

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: Elizabeth Kathryn McNutt

Case No.: FEC 17-150

TO: John French, Esquire
John French Attorney at Law
329 Tuxedo Drive
Thomasville, GA 31792

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

AMENDED NOTICE OF HEARING (CONSENT ORDER)

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
May 8, 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.

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,
Petitioner,**

v.

**Agency Case No.: FEC 17-150
F.O. No.: FOFEC <#>**

**Elizabeth Kathryn McNutt,
Respondent.**

CONSENT FINAL ORDER

Respondent, Elizabeth Kathryn McNutt, and the Florida Elections Commission (Commission) agree that this Consent Order resolves all of the issues between the parties in this case. The parties jointly stipulate to the following facts, conclusions of law, and order.

FINDINGS OF FACT

1. On April 14, 2017, a complaint was filed with the Commission alleging that Respondent violated Florida's election laws.
2. On March 23, 2018, the Commission entered an Order of Probable Cause finding there was probable cause to charge the Respondent with four counts of violating Section 106.07(7), Florida Statutes.
3. Respondent has expressed a desire to enter into negotiations directed toward reaching a consent agreement.
4. Respondent and staff stipulate to the following facts:
 - a. Respondent was a 2016 candidate for State Senate, District 12.
 - b. Respondent failed to notify the filing officer on the prescribed

reporting dates that no reports would be filed because she had not received funds, made contributions, or expended reportable funds during the following reporting periods: 2016 P2, 2016 P4, 2016 G1, and 2016 G5.

CONCLUSIONS OF LAW

5. The Commission has jurisdiction over the parties to and subject matter of this cause, pursuant to Section 106.26, Florida Statutes.

6. The Commission staff and the Respondent stipulate that staff can prove the facts in paragraph four above by clear and convincing evidence and to the Commission's ability to impose a civil penalty in this case.

ORDER

7. The Respondent and the staff of the Commission have entered into this Consent Order freely and voluntarily and upon advice of counsel.

8. The Respondent shall bear her own attorney's fees and costs that are in any way associated with this case.

9. The Commission will consider this Consent Order at its next available meeting.

10. Respondent voluntarily waives the right to any further proceedings under Chapters 104, 106, and 120, Florida Statutes, and the right to appeal this Consent Order.

11. This Consent Order is enforceable under Sections 106.265 and 120.69, Florida Statutes. Respondent expressly waives any venue privileges and agrees that if enforcement of this Consent Order is necessary, venue shall be in Leon County, Florida, and Respondent shall pay all fees and costs associated with enforcement.

12. Payment of the civil penalty by cashier's check, or money order, good for at least 120 days, or attorney trust account check, is a condition precedent to the Commission's

consideration of this Consent Order.

PENALTY

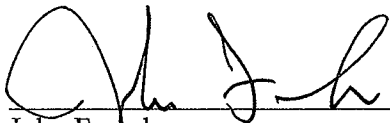
WHEREFORE, based upon the foregoing facts and conclusions of law, the Commission finds that the Respondent violated Section 106.07(7), Florida Statutes, on four occasions, and imposes a civil penalty in the amount of \$200.

Therefore, it is

ORDERED that the Respondent shall remit to the Commission a civil penalty in the amount of \$200, inclusive of fees and costs. The civil penalty shall be paid cashier's check or money order, good for at least 120 days, or attorney trust account check. The civil penalty shall be payable to the Florida Elections Commission and sent to 107 West Gaines Street, Collins Building, Suite 224, Tallahassee, Florida, 32399-1050.

Respondent hereby agrees and consents to the terms of this Consent Order on

May 3, 2018




John French
329 Tuxedo Drive
Thomasville, GA 31792



Elizabeth Kathryn McNutt
1815 Devia Drive
Tallahassee, FL 32303

Commission staff hereby agrees and consents to the terms of this Consent Order on

May 8, 2018



Stephanie J. Cunningham
Assistant General Counsel
Florida Elections Commission
107 West Gaines Street

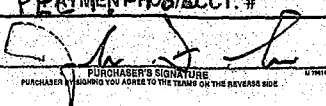
The Collins Building, Suite 224
Tallahassee, FL 32399-1050

Approved by the Florida Elections Commission at its regularly scheduled meeting held
on _____, in Tallahassee, Florida.

