous Existence Check If CCE has DISBANDED
 Party Executive Committee

(5) REPORT IDENTIFIERS

Cover Period: From 01/19/2019 To 01/31/2019 Report Type: M1

Original Amendment Special Election Report

(6) CONTRIBUTIONS THIS REPORT

Cash & Checks	\$20.00
Loans	\$0.00
<i>Total Monetary</i>	\$20.00
In-Kind	\$0.00

(7) EXPENDITURES THIS REPORT

Monetary Expenditures	\$44.51
Transfers to Office Account	\$0.00
<i>Total Monetary</i>	\$44.51

(8) Other Distributions

Certification

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

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

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

Name of Treasurer Deputy Treasurer

Name of Candidate Chairman (PC/PTY Only)

X
Signature

X
Signature

EXHIBIT

5 (204)

Name: Citizens of Florida

Report: 2019 M1

Period: 01/19/2019 to 01/31/2019

** Records in Filed Report **

Seq # Date	Full Name (Last, Suffix, First, Middle Street Address & City, State, Zip	Contributor	Occupation	Amount
		Type	In-Kind Description	Amend
1 01/30/2019	CABRERA, ANIBAL DAVID 817 E CONOVER ST TAMPA, FL 33603	I CAS	PARTNER/THREEBRIDGESADVISORY	\$20.00

EXHIBIT 5 (3 & 4)

Name: Citizens of Florida

Report: 2019 M1

Period: 01/19/2019

to 01/31/2019

** Records in Filed Report **

Seq # Date	Full Name (Last, Suffix, First, Middle Street Address & City, State, Zip	Type	Purpose	Amount Amend
1 01/19/2019	FEDEX 5101 WEST WATERS AVE TAMPA, FL 33634	MON	PACADMIN	\$32.16
2 01/25/2019	FEDEX OFFICE 101 S DALE MABRY TAMPA, FL 33609	MON	PACADMIN	\$12.35

EXHIBIT 5 (A & A)



CITIZENS OF FLORIDA PC INC
 8270 WOODLAND CENTER BLVD
 TAMPA FL 33614

01/31/19

IMAGES 1
 CYCLE-031

*** CHECKING *** 1359 CFL COMMUNITY C
 ACCOUNT NUMBER [REDACTED]
 PREVIOUS STATEMENT BALANCE AS OF 01/29/1900
 PLUS 1 DEPOSITS AND OTHER CREDITS 20.00
 LESS 0 CHECKS AND OTHER DEBITS00
 CURRENT STATEMENT BALANCE AS OF 01/31/19 20.00
 NUMBER OF DAYS IN THIS STATEMENT PERIOD 2

CHECKING ACCOUNT TRANSACTIONS

DATE	DESCRIPTION	DEBITS	CREDITS
01/30	DEPOSIT		20.00

BALANCE BY DATE

DATE	BALANCE	DATE	BALANCE	DATE	BALANCE	DATE	BALANCE
01/29	.00	01/30	20.00				

PAYER FEDERAL ID NUMBER..... 71-0009885
 INTEREST PAID YEAR TO DATE..... .00

EXHIBIT 6

AFFIDAVIT OF BACKGROUND INFORMATION
Case Number: FEC 19-512

STATE OF FLORIDA

County of _____

Anibal Cabrera, being duly sworn, says:

1. This affidavit is made upon my personal knowledge.
2. I am of legal age and competent to testify to the matters stated herein. I am currently employed by _____ as _____.
3. 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.

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).

5. Other than serving as treasurer for Citizens of Florida, have you ever held the office of chairperson or treasurer for a political committee? If so, please list the names and addresses of the committees and dates when you held the position.

EXHIBIT 7 (1 of 3)

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

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

8. If so, when did you first obtain it? _____

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

10. Do you possess a copy of the *Political Committee Handbook*? Yes No

11. If so, when did you first obtain it? _____

12. Have you read the *Political Committee Handbook*? Yes No

13. Citizens of Florida's 2019 M1 campaign report disclosed an expenditure in the amount of \$32.16 to Fed Ex on 01/19/19 and an expenditure in the amount of \$12.35 to Fed Ex Office on 01/25/19. However, neither of the two expenditures could be found in the political committee's bank records. Please explain.

14. Who was responsible for entering the contribution and expenditure activity in the 2019 M1 campaign report?

15. Did you review the 2019 M1 campaign report prior to submitting it to the Division of Elections?

EXHIBIT 7 (203)

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

Signature of Affiant

Sworn to (or affirmed) and subscribed before me this _____ day of _____, 20____.

