

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Nick Ballo

Case No.: FEC 17-107

TO: Nick Ballo
1110 Kennard Street, Apt. # 4
Jacksonville, FL 32208-3479

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

NOTICE OF HEARING (INFORMAL HEARING)

A hearing will be held in this case before the Florida Elections Commission on, **May 15, 2018 at 8:30 am, or as soon thereafter as the parties can be heard**, at the following location: **412 Knott Building, Pat Thomas Committee Room, 404 South Monroe Street, Tallahassee, Florida 32399.**

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

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

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

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

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

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

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

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

See further instructions on the reverse side.

Amy McKeever Toman
Executive Director
Florida Elections Commission
April 30, 2018

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.

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STATE OF FLORIDA
ELECTIONS COMMISSION

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,
Petitioner,**

Case No.: FEC 17-107

v.

**Nick Ballo,
Respondent.**

ORDER OF PROBABLE CAUSE

THIS MATTER was heard by the Florida Elections Commission (Commission) at its regularly scheduled meeting on March 13, 2018, in Tallahassee, Florida.

On December 11, 2017, 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 November 28, 2016, Respondent violated Section 106.141(1), Florida Statutes, when Respondent failed to file the campaign's 2016 Termination Report ("TR") listing the disposition of all remaining campaign funds within 90 days of being eliminated.

Count 2:

On or about November 28, 2016, Respondent violated Section 106.19(1)(c), Florida Statutes, when Respondent deliberately failed to include information required to be reported by Chapter 106 on the campaign's 2016 TR.

The Commission finds that there is **no probable cause** to charge Respondent with violating Section 106.07(7), Florida Statutes.

DONE AND ORDERED by the Florida Elections Commission on March 13, 2018.



M. Scott Thomas, Chairman
Florida Elections Commission

Copies furnished to:
Cole H. Kekelis, Assistant General Counsel
Nick Ballo, 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: Nick Ballo

Case No.: FEC 17-107

TO: Nick Ballo
108th Avenue North
Naples, FL 34108-1873

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, **March 13, 2018 at 10:00 am, or as soon thereafter as the parties can be heard**, at the following location: **Augustus B. Turnbull Conference Center, 555 West Pensacola Street, Room 103, Tallahassee, Florida 32301.**

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

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

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

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

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

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

See further instructions on the reverse side.

Amy McKeever Toman
Executive Director
Florida Elections Commission
February 26, 2018

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.

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

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

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

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

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Nick Ballo

Case No.: FEC 17-107

STAFF RECOMMENDATION FOLLOWING INVESTIGATION

Pursuant to Section 106.25(4)(c), Florida Statutes, undersigned counsel files this written recommendation for disposition of the complaint in this case recommending that there is **probable cause** to charge Respondent with violating **Sections 106.141(1) and 106.19(1)(c), Florida Statutes**, and **no probable cause** to charge Respondent with violating **Section 106.07(7), Florida Statutes**. Based upon a thorough review of the Report of Investigation submitted on November 17, 2017, the following facts and law support this staff recommendation:

1. On March 14, 2017, the Florida Elections Commission (“Commission”) received a referral from the Department of State, Division of Elections (“Division”) alleging that Nick Ballo (“Respondent”) violated Chapter 106, Florida Statutes.

2. Respondent was a 2016 candidate for State Representative, District 106. He was defeated in the primary election on August 30, 2016.

3. By letter dated May 24, 2017, the Executive Director notified Respondent that Commission staff would investigate the following statutory provisions:

Section 106.07(7), Florida Statutes: As alleged in the complaint, Respondent, a 2016 candidate for State Representative, may have failed to notify the filing officer on the prescribed reporting date that no report would be filed on that date because he had not received funds, made contributions, or expended reportable funds during the 2016 termination reporting period.

Section 106.141(1), Florida Statutes: As alleged in the complaint, Respondent, a 2016 candidate for State Representative, failed to timely file his 2016 Termination Report reflecting the disposition of all remaining campaign funds.

Section 106.19(1)(c), Florida Statutes: As alleged in the complaint, Respondent, a 2016 candidate for State Representative, may have falsely reported or deliberately failed to include information in his 2016 Termination Report, as required by Chapter 106.

4 On June 22, 2016, Respondent filed an Appointment of Campaign Treasurer and Designation of Campaign Depository form (“DS-DE 9”) with the Division. Respondent appointed Terri Ballo as his campaign treasurer. (ROI Exhibit 2)¹

5. By letter dated June 23, 2016, Kristi Reid Bronson, Division of Elections, Chief, Bureau of Election Records, notified Respondent that his DS-DE 9 was filed with the Division on June 22, 2016. The letter also contained a sealed envelope containing Respondent's confidential PIN number to access the Division’s electronic filing system. (ROI Exhibit 3)

6. Ms. Bronson’s June 23, 2016, letter also informed Respondent that all of the Division’s publications and reporting forms were available on the Division’s website, including Chapters 104 and 106, Florida Statutes, the *Candidate and Campaign Treasurer Handbook*, and the *Calendar of Reporting Dates*. The letter notified Respondent that it was his responsibility to read, understand, and follow the requirements of Florida’s election laws. (*Id.*)

7. On June 29, 2016, Respondent filed a Statement of Candidate form with the Division in which he acknowledged that he had been provided access to read and understand the requirements of Chapter 106, Florida Statutes. (ROI Exhibit 10)

8. On November 28, 2016, Respondent’s 2016 Termination Report (“TR”) was due since he was eliminated in the primary election. However, Respondent failed to file it. On November 29, 2016, the Division sent Respondent written notification that the campaign’s 2016 TR or the required notification that no reportable activity occurred, whichever was applicable, had not been filed. (ROI Exhibit 4)

9. On January 12, 2017, and February 2, 2017 the Division sent Respondent letters marked “Final Notice” that the campaign’s 2016 TR or the required notification that no reportable activity occurred, whichever was applicable, had not been filed. The final notices were delivered to Respondent on January 20, 2017, and February 4, 2017, respectively, at the address provided on his DS-DE 9. (ROI Exhibits 5-6)

10. The investigation secured Respondent’s campaign account records from his campaign depository, BMO Harris Bank. The table set out on the next three pages identifies Respondent’s campaign finance activity during his 2016 TR reporting period, which was from August 26, 2016, through November 28, 2016. (ROI Exhibit 7)

[THIS SPACE INTENTIONALLY LEFT BLANK]

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

2016 TR REPORTING PERIOD – AUGUST 26, 2016 – NOVEMBER 28, 2016

August 26, 2016: STARTING BALANCE				\$78,250.95
Date	Type	Expenditure	Deposit	Name
08/29/16	Card	\$750.89		Facebook
08/29/16	Card	\$751.55		Facebook
08/29/16	Card	\$753.73		Facebook
08/29/16	Card	\$750.16		Facebook
08/29/16	Card	\$750.88		Facebook
08/29/16	Card	\$750.59		Facebook
08/29/16	Check #108 ²	\$36,269.00		Strategic Image Management
08/30/16	Card	\$750.72		Facebook
08/30/16	Card	\$3,318.00		WRXK FM 96.1
08/30/16	Card	\$752.51		Facebook
08/30/16	Check #107	\$675.00		Christopher Gengenbach
08/31/16	Card	\$750.79		Facebook
08/31/16	Card	\$750.31		Facebook
08/31/16	Check #117	\$390.00		Lauren Cancelosa
08/31/16	Fee	\$12.00		BMO Harris Bank
09/01/16	Check #105	\$1,140.00		Shirley Hicks
09/01/16	Check #112	\$270.00		Colton Guhl
09/01/16	Check #113	\$285.00		Abigail Meredith

² Check #108, made out to Strategic Image Management, was dated August 23, 2016, and posted to the account on August 29, 2016. The remainder of the checks referenced in this table were dated within the 2016 TR reporting period.