M. Scott Thomas, Chairman
Florida Elections Commission

Copies furnished to:
Stephanie J. Cunningham, Assistant General Counsel
John French, Attorney for Respondent
Division of Elections, Complainant

THIS DOCUMENT CONTAINS A TRUE WATERMARK. HOLD UP TO LIGHT TO VIEW.

WESTERN UNION	WESTERN UNION FINANCIAL SERVICES INC. - ISSUER - Englewood, Colorado <small>Payable at Wells Fargo Bank Grand Junction - Downtown, N.A., Grand Junction, Colorado</small>	MONEY ORDER
PUBLIX #0852		17-749637382
	A 329625 D 050718 T 0957 20 177496373825 L 000852	\$ 200.00
PAY EXACTLY TWO HUNDRED DOLLARS AND NO CENTS PAY TO THE ORDER OF <u>Pro-Electrons Commission</u>		
PURCHASER'S ADDRESS <u>329 Tuxedo Dr. Thomasville, Ga.</u>		EXPIRES OCT. #  <small>PURCHASER'S SIGNATURE</small> <small>PURCHASER'S SIGNATURE</small>

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Elizabeth Kathryn McNutt

Case No.: FEC 17-150

TO: John French, Esquire
John French Attorney at Law
329 Tuxedo Drive
Thomasville, GA 31792

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.

FILED

18 MAR 23 PM 9:16

STATE OF FLORIDA
ELECTIONS COMMISSION

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,
Petitioner,**

Case No.: FEC 17-150

v.

**Elizabeth Kathryn McNutt,
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 8, 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 July 15, 2016, Elizabeth Kathryn McNutt violated Section 106.07(7), Florida Statutes, when she failed to notify the filing officer in writing on the prescribed reporting date that she would not be filing her 2016 P2 Report.

Count 2:

On or about August 5, 2016, Elizabeth Kathryn McNutt violated Section 106.07(7), Florida Statutes, when she failed to notify the

filing officer in writing on the prescribed reporting date that she would not be filing her 2016 P4 Report.

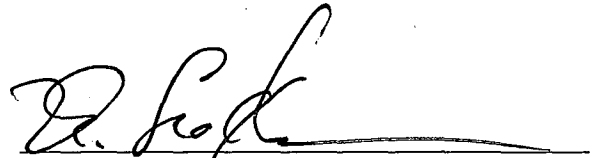
Count 3:

On or about September 9, 2016, Elizabeth Kathryn McNutt violated Section 106.07(7), Florida Statutes, when she failed to notify the filing officer in writing on the prescribed reporting date that she would not be filing her 2016 G1 Report.

Count 4:

On or about October 21, 2016, Elizabeth Kathryn McNutt violated Section 106.07(7), Florida Statutes, when she failed to notify the filing officer in writing on the prescribed reporting date that she would not be filing her 2016 G5 Report.

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



M. Scott Thomas, Chairman
Florida Elections Commission

Copies furnished to:
Stephanie J. Cunningham, Assistant General Counsel
John French, Attorney for 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: Elizabeth Kathryn McNutt

Case No.: FEC 17-150

TO: John French, Esquire
John French Attorney at Law
329 Tuxedo Drive
Thomasville, GA 31792

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.

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
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.

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

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

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

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

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: Elizabeth Kathryn McNutt

Case No.: FEC 17-150

STAFF RECOMMENDATION FOLLOWING INVESTIGATION

Pursuant to Section 106.25(4)(c), Florida Statutes, undersigned staff counsel files this written recommendation for disposition of the referral in this case recommending that there is **probable cause** to charge Respondent with violating **Section 106.07(7), Florida Statutes**. 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 April 14, 2017, the Florida Elections Commission (“Commission”) received a referral from the Department of State, Division of Elections (“Division”), alleging that Elizabeth Kathryn McNutt (“Respondent”) violated Chapter 106, Florida Statutes.