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

Personally Known _____ or Produced Identification _____

Type of Identification Produced: _____

Case Investigator: KS

EXHIBIT

7 (3 & 3)

FLORIDA ELECTIONS COMMISSION
PHONE LOG
Case No.: FEC 19-512

Respondent: Anibal Cabrera

Complainant: Division of Elections

1. **Date and time:** 11/21/19 @ 3:04 p.m.
Name: Respondent
Phone #: 813-409-8465
Summary: I tried calling Respondent to ask him a few questions relative to the referral from the Division. Specifically, I wanted to ask him about two expenditures reported in the 2019 M1 campaign report. I left a message on his voice-mail asking that he return my telephone call at his earliest convenience.
Memo to File? No
Entered by: KS

2. **Date and time:** 11/25/19 @ 10:44 a.m.
Name: Respondent
Phone #: 813-409-8465
Summary: I attempted to contact Respondent to ask him about two expenditures reported in the 2019 M1 campaign report. I left a voice-mail message advising him that I had e-mail and mailed, by regular mail delivery, a questionnaire-affidavit to him relative to the referral. In addition, I advised him that in lieu of responding to the affidavit, he could return my telephone call and I could ask him the questions over the telephone.
Memo to File? No
Entered by: KS

3. **Date and time:** 12/16/19 @ 1:55 p.m.
Name: Respondent
Phone #: 813-409-8465
Summary: I tried calling Respondent to ask him about the status of the questionnaire-affidavit as well as reviewing the case with him. I left a message on his voice-mail asking that he return my call at his earliest convenience.
Memo to File? No
Entered by: KS

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

5. **Date and time:**
Name:
Phone #:

EXHIBIT

8 (1 of 2)

Summary:
Memo to File? No
Entered by:

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

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

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

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

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

EXHIBIT 8 (202)



Florida Elections Commission

107 West Gaines Street, Suite 224 Tallahassee, Florida 32399-1050
Telephone: (850) 922-4539 · Facsimile: (850) 921-0783
FEC@myfloridalegal.com · www.fec.state.fl.us



October 16, 2019

Anibal Cabrera, as treasurer of
Citizens of Florida
817 E Conover St.
Tampa, FL 33603

RE: Case No.: FEC 19-512; Respondent: Anibal Cabrera

Dear Mr. Cabrera:

On September 6, 2019, the Florida Elections Commission received a complaint alleging that you 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(5), Florida Statutes: Respondent, Treasurer of Citizens of Florida, a political committee registered with the Division of Elections, may have certified the 2019 M1 campaign treasurer's report was true, correct, and complete when it was not, as alleged in the complaint.

Section 106.19(1)(b), Florida Statutes: Respondent, Treasurer of Citizens of Florida, a political committee registered with the Division of Elections, may have failed to report one or more contributions required to be reported by Chapter 106, Florida Statutes, as alleged in the complaint.

Section 106.19(1)(c), Florida Statutes: Respondent, Treasurer of Citizens of Florida, a political committee registered with the Division of Elections, may have falsely reported or deliberately failed to include information in the 2019 M1 campaign treasurer's report, as required by Chapter 106, Florida Statutes, as alleged in the complaint.

Section 106.19(1)(d), Florida Statutes: Respondent, Treasurer of Citizens of Florida, a political committee registered with the Division of Elections, may have made or authorized one or more expenditures prohibited by Chapter 106, Florida Statutes, as alleged in the complaint.

Anibal Cabrera
October 16, 2019
Page 2
FEC 19-512

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 you, the 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 of the fine to be imposed upon you. 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.

Pursuant to Section 106.25, Florida Statutes, complaints, 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. The confidentiality provision does not apply to the complainant, 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. Should 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.

For additional information, please refer to the "Frequently Asked Questions" section of the Commission's website.

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

Sincerely,

A handwritten signature in cursive script that reads "Tim Vaccaro". The signature is written in dark ink and is positioned above the typed name and title.