09/01/16		\$9.00		Withdrawal
09/01/16	Card	\$352.70		Facebook
09/02/16	Check #106	\$390.00		Mary Guhl
09/06/16	Check #3371	\$240.00		Samuel Meredith
09/06/16	Check #3375	\$195.00		Tori Knott
09/06/16	Check #3377	\$30.00		Jim Utz
09/06/16	Check #3382	\$247.50		Ashley Nunziato
09/06/16	Check #9999	\$75.00		
09/07/16	Check #3374	\$90.00		Michaela Pinter
09/07/16	Check #3376	\$75.00		Therese Pokorney
09/08/16	Check #9999	\$45.00		
09/09/16	Check #3370	\$165.00		Evan Meredith
09/09/16	Check #3379	\$90.00		Franco Paniccia
09/13/16	Card	\$300.00		C2 Communications
09/14/16	Check #3380	\$120.00		Tori Hanifin
09/15/16	Check #3378	\$30.00		Natasha Gengenbach
09/23/16	Card	\$20.00		Constant Contact
09/27/16	Card	\$23.55		South Street Naples
09/28/16	Card	\$8.68		McDonalds
09/28/16	Check #3372	\$225.00		James Collins
09/29/16	Check #104	\$29,000.00		Nicholas Ballo

09/30/16	Fee	\$35.00		BMO Harris Bank- NSF Fee
09/30/16			\$29,000.00	Returned Check #104
10/04/16	Check #3384	\$25,613.39		Nick Ballo
10/06/16	Card	\$3.03		Facebook
10/07/16	Card	\$27.81		Facebook
10/11/16	Fee	\$35.00		BMO Harris Bank- Overdraft Fee (ODF)
10/13/16	Fee	\$5.00		BMO Harris Bank- Consecutive Day ODF
10/14/16	Fee	\$5.00		BMO Harris Bank- Consecutive Day ODF
10/17/16	Fee	\$5.00		BMO Harris Bank- Consecutive Day ODF
10/18/16	Fee	\$5.00		BMO Harris Bank- Consecutive Day ODF
10/19/16	Fee	\$5.00		BMO Harris Bank- Consecutive Day ODF
10/20/16	Fee	\$5.00		BMO Harris Bank- Consecutive Day ODF
10/21/16	Fee	\$5.00		BMO Harris Bank- Consecutive Day ODF
10/24/16	Fee	\$5.00		BMO Harris Bank- Consecutive Day ODF
10/25/16	Fee	\$5.00		BMO Harris Bank- Consecutive Day ODF
10/26/16	Fee	\$5.00		BMO Harris Bank- Consecutive Day ODF
OCTOBER 26, 2016: BALANCE				-\$115.84³
11/09/16			\$115.84	Teller Deposit- Closed Account
NOVEMBER 9, 2016: BALANCE				\$0.00

³ The account was taken to a negative \$3,351.61 balance on September 29, 2016. It returned to a \$25,613.39 balance on September 30, 2016, due to a returned check that had been made out to Respondent. The account was taken to a zero balance on October 4, 2016. It went into a negative balance of \$3.03 on October 6, 2016. The account remained in a negative balance, and consecutive bank fees and one other expenditure took the account to a negative \$115.84 balance by October 26, 2016. The account was closed when a deposit of \$115.84 was made by Respondent on November 9, 2016, zeroing out the account. (ROI Exhibit 7)

11. Section 106.141(1), Florida Statutes, requires a candidate to dispose of the funds on deposit in his campaign account and file a report reflecting the disposition of all remaining funds within 90 days of withdrawing his candidacy, becoming an unopposed candidate, being eliminated as a candidate, or being elected to office.

12. Section 106.19(1)(c), Florida Statutes, prohibits a candidate from falsely reporting or deliberately failing to include any information required by Chapter 106.

13. Pursuant to Section 106.07(7), Florida Statutes, in any reporting period during which a candidate has not received funds, made any contributions, or expended any reportable funds, the filing of the required report for that period is waived. However, the candidate is required to notify the filing officer in writing on the prescribed reporting date that no report is being filed on that date.

14. Since a review of Respondent's bank records has revealed numerous reportable financial transactions that occurred during the 2016 TR reporting period, Respondent was required to timely file the campaign's 2016 TR reporting all transactions associated with disposition of all remaining campaign funds.

15. However, Respondent did not timely file the campaign's 2016 TR, and the Division confirmed that as of November 15, 2017, Respondent had still not filed the campaign's 2016 TR. (ROI Exhibit 8)

16. Respondent was offered multiple opportunities to respond to Commission staff's investigation, but failed to do so. Therefore, Respondent did not provide an explanation for his failure to file the campaign's 2016 TR listing the disposition of all remaining funds on deposit in his campaign account within 90 days of being eliminated as a candidate.

17. Based upon the information above, it appears that although Respondent disposed of all funds remaining on deposit in his campaign account within 90 days of being eliminated, he failed to file the campaign's 2016 TR by the required due date, and by extension failed to disclose significant financial activity that occurred during the 2016 TR reporting period.

18. "Probable Cause" is defined as a 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).

19. The above facts show that Respondent was a 2016 candidate for State Representative, District 106. He was defeated in the primary election and was thus eliminated as a candidate. Although Respondent timely disposed of all funds on deposit in his campaign account, Respondent failed to file the campaign's 2016 TR listing the disposition of all such funds within 90 days of being eliminated. Further, Respondent's campaign account records showed significant financial activity that occurred during the 2016 TR reporting period which Respondent did not disclose.

Based upon these facts and circumstances, I recommend that the Commission find no probable cause to charge Respondent with violating Section 106.07(7), Florida Statutes, and find probable cause to charge Respondent with the following:

Count 1:

On or about November 28, 2016, Respondent violated Section 106.141(1), Florida Statutes, when Respondent failed to file the campaign's 2016 TR listing the disposition of all remaining campaign funds within 90 days of being eliminated.

Count 2:

On or about November 28, 2016, Respondent violated Section 106.19(1)(c), Florida Statutes, when Respondent deliberately failed to include information required to be reported by Chapter 106 on the campaign's 2016 TR.

Respectfully submitted on December 11, 2017,



Cole H. Kekelis
Assistant General Counsel

I reviewed this Staff Recommendation this 11th day of December 2017.



Amy McKeever Toman
Executive Director

FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Case No.: FEC 17-107

Respondent: Nick Ballo

Complainant: Division of Elections

On March 14, 2017, 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, failing to notify the filing officer, in writing, on the prescribed reporting date that no report would be filed on that date because there had been no funds received, no contributions made, or no expended reportable funds during the 2016 termination reporting period;

Section 106.141(1), Florida Statutes, failure to timely file his 2016 Termination Report reflecting the disposition of all remaining campaign funds; and

Section 106.19(1)(c), Florida Statutes, falsely reporting or deliberately failing to include information in his 2016 Termination Report, as required by Chapter 106.

I. Preliminary Information:

1. Respondent was a first-time candidate in 2016 for State Representative, District 106, and was defeated in the Republican primary on August 30, 2016. He is a law school student at Florida International University.
2. Complainant is the Division of Elections (Division).
3. Respondent’s filing officer is 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, in writing, on the prescribed reporting date that no report would be filed on that date because he had not received funds, made contributions, or expended reportable funds during the 2016 termination reporting (TR) period.
5. On March 14, 2017, a Division staff representative, Kristi Reid-Bronson, submitted

a sworn affidavit regarding Respondent's failure to file a 2016 TR campaign treasurer's report. To review the March 14, 2017 sworn affidavit, refer to Exhibit 1.

6. On June 22, 2016, Respondent filed the "Appointment of Campaign Treasurer and Designation of Campaign Depository" (DS-DE 9) with his filing officer. Respondent appointed Terri Ballo as his campaign treasurer. To review a copy of Respondent's DS-DE 9 form, refer to Exhibit 2.

7. On June 23, 2016, Complainant mailed Respondent a letter acknowledging receipt of the DS-DE 9 form and informing him that his name had been placed on the 2016 active candidate list. To view a copy of the June 23, 2016 acknowledgement letter, refer to Exhibit 3.

8. The 2016 TR campaign treasurer's report was due on November 28, 2016. On November 29, 2016, the Division mailed the campaign treasurer notification that the 2016 TR treasurer's report had not been filed. Respondent was given a copy. To review the November 29, 2016 notification letter, refer to Exhibit 4.

9. On January 12, 2017, Complainant mailed the campaign treasurer a final notification with delivery confirmation that the 2016 TR treasurer's report had not been filed. Respondent was given a copy. To review the January 12, 2017 notification letter with delivery confirmation, refer to Exhibit 5.

10. On February 2, 2017, Complainant mailed Respondent final notification with delivery confirmation that the 2016 TR treasurer's report had not been filed. To review a copy of the February 2, 2017 final notification with delivery confirmation, refer to Exhibit 6.

11. On July 3, 2017, Respondent's campaign account records were received as a result of a subpoena from BMO Harris Bank, the campaign depository listed on his most recent DS-DE 9 form filed on June 22, 2016; Exhibit 2. A review of these records reflects there was financial activity during the 2016 TR reporting period. To review the campaign account records, refer to Exhibit 7.