2. Respondent was a 2016 candidate for State Senate, District 12. (ROI Exhibit 6)¹

3. By letter dated May 26, 2017, the Executive Director notified Respondent that Commission staff would investigate the following statutory provision:

Section 106.07(7), Florida Statutes: As alleged in the complaint, Respondent failed to timely notify the filing officer that she had no reportable activity and, therefore, would not be filing a report on the prescribed reporting date for each of the following reporting periods:

- 2016 P2
- 2016 G4²
- 2016 G1
- 2016 G5

4. By letter dated June 24, 2016, Kristi Reid Bronson, Chief, Bureau of Election Records, sent Respondent a letter acknowledging that the Division had received her Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates form. (ROI Exhibit 2, page 1)

5. The acknowledgment letter advised Respondent that all of the Division’s publications and reporting forms were available on its website and directed Respondent to print

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

² The reference to the 2016 G4 reporting period in the letter finding legal sufficiency is a scrivener’s error. The Division’s referral and supporting documentation alleges a violation occurring during the 2016 P4 reporting period.

out the *Calendar of Reporting Dates* as well as other relevant documents. (ROI Exhibit 2, page 3)

6. 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.

7. The *Candidate & Campaign Treasurer Handbook* references the statutory requirement regarding written notification and directs candidates to notify the Division by way of the Division's electronic filing system. (ROI Exhibit 3, page 5) The *Candidate EFS User's Guide* shows the process through which to notify the Division. The user's guide instructs candidates to select the relevant reporting period and place a checkmark in a box titled "Waiver" to indicate the lack of reportable financial activity. (ROI Exhibit 4, pages 3-4)

8. Respondent failed to notify the filing officer on the prescribed reporting dates that no reports would be filed for the following reporting periods, as set forth in the table below. (ROI Exhibit 5)

Report	Report Cover Period	Date Notification Due	Date Notification Filed	No. of Days Late
2016 P2	06/25/16 – 07/08/16	07/15/16	07/16/16	1
2016 P4	07/23/16 – 07/29/16	08/05/16	08/07/16	2
2016 G1	08/26/16 – 09/02/16	09/09/16	09/15/16	6
2016 G5	10/08/16 – 10/14/16	10/21/16	10/24/16	3

9. Respondent was given multiple opportunities to respond to Commission staff's investigation by filing a sworn statement with the Commission, but failed to do so.

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

11. The facts set forth above show that Respondent was a 2016 candidate for State Senate, District 12. Respondent failed to notify the filing officer on the prescribed reporting dates that no reports would be filed for the following reporting periods: 2016 P2, 2016 P4, 2016 G1, and 2016 G5.

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

Count 1:

On or about July 15, 2016, Elizabeth Kathryn McNutt violated Section 106.07(7), Florida Statutes, when she failed to notify the filing officer in writing on the prescribed reporting date that she would not be filing her 2016 P2 Report.

Count 2:

On or about August 5, 2016, Elizabeth Kathryn McNutt violated Section 106.07(7), Florida Statutes, when she failed to notify the filing officer in writing on the prescribed reporting date that she would not be filing her 2016 P4 Report.


Count 3:

On or about September 9, 2016, Elizabeth Kathryn McNutt violated Section 106.07(7), Florida Statutes, when she failed to notify the filing officer in writing on the prescribed reporting date that she would not be filing her 2016 G1 Report.

Count 4:

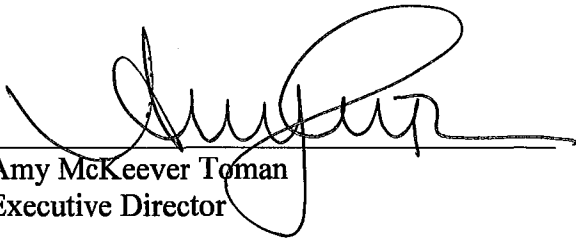
On or about October 21, 2016, Elizabeth Kathryn McNutt violated Section 106.07(7), Florida Statutes, when she failed to notify the filing officer in writing on the prescribed reporting date that she would not be filing her 2016 G5 Report.

Respectfully submitted on December 8, 2017.



Stephanie J. Cunningham
Assistant General Counsel

I reviewed this Staff Recommendation this 9th day of December 2017.