Tim Vaccaro
Executive Director

TV/med

DIVISION OF ELECTIONS FEC NOTICE FORM

To FEC from Division of Elections

Name: Citizens of Florida
Account Number: 74077
Chairperson: Kimberly F. Davis
Treasurer: Anibal Cabrera
Registered Agent: Joseph Procopio

The Division of Elections hereby provides this notice to the Florida Elections Commission pursuant to sections 106.22(7) and 106.25, Florida Statutes. An apparent violation of Chapter 106, Florida Statutes, has occurred based upon a failure to file addendums after notice as required by section 106.07(2)(b)1., Florida Statutes, and to correct a deficit balance in violation of section 106.11(4) or 106.19(1)(c), Florida Statutes, or both.

- On January 1, 2019, Citizens of Florida (74077) registered as a political committee with the Division and has remained in an active status since that date. Kimberly F. Davis is the chairperson. Anibal Cabrera is the treasurer. Joseph Procopio is the registered agent.
- On July 5, 2019, the Division mailed Mr. Cabrera notification that one or more campaign treasurer's reports were incomplete.
- On July 22, 2019, the Division mailed Mr. Cabrera notification that one or more campaign treasurer's reports were incomplete.
- On August 12, 2019, the Division mailed Mr. Cabrera final notification with delivery confirmation that one or more campaign treasurer's reports were incomplete. (See attached letter and delivery confirmation.)
- As of September 4, 2019, the 2019 campaign treasurer's reports remain incomplete as indicated by the deficit balance. (See attached summary of contributions vs. expenditures.)

Sent By: Kristi Reid Willis
Date: September 4, 2019

njt

KRW



FLORIDA DEPARTMENT OF STATE

Laurel M. Lee
Secretary of State

DIVISION OF ELECTIONS

FINAL NOTICE

Delivery Confirmation:

USPS TRACKING # **9114 8023 0722 4129 6172 42**
& CUSTOMER RECEIPT For Tracking or inquiries go to USPS.com
or call 1-800-222-1811

August 12, 2019

Anibal Cabrera, Treasurer for
Citizens of Florida
8270 Woodland Center Boulevard
Tampa, FL 33614

Re: PAC 74077

Dear Mr. Cabrera:

You have previously been advised that one or more campaign treasurer's reports are incomplete for the reasons noted in the attached error report.

Pursuant to Section 106.07(2), Florida Statutes, you have 7 days from receipt of this letter to correct errors or provide missing information. If the information has been reported accurately, you must provide a written explanation to the Division addressing the issue noted in the error report. Please be advised that if you fail to comply with this request, the Division will forward this matter to the Florida Elections Commission for further action. Section 106.265(1), Florida Statutes, authorizes the Florida Elections Commission to impose civil penalties of up to \$1,000 per violation.

If you need assistance in filing an amendment, please contact the Division's help line at (850) 245-6280.

Sincerely,

Kristi Reid Willis, Chief
Bureau of Election Records

Attachment

cc: Kimberly F. Davis, Chairperson

Compliance Report

Committee: Citizens of Florida

Type: PAC - BOT

Report: 2019 M1 (1) Covering Period: 1/19/19 - 1/31/19

Account: 74077

~~total~~

<u>Statute</u>	<u>FAC</u>	<u>Description</u>
106.11(3)		Deficit balance - written explanation required

~~contributions~~

~~expenditures~~

~~and Transfers~~

~~Other Distributions~~

Sum of Contributions vs Expenditures

8/12/2019 8:18:52 AM

Citizens of Florida

74077

Elec ID	Year	Report	Contributions	Expenditures	Running Total
Previous Balance:					
20201103-GEN	2019	M1	\$20.00	\$44.51	(\$24.51)
		M2	\$1,500.00	\$850.00	\$625.49
		M3	\$0.00	\$0.00	\$625.49
		M4	\$0.00	\$0.00	\$625.49
		M5	\$0.00	\$0.00	\$625.49
		M6	\$0.00	\$0.00	\$625.49
Campaign Total:			\$1,520.00	\$894.51	
Grand Total:					

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

Track Another Package +

Tracking Number: 9114902307224129617242

Remove X




Your item was delivered to the front desk, reception area, or mail room at 11:32 am on August 15, 2019 in TAMPA, FL 33614.

Delivered

August 15, 2019 at 11:32 am
Delivered, Front Desk/Reception/Mail Room
TAMPA, FL 33614

Feedback

Get Updates 

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

See Less 

Can't find what you're looking for?