2016 TR REPORTING PERIOD				
August 26, 2016: STARTING BALANCE				\$78,250.95
Date	Type	Expenditure	Deposit	Name
08/29/16	Card	\$750.89		Facebook
08/29/16	Card	\$751.55		Facebook
08/29/16	Card	\$753.73		Facebook
08/29/16	Card	\$750.16		Facebook
08/29/16	Card	\$750.88		Facebook

08/29/16	Card	\$750.59		Facebook
08/29/16	Check #108	\$36,269.00		Strategic Image Management
08/30/16	Card	\$750.72		Facebook
08/30/16	Card	\$3,318.00		WRXK FM 96.1
08/30/16	Card	\$752.51		Facebook
08/30/16	Check #107	\$675.00		Christopher Gengenbach
08/31/16	Card	\$750.79		Facebook
08/31/16	Card	\$750.31		Facebook
08/31/16	Check #117	\$390.00		Lauren Cancelosa
08/31/16	Fee	\$12.00		BMO Harris Bank
09/01/16	Check #105	\$1,140.00		Shirley Hicks
09/01/16	Check #112	\$270.00		Colton Guhl
09/01/16	Check #113	\$285.00		Abigail Meredith
09/01/16		\$9.00		Withdrawal
09/01/16	Card	\$352.70		Facebook
09/02/16	Check #106	\$390.00		Mary Guhl
09/06/16	Check #3371	\$240.00		Samuel Meredith
09/06/16	Check #3375	\$195.00		Tori Knott
09/06/16	Check #3377	\$30.00		Jim Utz
09/06/16	Check #3382	\$247.50		Ashley Nunziato
09/06/16	Check #9999	\$75.00		

09/07/16	Check #3374	\$90.00		Michaela Pinter
09/07/16	Check #3376	\$75.00		Therese Pokorney
09/08/16	Check #9999	\$45.00		
09/09/16	Check #3370	\$165.00		Evan Meredith
09/09/16	Check #3379	\$90.00		Franco Paniccia
09/13/16	Card	\$300.00		C2 Communications
09/14/16	Check #3380	\$120.00		Tori Hanifin
09/15/16	Check #3378	\$30.00		Natasha Gengenbach
09/23/16	Card	\$20.00		Constant Contact
09/27/16	Card	\$23.55		South Street Naples
09/28/16	Card	\$8.68		McDonalds
09/28/16	Check #3372	\$225.00		James Collins
09/29/16	Check #104	\$29,000.00		Nicholas Ballo
09/30/16	Fee	\$35.00		BMO Harris Bank- NSF Fee
09/30/16			\$29,000.00	Returned Check #104
10/04/16	Check #3384	\$25,613.39		Nick Ballo
10/06/16	Card	\$3.03		Facebook
10/07/16	Card	\$27.81		Facebook
10/11/16	Fee	\$35.00		BMO Harris Bank- Overdraft Fee (ODF)
10/13/16	Fee	\$5.00		BMO Harris Bank- Consecutive Day ODF
10/14/16	Fee	\$5.00		BMO Harris Bank- Consecutive Day ODF

10/17/16	Fee	\$5.00		BMO Harris Bank- Consecutive Day ODF
10/18/16	Fee	\$5.00		BMO Harris Bank- Consecutive Day ODF
10/19/16	Fee	\$5.00		BMO Harris Bank- Consecutive Day ODF
10/20/16	Fee	\$5.00		BMO Harris Bank- Consecutive Day ODF
10/21/16	Fee	\$5.00		BMO Harris Bank- Consecutive Day ODF
10/24/16	Fee	\$5.00		BMO Harris Bank- Consecutive Day ODF
10/25/16	Fee	\$5.00		BMO Harris Bank- Consecutive Day ODF
10/26/16	Fee	\$5.00		BMO Harris Bank- Consecutive Day ODF
TOTAL				-\$115.84
11/09/16		\$115.84		Teller Deposit- Closed Account
TOTAL				\$0.00

12. No record of Respondent having previously violated this section of the election laws was found.

III. Alleged Violation of Section 106.141(1), Florida Statutes:

13. I investigated whether Respondent violated this section of the election laws by failing to timely file a 2016 Termination Report reflecting the disposition of all remaining campaign funds.

14. As previously discussed in paragraph 8, the 2016 TR campaign treasurer's report was due on November 28, 2016.

15. As previously discussed in paragraph 11, Respondent's campaign account records were received on July 3, 2017 and reflected financial activity during the 2016 TR reporting period.

16. Campaign account records indicate that Respondent's campaign account had a negative balance of \$115.84 on October 31, 2016. On November 9, 2016, a teller deposit was made of \$115.84, and the account was closed; Exhibit 7.

17. In an e-mail dated November 15, 2017, Ms. Kristi Willis stated that as of that date, Respondent had not filed a 2016 TR campaign treasurer's report. To review the November 15, 2017 e-mail, refer to Exhibit 8.

18. During the course of the investigation, I reviewed Respondent's previous filing history. I determined that there were seven reporting periods prior to the 2016 TR reporting period. The 2016 P1, P2, P3, P5, and P6 reports were all timely filed. The 2016 P4 report was filed 7 days

late. The 2016 P7 report was filed 1 day late. To review Respondent's filing history, refer to Exhibit 9.

19. No record of Respondent having previously violated this section of the election laws was found.

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

20. I investigated whether Respondent violated this section of the election laws by falsely reporting or deliberately failing to include information in a 2016 Termination Report.

21. As previously discussed in paragraph 11, campaign bank records reveal that Respondent had financial activity during the 2016 TR reporting period.

22. As previously discussed in paragraph 16, Respondent's campaign account had a negative balance of \$115.84 on October 31, 2016, before it was closed with a teller deposit of \$115.84 made on November 9, 2016.

23. As previously discussed in paragraphs 17, as of the date of this report, a 2016 TR campaign treasurer's report has not yet been filed.

24. No record of Respondent having previously violated this section of the election laws was found.

V. FEC History:

25. There are no prior cases for Respondent.

Conclusion:

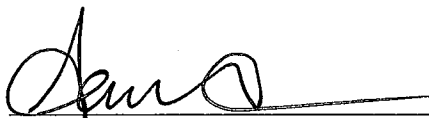
26. Respondent was offered several opportunities to make comments regarding the findings of this investigation. Respondent has not returned telephone calls. A questionnaire-affidavit was sent to the mailing address Respondent listed on the DS-DE 9 form, and was returned by the post office as "unclaimed, unable to forward", however, other correspondence was successfully delivered to the address on the DS-DE 9 form. A second questionnaire-affidavit was sent to an updated address, however, this was also returned by the post office as "unclaimed, unable to forward". I am unable to ascertain whether he has read Chapter 106, Florida Statutes, and/or the *Candidate and Campaign Treasurer Handbook*.

27. In the June 23, 2016 acknowledgement letter, Respondent was informed that all of the Division's publications were available online at the DOE'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: Chapters 104 and 106, Florida Statutes, *Candidate and Campaign Treasurer Handbook*, *Calendar of Reporting Dates*, and Rule 1S-2.017, Florida Administrative Code; Exhibit 3.**

28. On June 20, 2016, Respondent filed his Statement of Candidate (DS-DE 84) for

Florida State Representative, District 106 acknowledging that he had been provided access to read and understand the requirements of Chapter 106, Florida Statutes. To view a copy of the DS-DE 84, refer to Exhibit 10.

Respectfully submitted on November 17, 2017.



Samantha Spore
Investigation Specialist

Current address of Respondent

Mr. Nick Ballo
108th Avenue North
Naples, FL 34108

Current address of Complainant

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

Name and Address of Filing Officer:

Ms. Kristi Reid-Bronson
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
Nick Ballo -- FEC 17-107

LIST OF EXHIBITS	
Exhibits #s	Description of Exhibits
Exhibit 1	March 14, 2017 Sworn Affidavit
Exhibit 2	June 22, 2016 DS-DE 9 Form
Exhibit 3	June 23, 2016 Acknowledgment Letter
Exhibit 4	November 29, 2016 Notification Letter
Exhibit 5	January 12, 2017 Notification Letter with Delivery Confirmation
Exhibit 6	February 2, 2017 Final Notification with Delivery Confirmation
Exhibit 7	Campaign Account Records
Exhibit 8	November 15, 2017 E-mail
Exhibit 9	Filing History
Exhibit 10	June 20, 2016 DS-DE 84 Form

AFFIDAVIT

STATE OF FLORIDA

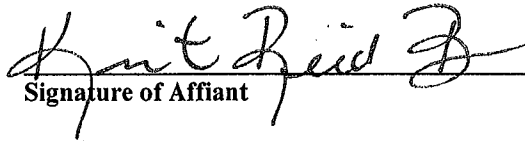
County of Leon

Kristi Reid Bronson, being duly sworn, says:

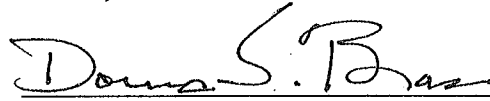
1. I am the Chief of the Bureau of Election Records of the Division of Elections (Division). In that capacity, I oversee the Division's duties related to the filing of campaign finance reports.
2. This affidavit is made upon my personal knowledge, including information obtained from review of the attached records, of which I am the custodian.
3. I am of legal age and competent to testify to the matters stated herein.
4. Nick Ballo (67966) is a 2016 candidate for the office of State Representative, District 106.
5. On June 22, 2016, Mr. Ballo filed the Appointment of Campaign Treasurer and Designation of Campaign Depository with the Division. Mr. Ballo appointed Terri Ballo as treasurer. (See attached documents and acknowledgment letter.)
6. The 2016 TR campaign treasurer's report was due on November 28, 2016. On November 29, 2016, the Division mailed Ms. Ballo notification that the 2016 TR treasurer's report had not been filed. (See attached letter.)
7. On January 12, 2017, the Division mailed Ms. Ballo final notification with delivery confirmation that the 2016 TR treasurer's report had not been filed. (See attached letter with delivery confirmation.)
8. On February 2, 2017, the Division mailed Mr. Ballo final notification with delivery confirmation that the 2016 TR treasurer's report had not been filed. (See attached letter with delivery confirmation.)
9. Mr. Ballo did not notify the Division of Elections prior to or on the prescribed reporting date for the 2016 TR report that no report was to be filed.