Amy McKeever Toman
Executive Director

FLORIDA ELECTIONS COMMISSION

Report of Investigation for Failure to Notify Filing Officer

Case Number: FEC 17-150

Respondent: Elizabeth Kathryn McNutt

Section 106.07(7), Florida Statutes, failure of a candidate who did not receive any contributions or make any expenditures during a reporting period to notify timely the filing officer, in writing, that no report is being filed

Complainant: Division of Elections

Respondent Type:

Candidate

Political Committee

I. Preliminary Information:

1. An Appointment of Campaign Treasurer and Designation of Campaign Depository (DS-DE 9) was filed on June 23, 2016. (Ex. 1)

2. An acknowledgement letter was mailed to the address provided on Respondent's DS-DE 9 on June 24, 2016 advising Respondent that all of the Division's publications and reporting forms are available on their website, including Chapter 106, Florida Statutes, the *Candidate and Campaign Treasurer Handbook*, and the Calendar of Reporting Dates. (Ex. 2)

3. The acknowledgement letter also states, "An online instruction guide is available to you on the EFS to assist with navigation, data entry, and submission of reports" and provides the telephone number for the Division's EFS Help Desk.

4. The *Candidate and Campaign Treasurer Handbook* discusses filing a notice-of-no-activity when there is no activity to disclose on page 47. (Ex. 3)

5. Pages 12, 13, 44, and 45 of the *Candidate EFS User's Guide* discuss how to notify the Division on the prescribed reporting date that no report will be filed using the EFS. Specifically, page 13 instructs the user to click the box next to "waiver" if there is no activity to disclose. (Ex. 4)

6. In a telephone interview on April 2, 2014, Kristi Reid-Bronson clarified that once the waiver box is chosen and a new report is opened as shown on page 12, the only available option on the report summary screen will be "Go To File Report" as shown on page 13. Choosing "Go To File Report" will take the user directly to the screens where the candidate/treasurer PINS are entered as shown on pages 44 and 45.

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

7. Respondent's filing history reflects the untimely filed notifications summarized below. (Ex. 5)

Report	Report Cover Period	Date Notification Due	Date Notification Filed	No. of Days Late
2016 P2	06/25 – 07/08/16	07/15/16	07/16/16	1
2016 P4	07/23 – 07/29/16	08/05/16	08/07/16	2
2016 G1	08/26 – 09/02/16	09/09/16	09/15/16	6
2016 G5	10/08 – 10/14/16	10/21/16	10/24/16	3

8. Respondent's counsel, John French, did not provide a written response to the referral.

9. According to the filing history, Respondent filed timely for the first reporting period, 2016 P1 and for the 2016 P3 reporting period. Following the 2016 P4 reporting period, Respondent filed timely for the next three reporting periods. Following the 2016 G1 reporting period, Respondent filed timely for the next three reporting periods. (Ex. 5)

III. FEC History:

10. Respondent has not had any prior cases before the Commission.

Conclusion:

11. Respondent's counsel stated in a telephone interview that his client did read Chapter 106, Florida Statutes and the *Candidate and Campaign Treasurer Handbook*. Respondent signed her Statement of Candidate form on June 23, 2016. (Ex. 6)

12. The Investigative Phone Log is included with this report. (Ex. 7)

SIGNATURE OF INVESTIGATOR:

Keith Smith

Date:

11/17/17

FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Elizabeth Kathryn McNutt -- FEC 17-150

LIST OF EXHIBITS	
Exhibits #s	Description of Exhibits
Exhibit 1	DS-DE 9
Exhibit 2	Acknowledgement letter
Exhibit 3	Pgs. from <i>Candidate and Campaign Treasurer Handbook</i>
Exhibit 4	Pgs. 12,13,44 & 45 from Candidate EFS User's Guide
Exhibit 5	Respondent's filing history
Exhibit 6	Statement of Candidate
Exhibit 7	Phone Log

HAND DELIVERED

APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY FOR CANDIDATES

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

(PLEASE PRINT OR TYPE)

RECEIVED

16 JUN 23 PM 12: 36

DIVISION OF ELECTIONS SECRETARY OF STATE

OFFICE USE ONLY

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

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)

Elizabeth Kathryn McNutt

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

1815 Devra Dr. Tallahassee, FL 32303

4. Telephone

(850) 545-1576

5. E-mail address

elizabethmcnutt16@gmail.com

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

State Senator, District 12

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 Party candidate.