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

Sum of Contributions vs Expenditures
Citizens of Florida

9/4/2019 12:28:16 PM
74077

Elec ID	Year	Report	Contributions	Expenditures	Running Total
Previous Balance:					
20201103-GEN	2019	M1	\$20.00	\$44.51	(\$24.51)
		M2	\$1,500.00	\$850.00	\$625.49
		M3	\$0.00	\$0.00	\$625.49
		M4	\$0.00	\$0.00	\$625.49
		M5	\$0.00	\$0.00	\$625.49
		M6	\$0.00	\$0.00	\$625.49
		M7	\$0.00	\$0.00	\$625.49
Campaign Total:			\$1,520.00	\$894.51	
Grand Total:					

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

(1) Citizens of Florida (2) 74077
Candidate, Committee or Party Name I.D. Number

(3) 2501 West Tampa Bay Boulevard Tampa FL 33607
Address (number and street) City State Zip Code

Check box if address has changed since last report

(4) Check appropriate box(es):

Candidate (office sought):

Political Committee

Committee of Continuous Existence

Party Executive Committee

Check If PC has DISBANDED

Check If CCE has DISBANDED

(5) REPORT IDENTIFIERS

Cover Period: From 01/19/2019 To 01/31/2019 Report Type: M1

Original Amendment Special Election Report

(6) CONTRIBUTIONS THIS REPORT

Cash & Checks	\$20.00
Loans	\$0.00
<i>Total Monetary</i>	\$20.00
In-Kind	\$0.00

(7) EXPENDITURES THIS REPORT

Monetary Expenditures	\$44.51
Transfers to Office Account	\$0.00
<i>Total Monetary</i>	\$44.51

(8) Other Distributions

Certification

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

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

Name of Treasurer Deputy Treasurer

X
Signature

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

Name of Candidate Chairman (PC/PTY Only)

X
Signature

Name: Citizens of Florida

Report: 2019 M1

Period: 01/19/2019 to 01/31/2019

** Records in Filed Report **

Seq #	Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip	Contributor	Occupation	Amount
		Type	In-Kind Description	
1	CABRERA, ANIBAL DAVID 817 E CONOVER ST TAMPA, FL 33603	I	PARTNER/THREEBRIDGESADVISORY	\$20.00
01/30/2019		CAS		

Name: Citizens of Florida

Report: 2019 M1

Period: 01/19/2019 to 01/31/2019

** Records in Filed Report **

Seq # Date	Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip	Type	Purpose	Amount Amend
1 01/19/2019	FEDEX 5101 WEST WATERS AVE TAMPA, FL 33634	MON	PAC ADMIN	\$32.16
2 01/25/2019	FEDEX OFFICE 101 S DALE MABRY TAMPA, FL 33609	MON	PAC ADMIN	\$12.35

ID:

CAMPAIGN TREASURER'S REPORT - ITEMIZED FUND TRANSFERS

Name: Citizens of Florida

Report: 2019 M1

Period: 01/19/2019 to 01/31/2019

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

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

Name: Citizens of Florida

Report: 2019 M1

Period: 01/19/2019 to 01/31/2019

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

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

Queued Items for 2019-M1

Account: 74077

Citizens of Florida

Rpt Seq: 1

<i>ProcessDescription</i>	<i>Status</i>	<i>Submitter</i>	<i>Created</i>	<i>LastUpdate</i>
Create Pending Report	Processing Complete	74077	2/11/2019 10:29:04 PM	2/11/2019 10:29:04 PM
Review Pending Report	Processing Complete	74077	2/11/2019 10:38:34 PM	2/11/2019 10:38:34 PM
Review Pending Report	Processing Complete	74077	2/11/2019 10:46:39 PM	2/11/2019 10:46:39 PM
File Pending Report	Processing Complete	74077	2/11/2019 10:48:16 PM	2/11/2019 10:48:16 PM

Account/Seq 74077 1

Election/Type

20201103-GEN

Citizens of Florida

PAC

Status/Reviewer	Mailed	Type/Recd	R E S P O N S E
SN njtaylor	1st: 7/5/2019	AUT	
8/12/19 8:18 am	2nd: 7/22/2019		
	3rd: 8/12/2019		TEL 8/20/2019

NOTES: 8/20/19 - I received a call and instructed him to find the deficit balance and amend the report, and to send us a signed written explanation before August 22nd when I believe the 7 days from delivery of the notice is up. - zjs
8/7/19 - Contacted the treasurer to let him know we need a written explanation for the deficit balance on report M1. He said he thinks they may have run a deficit at the end of January and will provide a signed letter explaining why. I gave him our fax number. -njt