10. As of March 13, 2017, Mr. Ballo has not filed the 2016 TR report.

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

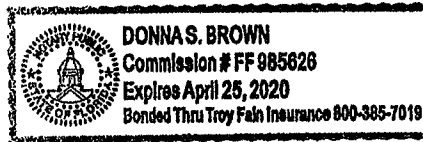

Signature of Affiant

Sworn to (or affirmed) and subscribed before me this 13th day of March, 2017.


Signature of Notary Public - State of Florida

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known



**APPOINTMENT OF CAMPAIGN TREASURER
AND DESIGNATION OF CAMPAIGN
DEPOSITORY FOR CANDIDATES**

(Section 106.021(1), F.S.)

(PLEASE PRINT OR TYPE)

2016 JUN 22 AM 9:39

DEPT. OF STATE
TALLAHASSEE, FL

NOTE: This form must be on file with the qualifying officer before opening the campaign account.

OFFICE USE ONLY

1. CHECK APPROPRIATE BOX(ES):

Initial Filing of Form Re-filing to Change: Treasurer/Deputy Depository Office Party

2. Name of Candidate (in this order: First, Middle, Last)

Nick Ballo

3. Address (include post office box or street, city, state, zip code)

339 4th Ave N
Naples, FL 34102

4. Telephone

(239) 293-0895

5. E-mail address

nick@nickballo.com

6. Office sought (include district, circuit, group number)

Florida State Representative HD 106

7. If a candidate for a nonpartisan office, check if applicable:

My intent is to run as a Write-In candidate.

8. If a candidate for a partisan office, check block and fill in name of party as applicable: My intent is to run as a

Write-In No Party Affiliation Republican _____ Party candidate.

9. I have appointed the following person to act as my Campaign Treasurer Deputy Treasurer

10. Name of Treasurer or Deputy Treasurer

Terri Ballo

11. Mailing Address

339 4th Ave N

12. Telephone

(239) 919-2001

13. City

Naples

14. County

Collier

15. State

FL

16. Zip Code

34102

17. E-mail address

terriballo@comcast.net

18. I have designated the following bank as my Primary Depository Secondary Depository

19. Name of Bank

BMO Harris Bank

20. Address

800 N Collier Blvd., #109

21. City

Marco Island

22. County

Collier

23. State

FL

24. Zip Code

34145

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING FORM FOR APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY AND THAT THE FACTS STATED IN IT ARE TRUE.

25. Date

June 20, 2016

26. Signature of Candidate

X Nick Ballo

27. Treasurer's Acceptance of Appointment (fill in the blanks and check the appropriate block)

I, Terri Ballo, do hereby accept the appointment
(Please Print or Type Name)

designated above as: Campaign Treasurer Deputy Treasurer.

June 20, 2016

Date

X Terri Ballo

Signature of Campaign Treasurer or Deputy Treasurer



FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

June 23, 2016

Nick Ballo
339 4th Avenue North
Naples, Florida 34102

Dear Mr. Ballo:

This will acknowledge receipt of the Appointment of Campaign Treasurer and Designation of Campaign Depository for the office of State Representative, which was placed on file in our office on June 22, 2016. Your name has been placed on the 2016 active candidate list. **The enclosed Statement of Candidate must be filed within 10 days of filing the Appointment of Campaign Treasurer form.**

Campaign Treasurer's Reports

Your first campaign treasurer's report will be due on **July 1, 2016**. The report will cover the period of June 1-24, 2016 (P1). All candidates who file reports with the Division of Elections are required to file by means of the Division's Electronic Filing System (EFS).

Credentials and Sign-ons

Below is the web address to access the EFS and your user identification number. The enclosed sealed envelope contains your initial password. Once you have logged in using the initial password, you will be immediately prompted to change it to a confidential sign-on. You, your campaign treasurer, and deputy treasurers are responsible for protecting this password from disclosure and are responsible for all filings using these credentials, unless the Division is notified that your credentials have been compromised.

EFS Website Address: <https://efs.dos.state.fl.us>
Identification Number: 67966

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



EXHIBIT 3 page 1 of 3

Nick Ballo
June 23, 2016
Page Two

Pin Numbers

Pin numbers are confidential secure credentials that allow you to submit reports and update personal information. The enclosed sealed envelope contains confidential pin numbers for you. By copy of this letter, a confidential pin number to access the EFS was sent to your treasurer.

Each candidate is required to provide the Division of Elections with confidential personal information that may be used to allow access in the event this password is forgotten or lost. When you enter the campaign account screen, there will be a drop down box where you pick a question (such as *What is your mother's maiden name?*) and supply an answer. All passwords and answers to questions are stored as encrypted data and cannot be viewed by Division staff and given out over the phone. Please notify the Division if your credentials have been compromised.

Timely Filing

All reports filed must be completed and filed through the EFS not later than midnight of the due date. Reports not filed by midnight of the due date are late filed and subject to 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 of the first business day the EFS becomes operable. No fine will be levied during the period the EFS was inoperable.

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

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 candidate and campaign treasurer and such persons are subject to the provisions of Section 106.07(5), Florida Statutes.

Nick Ballo
June 23, 2016
Page Three

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: Chapters 104 and 106, Florida Statutes, *Candidate and Campaign Treasurer 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 Bronson, Chief
Bureau of Election Records

KRB/zjs

Enclosures

pc: Terri Ballo, Treasurer



FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

November 29, 2016

Terri Ballo, Treasurer
339 4th Avenue North
Naples, FL 34102-4102

CAN 67966

Dear Ms. Ballo:

Our records indicate that you have not filed either your termination report or notification that no reportable activity occurred, whichever is applicable. The filing date was November 28, 2016.

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 \$50 per day until you file your report. 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 Bronson, Chief
Bureau of Election Records

cc: Nick Ballo

Candidate for State Representative, District 106

EXHIBIT 4



FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

Final Notice

Delivery Confirmation:

USPS TRACKING # **9114 9014 9645 0956 1029 41**
& CUSTOMER RECEIPT For Tracking or Inquiries go to USPS.com
or call 1-800-222-1811.

January 12, 2017

Terri Ballo, Treasurer
339 4th Avenue North
Naples, FL 34102-4102

CAN 67966

Dear Ms. Ballo:

A recent review of the Division's records show that the Division has not yet received your termination report or the required notification that no reportable activity occurred, whichever is applicable.

The Division has previously notified you of the unfiled report or notification. Please file your report or notification. If the report or notification 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 Bronson, Chief
Bureau of Election Records


cc: Nick Ballo

Candidate for State Representative, District 106

EXHIBIT 5 page 1 of 2

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Tracking Number: 911490149645 0956102941

Product & Tracking Information

Postal Product: Features:
USPS Tracking®

DATE & TIME	STATUS OF ITEM	LOCATION
January 20, 2017 , 3:55 pm	Delivered, Front Door/Porch	NAPLES, FL 34108

Your item was delivered at the front door or porch at 3:55 pm on January 20, 2017 in NAPLES, FL 34108.

January 20, 2017 , 7:37 am	Arrived at Post Office	NAPLES, FL 34108
January 20, 2017 , 4:25 am	In Transit to Destination	
January 19, 2017 , 4:25 am	Departed USPS Facility	TAMPA, FL 33605
January 18, 2017 , 5:26 pm	Arrived at USPS Facility	TAMPA, FL 33605
January 15, 2017 , 1:31 pm	Forward Processed	MEMPHIS, TN 38188
January 14, 2017 , 3:02 pm	Undeliverable as Addressed	NAPLES, FL 34102
January 14, 2017 , 4:05 am	Arrived at Post Office	NAPLES, FL 34102
January 13, 2017 , 8:42 pm	In Transit to Destination	
January 12, 2017 , 8:42 pm	Arrived at USPS Facility	TALLAHASSEE, FL 32301

Available Actions

Track Another Package

Tracking (or receipt) number

Track It

Manage Incoming Packages

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

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EXHIBIT 5 page 2 of 2



FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

Final Notice

Delivery Confirmation:

USPS TRACKING # **9114 9014 9645 0956 1030 09**
& CUSTOMER RECEIPT For Tracking or Inquiries go to USPS.com
or call 1-800-222-1811.