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

10. Name of Treasurer or Deputy Treasurer

Elizabeth McNutt

11. Mailing Address

1815 Devra Dr.

12. Telephone

(850) 545-1576

13. City

Tallahassee

14. County

leon

15. State

FL

16. Zip Code

32303

17. E-mail address

elizabethmcnutt16@gmail.com

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

19. Name of Bank

Emission Credit Union

20. Address

3519 Thomasville Rd

21. City

Tallahassee

22. County

Leon

23. State

FL

24. Zip Code

32309

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

6/23/16

26. Signature of Candidate

[Handwritten Signature]

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

I, Elizabeth Kathryn McNutt, do hereby accept the appointment (Please Print or Type Name)

designated above as: Campaign Treasurer Deputy Treasurer

6/23/16

Date

[Handwritten Signature]

Signature of Campaign Treasurer or Deputy Treasurer

EXHIBIT



FLORIDA DEPARTMENT OF STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

June 24, 2016

Elizabeth Kathryn McNutt
1815 Devra Drive
Tallahassee, Florida 32303

Dear Ms. McNutt:

This will acknowledge receipt of the Appointment of Campaign Treasurer and Designation of Campaign Depository for the office of State Senator, which was placed on file in our office on June 23, 2016. Your name has been placed on the 2016 active candidate list.

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 these passwords 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: 68250

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

EXHIBIT 2 (1&3)

FLO
*DIVE
ELEC

Elizabeth McNutt
June 24, 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 your confidential pin numbers.

Each candidate is required to provide the Division of Elections with confidential personal information that may be used to allow access in the event that 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 no later than midnight, Eastern Standard Time, of the due date. Reports not filed by midnight of the due date are late filed and subject to 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.

EXHIBIT 2 (2 & 3)

Elizabeth McNutt
June 24, 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

EXHIBIT 2 (383)

2016 Candidate & Campaign Treasurer Handbook

Florida Department of State
Division of Elections
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, FL 32399-0250
850.245.6240

(Rev. 01/22/16)

EXHIBIT 3 (105)

Table of Contents

Chapter 1: Background 1

Chapter 2: The Campaign Financing Act 2

Chapter 3: Offices to be Elected in 2016 3

Chapter 4: Glossary of Terms..... 4

Chapter 5: Becoming a Candidate 7

 What to File..... 7

 Filing Officer..... 8

 Resign-to-Run 8

 Federal Hatch Act for State and Local Employees 9

 Federal Hatch Act for Federal Employees..... 9

 Changing Parties for Partisan Offices..... 10

 Changing the Designation of Office 10

 Pro Rata Refund Example 11

Chapter 6: Statement of Solicitation 12

 Who Must File Form DS-DE 102, Statement of Solicitation 12

 When to File 12

 Penalty for Late Filing 12

 Public Website and Mission Statement..... 12

 Additional Reporting..... 12

Chapter 7: Prohibited Acts..... 13

 Speaking at Political Meetings..... 13

 Using State-Owned Aircraft or Motor Vehicle..... 13

 Using Services of State, County, Municipal, or District Officers or Employees..... 13

 Making Contributions in the Name of Another..... 13

 Solicitation from Religious, Charitable and Civic Organizations..... 13

 Accepting Contributions in a Government- Owned Building 14

 Making Malicious Statements 14

 Making False Representation of Military Service..... 14

 Certifying a False Report..... 14

 Limitations on Political Activity for Judicial Candidates 14

 Judicial Candidates and the Judicial Ethics Advisory Committee (JEAC) 15

Chapter 8: Campaign Treasurers 16

 Appointing Campaign Treasurers and Deputy Treasurers 16

 Duties and Responsibilities..... 16

Candidate & Campaign Treasurer Handbook

Non-incumbent Advertisements 36

Advertisement Provided In-kind..... 36

Chapter 13: Other Disclaimers..... 37

Endorsements in Political Advertisements..... 37

Independent Expenditure Disclaimers 38

Disclaimers for Other than Independent Expenditures 39

Disclaimers on Novelty Items 40

Language Other Than English 40

Electioneering Communications Disclaimers 40

Other Political Disclaimer Examples 41

Miscellaneous Advertisements..... 42

Use of Closed Captioning and Descriptive Narrative in all Television Broadcasts 42