February 2, 2017

Nick Ballo

Candidate for State Representative, District 106

339 4th Avenue North

Naples, FL 34102-4102

CAN 67966

Dear Mr. Ballo:

A recent review of the Division's records show that the Division has not yet received your termination report or the required notification that no reportable activity occurred, whichever is applicable.

The Division has previously notified you of the unfiled report or notification. Please file your report or notification. If the report or notification 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 Bronson, Chief
Bureau of Election Records

cc: Terri Ballo, Treasurer

EXHIBIT 6 page 1 of 2



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Tracking Number: 9114901496450956103009

Updated Delivery Day: Saturday, February 4, 2017

Product & Tracking Information

Postal Product: Features:
USPS Tracking®

DATE & TIME	STATUS OF ITEM	LOCATION
February 4, 2017 , 3:31 pm	Delivered, In/At Mailbox	NAPLES, FL 34102

Your item was delivered in or at the mailbox at 3:31 pm on February 4, 2017 in NAPLES, FL 34102.

February 4, 2017 , 11:18 am	Out for Delivery	NAPLES, FL 34102
February 4, 2017 , 11:03 am	Sorting Complete	NAPLES, FL 34102
February 4, 2017 , 5:40 am	Arrived at Post Office	NAPLES, FL 34102
February 4, 2017 , 3:01 am	Arrived at USPS Facility	NAPLES, FL 34102
February 4, 2017 , 1:53 am	Departed USPS Facility	FORT MYERS, FL 33913
February 3, 2017 , 7:01 pm	Arrived at USPS Facility	FORT MYERS, FL 33913
February 3, 2017 , 3:54 pm	Departed USPS Facility	TAMPA, FL 33605
February 3, 2017 , 12:41 pm	Arrived at USPS Facility	TAMPA, FL 33605
February 2, 2017 , 10:29 pm	Arrived at USPS Facility	TALLAHASSEE, FL 32301

Available Actions

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Tracking (or receipt) number

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Manage Incoming Packages

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

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[No FEAR Act EEO Data](#)

EXHIBIT to page 2 of 2

BMO HARRIS BANK N.A.
P.O. BOX 94033
PALATINE, IL 60094-4033

226381

ACCOUNT NUMBER: XXXXXXXXXX

Statement Period
08/01/16 TO 08/31/16
IM0099002900000000

01 09833

NICK BALLO CAMPAIGN FUND
339 4TH AVENUE N
NAPLES FL 34102-8423

PAGE 1 OF 3

0

0000

IF YOU HAVE QUESTIONS ABOUT ANY OF YOUR BMO HARRIS ACCOUNTS, PLEASE CALL US
TOLL-FREE AT 1-888-340-2265. BMO HARRIS BANK N.A. MEMBER FDIC. EQUAL HOUSING
LENDER. NMLS401052 VISIT US ONLINE AT WWW.BMOHARRIS.COM.

CHECKING ACCOUNTS

NON-PROFIT CHECKING
ACCOUNT NUMBER XXXXXXXXXX

(Checking)

NICK BALLO CAMPAIGN FUND

SERVICE CHARGE ANALYSIS

		Volume	Units	Amount
Average Ledger Bal	34,269.28			
Average Float	1,362.10			
Average Coll Bal	32,907.18			
	Maintenance Fee			
	Checks Paid	9		.00
	Checks Deposited	5		
	Deposits	3		
	ACH Credits	0		
	ACH Debits	0		
	Domestic Wire In	1	12.00	12.00
	Total Transactions	17		
	Excessive Trans > 200	0	.40	.00
	Total Service Charge			12.00

DEPOSIT ACCOUNT SUMMARY

Previous Balance as of July	31, 2016	22,111.96
5 Deposits	(Plus)	82,031.00
32 Withdrawals	(Minus)	74,056.14
Service Charge	(Minus)	12.00
Ending Balance as of August	31, 2016	30,074.82

Deposits and Other Credits

Date	Amount	Description	RECORD NO.	CARD NO.
Aug 01	6.00	CARD CREDIT	069651	2680
		CTC CONSTANTCONTACT C	855 2295506	MA
Aug 03	475.00	TELLER DEPOSIT		
Aug 19	100.00	TELLER DEPOSIT		
Aug 19	40,000.00	INCOMING WIRE		
		FED WIRE TRANSFER CREDIT 1608198WIRE-IN		
Aug 24	41,450.00	TELLER DEPOSIT		

EXHIBIT 7 page 1 of 8



BMO HARRIS BANK N.A.
P.O. BOX 94033
PALATINE, IL 60094-4033

226382

ACCOUNT NUMBER:

Statement Period
08/01/16 TO 08/31/16
IM0099002900000000

01 09833

NICK BALLO CAMPAIGN FUND

PAGE 2 OF 3

0

Withdrawals and Other Debits

Table with columns: Date, Amount, Description, RECORD NO., CARD NO. Rows include transactions from Aug 01 to Aug 31, such as POS PURCHASE, FACEBK, and SERVICE CHARGE.

Checks by Serial Number

Table with columns: Date, Serial #, Amount, Date, Serial #, Amount. Rows show check details for Aug 12, 24, 30, and 29.

EXHIBIT 7 page 2 of 8



BMO  **Harris Bank**

A part of BMO Financial Group

BMO HARRIS BANK N.A.
P.O. BOX 94033
PALATINE, IL 60094-4033

226382

ACCOUNT NUMBER: XXXXXXXXXX

01 09833

Statement Period
08/01/16 TO 08/31/16
IM0099002900000000

NICK BALLO CAMPAIGN FUND

PAGE 3 OF 3

0

Date	Serial #	Amount	Date	Serial #	Amount
Aug 17	9999 *	155.00			

* Indicates break in check sequence

Daily Balance Summary

Date	Balance	Date	Balance
Jul 31	22,111.96	Aug 17	8,784.87
Aug 01	21,666.80	Aug 19	48,134.32
Aug 03	22,141.80	Aug 22	47,255.70
Aug 05	21,491.80	Aug 23	47,247.70
Aug 08	20,741.15	Aug 24	79,344.70
Aug 09	20,553.65	Aug 25	78,250.95
Aug 10	19,942.82	Aug 29	37,474.15
Aug 12	17,942.82	Aug 30	31,977.92
Aug 16	8,939.87	Aug 31	30,074.82

EXHIBIT 7 page 3 of 8



BMO HARRIS BANK N.A.
P.O. BOX 94033
PALATINE, IL 60094-4033

220307

ACCOUNT NUMBER: [REDACTED]

Statement Period
09/01/16 TO 09/30/16
IM0099002900000000

01 09833

NICK BALLO CAMPAIGN FUND
339 4TH AVENUE N
NAPLES FL 34102-8423

PAGE 1 OF 2

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IF YOU HAVE QUESTIONS ABOUT ANY OF YOUR BMO HARRIS ACCOUNTS, PLEASE CALL US
TOLL-FREE AT 1-888-340-2265. BMO HARRIS BANK N.A. MEMBER FDIC. EQUAL HOUSING
LENDER. NMLS401052 VISIT US ONLINE AT WWW.BMOHARRIS.COM.

CHECKING ACCOUNTS

NON-PROFIT CHECKING
ACCOUNT NUMBER [REDACTED]

(Checking)

NICK BALLO CAMPAIGN FUND

DEPOSIT ACCOUNT SUMMARY

Previous Balance as of August 31, 2016	30,074.82
1 Deposits (Plus)	29,000.00
25 Withdrawals (Minus)	33,461.43
Ending Balance as of September 30, 2016	25,613.39

Deposits and Other Credits

Date	Amount	Description	
Sep 30	29,000.00	RETURNED CHECK NSF	104

Withdrawals and Other Debits

Date	Amount	Description	RECORD NO.	CARD NO.
Sep 01	9.00	REQUESTED WITHDRAWAL	011688	2680
Sep 01	352.70	POS PURCHASE	650 543 7818	CA
Sep 13	300.00	FACEBK 4ANSGAEP2	228351	2680
Sep 23	20.00	POS PURCHASE	239 5713174	FL
Sep 27	23.55	IN C2 COMMUNICATIONS	194091	2680
Sep 27	23.55	CTC CONSTANTCONTACT C	855 2295506	MA
Sep 28	8.68	POS PURCHASE	960400	2680
Sep 28	8.68	SOUTH STREET NAPLES	NAPLES	FL
Sep 30	35.00	POS PURCHASE	636921	2680
Sep 30	35.00	MCDONALD S F3625	NAPLES	FL
Sep 30	35.00	NSF FEE		

Checks by Serial Number

Date	Serial #	Amount	Date	Serial #	Amount
Sep 29	104	29,000.00	Sep 07	3374 *	90.00
Sep 01	105	1,140.00	Sep 06	3375	195.00
Sep 02	106	390.00	Sep 07	3376	75.00
Sep 01	112 *	270.00	Sep 06	3377	30.00
Sep 01	113	285.00	Sep 15	3378	30.00
Sep 09	3370 *	165.00	Sep 09	3379	90.00
Sep 06	3371	240.00	Sep 14	3380	120.00
Sep 28	3372	225.00	Sep 06	3382 *	247.50

EXHIBIT 7 page 4 of 8

BMO  Harris Bank

A part of BMO Financial Group

BMO HARRIS BANK N.A.
P.O. BOX 94033
PALATINE, IL 60094-4033

220308

ACCOUNT NUMBER: XXXXXXXXXX

01 09833

Statement Period
09/01/16 TO 09/30/16
IM0099002900000000

NICK BALLO CAMPAIGN FUND

PAGE 2 OF 2

0

Date	Serial #	Amount	Date	Serial #	Amount
Sep 06	9999 *	75.00	Sep 08	9999	45.00

* Indicates break in check sequence

Daily Balance Summary

Date	Balance	Date	Balance
Aug 31	30,074.82	Sep 14	25,955.62
Sep 01	28,018.12	Sep 15	25,925.62
Sep 02	27,628.12	Sep 23	25,905.62
Sep 06	26,840.62	Sep 27	25,882.07
Sep 07	26,675.62	Sep 28	25,648.39
Sep 08	26,630.62	Sep 29	3,351.61-
Sep 09	26,375.62	Sep 30	25,613.39
Sep 13	26,075.62		

EXHIBIT 7 page 5 of 8

BMO HARRIS BANK N.A.
P.O. BOX 94033
PALATINE, IL 60094-4033

249213

ACCOUNT NUMBER: XXXXXXXXXX

Statement Period
10/01/16 TO 10/31/16
IM0099002900000000

01 09833

NICK BALLO CAMPAIGN FUND
339 4TH AVENUE N
NAPLES FL 34102-8423

PAGE 1 OF 2

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ATTENTION DEBIT CARDHOLDERS-AUTOMATIC BILLING UPDATER SERVICE DEBUTS
BMO HARRIS BANK IS PLEASED TO ANNOUNCE WE WILL BEGIN PARTICIPATING IN
THE MASTERCARD AUTOMATIC BILLING UPDATER (ABU) SERVICE BEGINNING ON
NOVEMBER 20, 2016 FOR BMO WEALTH MANAGEMENT WORLD DEBIT MASTERCARD
CARDHOLDERS.

WHAT DOES THIS MEAN FOR BMO WEALTH MANAGEMENT WORLD DEBIT MASTERCARD
CARDHOLDERS? WHEN YOUR BMO HARRIS DEBIT CARD NUMBER OR EXPIRATION DATE
IS UPDATED, OR YOUR CARD IS CLOSED, WE WILL PROVIDE THE UPDATED CARD
INFORMATION TO MERCHANTS WHO PARTICIPATE IN ABU WITH WHOM YOU HAVE
AUTOMATIC BILLING ARRANGEMENTS (SUCH AS TELEPHONE, CABLE COMPANIES,
INSURANCE, AND HEALTH CLUBS). SINCE NOT ALL MERCHANTS PARTICIPATE IN ABU,
YOU SHOULD NOTIFY EACH MERCHANT WITH WHOM YOU HAVE AUTOMATIC BILLING
ARRANGEMENTS OF THE UPDATED CARD INFORMATION TO ENSURE YOUR PAYMENTS
ARE NOT INTERRUPTED.

IF YOU DO NOT WANT BMO HARRIS BANK TO PROVIDE YOUR DEBIT CARD UPDATES
THROUGH ABU, PLEASE CALL US AT 1-888-340-2265. ALLOW 60 DAYS FOR YOUR
"OPT OUT" TO TAKE EFFECT.

IF YOU HAVE QUESTIONS ABOUT ANY OF YOUR BMO HARRIS ACCOUNTS, PLEASE CALL
US TOLL-FREE AT 1-888-340-2265. BMO HARRIS BANK N.A. MEMBER FDIC. EQUAL
HOUSING LENDER. NMLS401052 VISIT US ONLINE AT WWW.BMOHARRIS.COM

CHECKING ACCOUNTS

NON-PROFIT CHECKING
ACCOUNT NUMBER XXXXXXXXXX

(Checking)

NICK BALLO CAMPAIGN FUND

DEPOSIT ACCOUNT SUMMARY

Previous Balance as of September 30, 2016	25,613.39
14 Withdrawals (Minus)	25,729.23
Ending Balance as of October 31, 2016	115.84-

Withdrawals and Other Debits

Date	Amount	Description	RECORD NO.	CARD NO.
Oct 06	3.03	POS PURCHASE FACEBK LAU58BAPR2	367247 650 543 7818	CA 2680
Oct 07	27.81	POS PURCHASE FACEBK GMU58BAPR2	253169 650 543 7818	CA 2680
Oct 11	35.00	OVERDRAFT FEE		
Oct 13	5.00	CONSECUTIVE DAY OD FEE		
Oct 14	5.00	CONSECUTIVE DAY OD FEE		
Oct 17	5.00	CONSECUTIVE DAY OD FEE		
Oct 18	5.00	CONSECUTIVE DAY OD FEE		
Oct 19	5.00	CONSECUTIVE DAY OD FEE		
Oct 20	5.00	CONSECUTIVE DAY OD FEE		

EXHIBIT 7 page 6 of 8

BMO  Harris Bank

A part of BMO Financial Group

BMO HARRIS BANK N.A.
P.O. BOX 94033
PALATINE, IL 60094-4033

249214

ACCOUNT NUMBER: XXXXXXXXXX

Statement Period
10/01/16 TO 10/31/16
IM0099002900000000

01 09833

NICK BALLO CAMPAIGN FUND

PAGE 2 OF 2

0

Date	Amount	Description
Oct 21	5.00	CONSECUTIVE DAY OD FEE
Oct 24	5.00	CONSECUTIVE DAY OD FEE
Oct 25	5.00	CONSECUTIVE DAY OD FEE
Oct 26	5.00	CONSECUTIVE DAY OD FEE

Checks by Serial Number

Date	Serial #	Amount
Oct 04	3384	25,613.39

Daily Balance Summary

Date	Balance	Date	Balance
Sep 30	25,613.39	Oct 18	85.84-
Oct 04	.00	Oct 19	90.84-
Oct 06	3.03-	Oct 20	95.84-
Oct 07	30.84-	Oct 21	100.84-
Oct 11	65.84-	Oct 24	105.84-
Oct 13	70.84-	Oct 25	110.84-
Oct 14	75.84-	Oct 26	115.84-
Oct 17	80.84-		

EXHIBIT 7 page 7 of 8



BMO HARRIS BANK N.A.
P.O. BOX 94033
PALATINE, IL 60094-4033

228746

ACCOUNT NUMBER: [REDACTED]

01 09833

NICK BALLO CAMPAIGN FUND
339 4TH AVENUE N
NAPLES FL 34102-8423

Statement Period
11/01/16 TO 11/30/16
IM0099002900000000

PAGE 1 OF 1

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GOOD NEWS: ACCOUNT UPDATE EFFECTIVE NOVEMBER 10, 2016

MINI STATEMENTS REQUESTED AT A BMO HARRIS ATM WILL BE PROVIDED FREE OF CHARGE AFTER NOVEMBER 10, 2016. PRIOR TO THIS CHANGE, WE CHARGED A \$1 FEE FOR THIS SERVICE.

PLEASE VISIT YOUR LOCAL BRANCH, OR CALL US AT 888-340-2265 IF YOU HAVE QUESTIONS ABOUT THIS CHANGE.

IF YOU HAVE QUESTIONS ABOUT ANY OF YOUR BMO HARRIS ACCOUNTS, PLEASE CALL US TOLL-FREE AT 1-888-340-2265. BMO HARRIS BANK N.A. MEMBER FDIC. EQUAL HOUSING LENDER. NMLS401052 VISIT US ONLINE AT WWW.BMOHARRIS.COM.

CHECKING ACCOUNTS

NON-PROFIT CHECKING ACCOUNT NUMBER [REDACTED] (Checking)

NICK BALLO CAMPAIGN FUND

DEPOSIT ACCOUNT SUMMARY

Previous Balance as of October 31, 2016	115.84-
1 Deposits (Plus)	115.84
1 Withdrawals (Minus)	.00
Ending Balance as of November 30, 2016	.00

Deposits and Other Credits

Date	Amount	Description
Nov 09	115.84	TELLER DEPOSIT

Withdrawals and Other Debits

Date	Amount	Description
Nov 09	.00	ONLINE DEBIT MEMO

Daily Balance Summary

Date	Balance	Date	Balance
Oct 31	115.84-	Nov 09	.00



RE: Account # 67966
 Willis, Kristi R.
 to:
 Samantha Spore
 11/15/2017 03:19 PM
 Hide Details
 From: "Willis, Kristi R." <Kristi.Willis@DOS.MyFlorida.com>
 To: Samantha Spore <Samantha.Spore@myfloridalegal.com>

No, he has not.