Chapter 14: Fund Raisers 43

Contributions from Fund Raisers..... 43

Expenditures for Fund Raisers..... 43

Tickets..... 43

Chapter 15: Telephone Solicitation 44

Telephone Solicitation 44

Registered Agent 45

Chapter 16: Filing Campaign Reports..... 46

Where to File 46

When to File 46

Penalty for Late Filing 47

Notice of No Activity..... 47

Incomplete Reports 47

Reporting Total Sums 48

Reporting Contributions 48

Returning Contributions 48

Reporting Expenditures 49

Special Requirements for Judicial Retention Candidates 49

Chapter 17: Termination Reports 51

Prior to Disposing of Surplus Funds..... 51

Disposing of Surplus Funds 51

Money from Separate Interest-Bearing Account or Certificate of Deposit..... 52

Campaign Loans Report..... 52

Chapter 16: Filing Campaign Reports

Each campaign treasurer designated by a candidate shall file regular reports of all contributions received and all expenditures made by or on behalf of such candidate.

The candidate and his or her campaign treasurer shall certify as to the correctness of each report. Each person so certifying shall bear the responsibility for the accuracy and veracity of each report. Any campaign treasurer or candidate who willfully certifies the correctness of any report while knowing that such report is incorrect, false or incomplete commits a misdemeanor of the first degree.

(Section 106.07, F.S.)

Where to File

A campaign treasurer is required to file campaign treasurer's reports with the officer with whom the candidate registers.

Candidates filing reports with the Division are required to file by means of the Electronic Filing System. If the candidate's filing officer is other than the Division, contact the appropriate filing officer to find out the requirements.

The web address for filing online with the Division is: <https://efs.dos.state.fl.us/>

(Section 106.07(2), F.S.)

When to File

Reports must be filed on the 10th day following the end of each calendar month from the time the candidate registers, except that if the 10th day occurs on a Saturday, Sunday or legal holiday, the report shall be filed on the next business day that is not a Saturday, Sunday or legal holiday.

A statewide candidate must file reports:

1. On the 60th day immediately preceding the primary election, and each week thereafter, with the last weekly report being filed on the 4th day immediately preceding the general election.
2. On the 10th day immediately preceding the general election, and each day thereafter, with the last daily report being filed the 5th day immediately preceding the general election.

All other candidates must file reports on the 60th day immediately preceding the primary election and bi-weekly on each Friday thereafter through and including the 4th day immediately preceding the general election, with additional reports due on the 25th and 11th days before the primary election and the general election.

For candidates that file with the Division, see the "Reporting Dates Calendar" at:

<http://dos.myflorida.com/elections/forms-publications/publications/>

An individual seeking a publicly elected position on a political party executive committee who receives a contribution or makes an expenditure must file a single report of all contributions and expenditures on the 4th day immediately preceding the primary election. (See Chapter 18, Reporting for Individuals Seeking a Publicly Elected Position on a Party Executive Committee.)

Unless the electronic filing requirements of Section 106.0705, Florida Statutes, apply, reports shall be filed no later than 5 p.m. of the day designated. A report postmarked by the U.S. Postal Service no later than midnight of the day designated is deemed timely filed. A report received by the filing officer within 5 days after the designated due date that was delivered by the U.S. Postal Service is deemed timely filed unless it has a postmark indicating the report was mailed after the designated due date. A certificate of mailing obtained from and dated by the U.S. Postal Service at the time of mailing or a receipt from an established courier company, which bears a date on or before the date on which the report is due, is proof of mailing in a timely manner. Reports filed with the Division through the Electronic Filing System (EFS) are due no later than midnight, Eastern Time, of the due date.