From: Samantha Spore [mailto:Samantha.Spore@myfloridalegal.com]
Sent: Wednesday, November 15, 2017 3:12 PM
To: Willis, Kristi R. <Kristi.Willis@DOS.MyFlorida.com>
Subject: Account # 67966

Good afternoon!

This e-mail is in reference to candidate Nick Ballo (67966).

As of today's date, has Mr. Ballo filed a 2016 TR campaign treasurer's report?

Thank you for all your help!
Samantha

Samantha Spore
 Investigation Specialist
 Florida Elections Commission
 The Collins Building, Ste. 224
 107 West Gaines Street
 Tallahassee, FL 32399-1050
samantha.spore@myfloridalegal.com
 PH: 850-922-4539 extension 110
 Fax: 850-921-0783
www.fec.state.fl.us

The Department of State is committed to excellence. Please take our Customer Satisfaction Survey .

EXHIBIT 8



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

Florida Department of State - Division of Elections

Florida Election System Reports

Candidate/Committee Lookup

Candidate Name: Nick Ballo

Name: ballo

Account: 67966

Election:

Acct: 67966

Type: Candidate

Search

Reset

Date Due	Type	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amount Paid
11/28/2016	TR		FEC	0	\$0.00		\$0.00	\$0.00
8/26/2016	P7	8/27/2016	CLO	1	\$500.00		\$500.00	\$500.00
8/19/2016	P6	8/19/2016						
8/12/2016	P5	8/12/2016						
8/5/2016	P4	8/12/2016	CLO	7	\$579.51		\$571.59	\$571.59
7/29/2016	P3	7/29/2016						
7/15/2016	P2	7/15/2016						
7/1/2016	P1	6/30/2016						

EXHIBIT 9 page 1 of 2



Florida Department of State Division of Elections

2016 General Election Nick Ballo (REP) State Representative

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.](#)

	Filing Period	Contributions			Expend	Other	Transfers
		Monetary	Loans	InKind			
<input type="radio"/>	06/22/2016 - 06/24/2016	-650.00	42,800.00	1,829.00	3,431.82	1,650.00	0.00
<input type="radio"/>	06/25/2016 - 07/08/2016	0.00	0.00	0.00	849.22	0.00	0.00
<input type="radio"/>	07/09/2016 - 07/22/2016	0.00	0.00	0.00	14,888.17	0.00	0.00
<input type="radio"/>	07/23/2016 - 07/29/2016	0.00	0.00	1,400.23	2,318.02	0.00	0.00
<input type="radio"/>	07/30/2016 - 08/05/2016	0.00	0.00	0.00	12,194.65	0.00	0.00
<input type="radio"/>	08/06/2016 - 08/12/2016	0.00	0.00	0.00	13,101.28	0.00	0.00
<input type="radio"/>	08/13/2016 - 08/25/2016	0.00	81,450.00	350.00	45,128.01	0.00	0.00
<input checked="" type="radio"/>	All Dates (Totals)	-650.00	124,250.00	3,579.23	91,911.17	1,650.00	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 2 of 2

**STATEMENT OF
CANDIDATE**

(Section 106.023, F.S.)

(Please print or type)

OFFICE USE ONLY
RECEIVED

16 JUN 29 AM 9:41

DIVISION OF ELECTIONS
SECRETARY OF STATE

I, Nick Ballo,

candidate for the office of FL State Representative;

have been provided access to read and understand the requirements of
Chapter 106, Florida Statutes.

X *Nick Ballo*
Signature of Candidate

June 20, 2016
Date

Each candidate must file a statement with the qualifying officer within 10 days after the Appointment of Campaign Treasurer and Designation of Campaign Depository is filed. Willful failure to file this form is a first degree misdemeanor and a civil violation of the Campaign Financing Act which may result in a fine of up to \$1,000, (ss. 106.19(1)(c), 106.265(1), Florida Statutes).



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

May 24, 2017

Nick Ballo
339 4th Avenue North
Naples, FL 34102-4102

RE: Case No.: FEC 17-107; Respondent: Nick Ballo

Dear Mr. Ballo:

On March 14, 2017, 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(7), Florida Statutes: As alleged in the complaint, Respondent, a 2016 candidate for State Representative, may have failed to notify the filing officer on the prescribed reporting date that no report would be filed on that date because he had not received funds, made contributions, or expended reportable funds during the 2016 termination reporting period.

Section 106.141(1), Florida Statutes: As alleged in the complaint, Respondent, a 2016 candidate for State Representative, failed to timely file his 2016 Termination Report reflecting the disposition of all remaining campaign funds.

Section 106.19(1)(c), Florida Statutes: As alleged in the complaint, Respondent, a 2016 candidate for State Representative, may have falsely reported or deliberately failed to include information in his 2016 Termination Report, as required by Chapter 106.

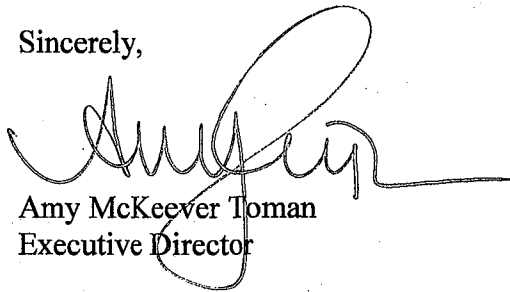
When we conclude the investigation, a copy of the Report of Investigation (ROI) will be mailed to you at the above address. Based on the results of the investigation, a staff attorney will make a written recommendation (Staff Recommendation or SR) to the Commission as to whether there is

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 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 **Keith Smith**, the investigator assigned to this case.

Sincerely,

A handwritten signature in black ink, appearing to read "Amy Toman", with a long horizontal flourish extending to the right.

Amy McKeever Toman
Executive Director

AMT/dam

**DIVISION OF ELECTIONS
FEC NOTICE FORM**

To FEC from Division of Elections

RECEIVED

2017 MAR 14 P 2:57

STATE OF FLORIDA
ELECTIONS COMMISSION

Name: Nick Ballo
Account Number: 67966
Treasurer: Terri Ballo

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, Florida Statutes. An apparent violation of Chapter 106, F.S., has occurred based upon the candidate's alleged failure to file a report after notice as required by section 106.07(8)(d), Florida Statutes, or failure to notify the filing officer on the prescribed reporting date that no report was to be filed as required by Section 106.07(7), Florida Statutes.

The following report or notice is outstanding after notification:

2016 TR

Sent By: Kristi Reid Bronson
Date: March 13, 2017

krb

njt

AFFIDAVIT

STATE OF FLORIDA


County of Leon

Kristi Reid Bronson, 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. Nick Ballo (67966) is a 2016 candidate for the office of State Representative, District 106.
5. On June 22, 2016, Mr. Ballo filed the Appointment of Campaign Treasurer and Designation of Campaign Depository with the Division. Mr. Ballo appointed Terri Ballo as treasurer. (See attached documents and acknowledgment letter.)
6. The 2016 TR campaign treasurer's report was due on November 28, 2016. On November 29, 2016, the Division mailed Ms. Ballo notification that the 2016 TR treasurer's report had not been filed. (See attached letter.)
7. On January 12, 2017, the Division mailed Ms. Ballo final notification with delivery confirmation that the 2016 TR treasurer's report had not been filed. (See attached letter with delivery confirmation.)
8. On February 2, 2017, the Division mailed Mr. Ballo final notification with delivery confirmation that the 2016 TR treasurer's report had not been filed. (See attached letter with delivery confirmation.)
9. Mr. Ballo did not notify the Division of Elections prior to or on the prescribed reporting date for the 2016 TR report that no report was to be filed.

10. As of March 13, 2017, Mr. Ballo has not filed the 2016 TR report.

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

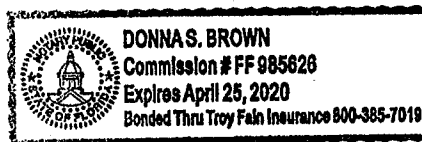

Signature of Affiant

Sworn to (or affirmed) and subscribed before me this **13th** day of March, 2017.


Signature of Notary Public - State of Florida

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known



**APPOINTMENT OF CAMPAIGN TREASURER
AND DESIGNATION OF CAMPAIGN
DEPOSITORY FOR CANDIDATES**

(Section 106.021(1), F.S.)

(PLEASE PRINT OR TYPE)

2016 JUN 22 AM 9:39

DEPT. OF STATE
TALLAHASSEE, FL

NOTE: This form must be on file with the qualifying officer before opening the campaign account.