(Sections 106.07, 106.0705 and 106.141, F.S.)

Penalty for Late Filing

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 three days late and, thereafter, \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is

greater, for the period covered by the late report. However, for the reports immediately preceding the primary and general election, the fine shall be \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. For a candidate's termination report, the fine shall be \$50 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater for the period covered by the late report. All fines must be paid from the candidate's **personal funds** – not campaign funds.

(Section 106.07(2) and (8), F.S.)

Notice of No Activity

In any reporting period during which a candidate has not received funds or made any expenditures, the filing of the required report for that period is waived. **However, the candidate must notify the filing officer in writing on or before the prescribed reporting date that no report is being filed on that date.** (A notice of no activity filed with the Division must be filed electronically using the EFS.) The next report filed must specify that the report covers the entire period between the last submitted report and the report being filed.

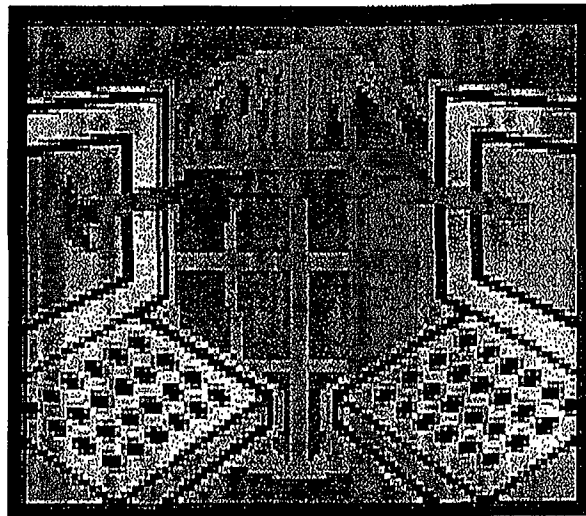
(Section 106.07, F.S.)

Incomplete Reports

If a campaign treasurer files a report that is deemed incomplete, it shall be accepted on a conditional basis. The campaign treasurer will be notified by the filing officer as to why the report is incomplete. The campaign

Department of State
Division of Elections

Candidate EFS User's Guide



Florida Department of State
Division of Elections
R.A. Gray Building, Room 316
500 S Bronough Street
Tallahassee, FL 32399-0250

EFS HELP LINE: 850-245-6280

January 2011

Rule 1S-2.017, F.A.C.

DS-DE 110A (eff. 01/11)

EXHIBIT

4 (126)