OFFICE USE ONLY

1. CHECK APPROPRIATE BOX(ES):

Initial Filing of Form Re-filing to Change: Treasurer/Deputy Depository Office Part

2. Name of Candidate (in this order: First, Middle, Last)

Nick Ballo

3. Address (include post office box or street, city, state, zip code)

339 4th Ave N
Naples, FL 34102

4. Telephone

(239) 293-0895

5. E-mail address

nick@nickballo.com

6. Office sought (include district, circuit, group number)

Florida State Representative HD 106

7. If a candidate for a nonpartisan office, check if applicable:

My intent is to run as a Write-In candidate.

8. If a candidate for a partisan office, check block and fill in name of party as applicable: My intent is to run as a

Write-In No Party Affiliation Republican Party candidate.

9. I have appointed the following person to act as my Campaign Treasurer Deputy Treasurer

10. Name of Treasurer or Deputy Treasurer

Terri Ballo

11. Mailing Address

339 4th Ave N

12. Telephone

(239) 919-2001

13. City

Naples

14. County

Collier

15. State

FL

16. Zip Code

34102

17. E-mail address

terriballo@comcast.net

18. I have designated the following bank as my Primary Depository Secondary Depository

19. Name of Bank

BMO Harris Bank

20. Address

800 N Collier Blvd., #109

21. City

Marco Island

22. County

Collier

23. State

FL

24. Zip Code

34145

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING FORM FOR APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY AND THAT THE FACTS STATED IN IT ARE TRUE.

25. Date

June 20, 2016

26. Signature of Candidate

X Nick Ballo

27. Treasurer's Acceptance of Appointment (fill in the blanks and check the appropriate block)

I, Terri Ballo, do hereby accept the appointment
(Please Print or Type Name)

designated above as: Campaign Treasurer Deputy Treasurer.

June 20, 2016

Date

X Terri Ballo

Signature of Campaign Treasurer or Deputy Treasurer



FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

June 23, 2016

Nick Ballo
339 4th Avenue North
Naples, Florida 34102

Dear Mr. Ballo:

This will acknowledge receipt of the Appointment of Campaign Treasurer and Designation of Campaign Depository for the office of State Representative, which was placed on file in our office on June 22, 2016. Your name has been placed on the 2016 active candidate list. **The enclosed Statement of Candidate must be filed within 10 days of filing the Appointment of Campaign Treasurer form.**

Campaign Treasurer's Reports

Your first campaign treasurer's report will be due on **July 1, 2016**. The report will cover the period of June 1-24, 2016 (P1). All candidates who file reports with the Division of Elections are required to file by means of the Division's Electronic Filing System (EFS).

Credentials and Sign-ons

Below is the web address to access the EFS and your user identification number. The enclosed sealed envelope contains your initial password. Once you have logged in using the initial password, you will be immediately prompted to change it to a confidential sign-on. You, your campaign treasurer, and deputy treasurers are responsible for protecting this password from disclosure and are responsible for all filings using these credentials, unless the Division is notified that your credentials have been compromised.

EFS Website Address: <https://efs.dos.state.fl.us>
Identification Number 67966

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/



Nick Ballo
June 23, 2016
Page Two

Pin Numbers

Pin numbers are confidential secure credentials that allow you to submit reports and update personal information. The enclosed sealed envelope contains confidential pin numbers for you. By copy of this letter, a confidential pin number to access the EFS was sent to your treasurer.

Each candidate is required to provide the Division of Elections with confidential personal information that may be used to allow access in the event this password is forgotten or lost. When you enter the campaign account screen, there will be a drop down box where you pick a question (such as *What is your mother's maiden name?*) and supply an answer. All passwords and answers to questions are stored as encrypted data and cannot be viewed by Division staff and given out over the phone. Please notify the Division if your credentials have been compromised.

Timely Filing

All reports filed must be completed and filed through the EFS not later than midnight of the due date. Reports not filed by midnight of the due date are late filed and subject to 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 of the first business day the EFS becomes operable. No fine will be levied during the period the EFS was inoperable.

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

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 candidate and campaign treasurer and such persons are subject to the provisions of Section 106.07(5), Florida Statutes.

Nick Ballo
June 23, 2016
Page Three

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: Chapters 104 and 106, Florida Statutes, *Candidate and Campaign Treasurer 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 Bronson, Chief
Bureau of Election Records

KRB/zjs

Enclosures

pc: Terri Ballo, Treasurer



FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

November 29, 2016

Terri Ballo, Treasurer
339 4th Avenue North
Naples, FL 34102-4102

CAN 67966

Dear Ms. Ballo:

Our records indicate that you have not filed either your termination report or notification that no reportable activity occurred, whichever is applicable. The filing date was November 28, 2016.

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 \$50 per day until you file your report. 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 Bronson, Chief
Bureau of Election Records

cc: Nick Ballo

Candidate for State Representative, District 106



FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

Final Notice

Delivery Confirmation:

USPS TRACKING # **9114 9014 9645 0956 1029 41**
& CUSTOMER RECEIPT
For Tracking or inquiries go to USPS.com
or call 1-800-222-1811.

January 12, 2017

Terri Ballo, Treasurer
339 4th Avenue North
Naples, FL 34102-4102

CAN 67966

Dear Ms. Ballo:

A recent review of the Division's records show that the Division has not yet received your termination report or the required notification that no reportable activity occurred, whichever is applicable.

The Division has previously notified you of the unfiled report or notification. Please file your report or notification. If the report or notification 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 Bronson, Chief
Bureau of Election Records

cc: Nick Ballo

Candidate for State Representative, District 106

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Tracking Number: 911490149645 0956102941

Product & Tracking Information

Available Actions

Postal Product:

Features:
USPS Tracking®

DATE & TIME	STATUS OF ITEM	LOCATION
January 20, 2017 , 3:55 pm	Delivered, Front Door/Porch	NAPLES, FL 34108
Your item was delivered at the front door or porch at 3:55 pm on January 20, 2017 in NAPLES, FL 34108.		
January 20, 2017 , 7:37 am	Arrived at Post Office	NAPLES, FL 34108
January 20, 2017 , 4:25 am	In Transit to Destination	
January 19, 2017 , 4:25 am	Departed USPS Facility	TAMPA, FL 33605
January 18, 2017 , 5:26 pm	Arrived at USPS Facility	TAMPA, FL 33605
January 15, 2017 , 1:31 pm	Forward Processed	MEMPHIS, TN 38188
January 14, 2017 , 3:02 pm	Undeliverable as Addressed	NAPLES, FL 34102
January 14, 2017 , 4:05 am	Arrived at Post Office	NAPLES, FL 34102
January 13, 2017 , 8:42 pm	In Transit to Destination	
January 12, 2017 , 8:42 pm	Arrived at USPS Facility	TALLAHASSEE, FL 32301

Track Another Package

Tracking (or receipt) number

Track It

Manage Incoming Packages

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

Sign up for My USPS >





FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

Final Notice

Delivery Confirmation:

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

February 2, 2017

Nick Ballo

Candidate for State Representative, District 106

339 4th Avenue North

Naples, FL 34102-4102

CAN 67966

Dear Mr. Ballo:

A recent review of the Division's records show that the Division has not yet received your termination report or the required notification that no reportable activity occurred, whichever is applicable.

The Division has previously notified you of the unfiled report or notification. Please file your report or notification. If the report or notification 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 Bronson, Chief
Bureau of Election Records

cc: Terri Ballo, Treasurer

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Tracking Number: 9114901496450956103009

Updated Delivery Day: Saturday, February 4, 2017

Product & Tracking Information

Postal Product:

Features:
USPS Tracking®

DATE & TIME	STATUS OF ITEM	LOCATION
February 4, 2017 , 3:31 pm	Delivered, In/At Mailbox	NAPLES, FL 34102
Your item was delivered in or at the mailbox at 3:31 pm on February 4, 2017 in NAPLES, FL 34102.		
February 4, 2017 , 11:18 am	Out for Delivery	NAPLES, FL 34102
February 4, 2017 , 11:03 am	Sorting Complete	NAPLES, FL 34102
February 4, 2017 , 5:40 am	Arrived at Post Office	NAPLES, FL 34102
February 4, 2017 , 3:01 am	Arrived at USPS Facility	NAPLES, FL 34102
February 4, 2017 , 1:53 am	Departed USPS Facility	FORT MYERS, FL 33913
February 3, 2017 , 7:01 pm	Arrived at USPS Facility	FORT MYERS, FL 33913
February 3, 2017 , 3:54 pm	Departed USPS Facility	TAMPA, FL 33605
February 3, 2017 , 12:41 pm	Arrived at USPS Facility	TAMPA, FL 33605
February 2, 2017 , 10:29 pm	Arrived at USPS Facility	TALLAHASSEE, FL 32301

Available Actions

Text Updates

Email Updates

Track Another Package

Tracking (or receipt) number

Track It

Manage Incoming Packages

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

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