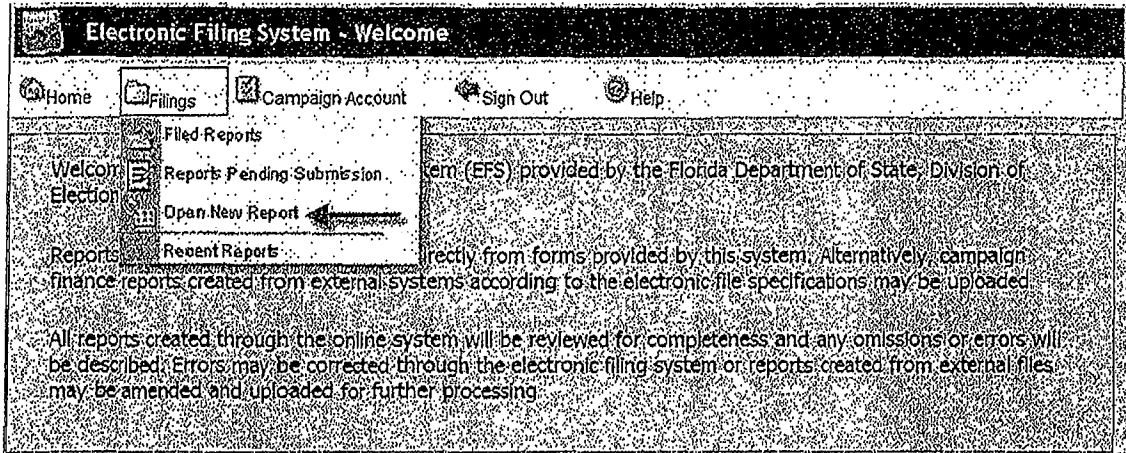
Index


Introduction	1
Access the EFS	2
Passwords and PINs	3
Set a Password Recovery Question	3
Recover Password	4
Change a Password	5
Set a PIN Recovery Question	6
Recover a PIN	8
Change a PIN	10
Create a New Report by Data Entry	12
Enter Contributions	14
Enter Expenditures	17
Enter Other Distributions	20
Enter Fund Transfers	23
Report Credit Card Activity	25
Report Prepaid Distributions	29
Report Reimbursements	32
Create a New Report by File Upload	36
Review Data for Errors	38
Create an Error Filter	42
File the Report	44
Print a File Receipt	46
Make Changes to the Report after Candidate Enters PIN	48
Access a Pending Report	49
Amend a Report	50
Amend by Direct Entry	52
Amend by File Upload	54
Print a Report	55


EXHIBIT 4 (246)

Create a New Report by Data Entry

From the Welcome Screen, click  Filings and then  Open New Report



Click  arrow next to **Election Cycle**. Scroll to the cycle associated with the report you are entering.

Click  arrow next to **Report Type** and select the report type that corresponds to the appropriate cover period and due date.

The **Cover Period** dates will automatically fill in based on the **Calendar of Election and Reporting Dates**. The end date can be changed for candidate termination reports.

The Due Date will automatically fill in based on the Calendar of Election and Reporting Dates.

****NOTE****

If this report is a waiver of report (no activity), click the box next to Waiver.

Election Cycle: 2010 General Election
Report Type: F2 2010
Coverage Period: 7/17/2010 - 7/30/2010 Due Date: 08/06/2010
Type of Election Report: Waiver

Click at the bottom of the screen. A Report Detail screen (view only) will appear. This screen will not indicate any activity until individual detail data is entered, saved and a review is performed.

Report: 2010 - G4 - 27 2010 General Election Covers: 10/16/2010-10/28/2010 Due: 10/29/2010

Amend Entry Waiver Complete Status: Incomplete Detail Records
File Date: Review Status: Not Reviewed
Status: DATE ENT. Last Review:

of Transactions: 0

Contributions		Total Amount	Expenditures		Total Amount
Cash and Checks:		0.00	Monetary:		0.00
Loans:		0.00	Transfers to Off Acct:		0.00
Total Monetary:		0.00	Total Monetary:		0.00
In-Kind:		0.00	Other Distributions:		0.00

Review Messages:

Created: 10/26/2010 11:41:25 AM By: 50552 Revised: 10/26/2010 11:41:25 AM By: 50552

EXHIBIT 4 (406)

File the Report

If the **Review Status** is Updated Detail – Needs Review the report has not been reviewed since the last update. (See page 38 for instructions on how to submit the report to the system for review.)

If the status of the report is Complete Detail Records, you are ready to file the report.

Report: 2010 - F3 - 26		2010 General Election		Covers: 8/7/2010-8/19/2010		Due: 8/20/2010																	
<input type="checkbox"/> Cancel Dates <input type="checkbox"/> Waiver		Complete Status: Complete Detail Records		Review Status: Reviewed																			
File Date: <input type="text"/>		Status: Data Entry		Last Review: 8/19/2010 3:56:42 PM																			
# of Transactions: <input type="text"/>		<input type="button" value="Review"/>		<input type="button" value="Recalculate"/>		<input type="button" value="Go To File Report"/>																	
		<input type="button" value="Append File"/>		<input type="button" value="Delete Report"/>		<input type="button" value="Save"/>																	
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Contributions</th> <th>Total Amount</th> </tr> </thead> <tbody> <tr> <td>Cash and Checks:</td> <td style="text-align: right;">0.00</td> </tr> <tr> <td>Loans:</td> <td style="text-align: right;">0.00</td> </tr> <tr> <td>Total Monetary:</td> <td style="text-align: right;">0.00</td> </tr> <tr> <td>In-kind:</td> <td style="text-align: right;">0.00</td> </tr> </tbody> </table>		Contributions	Total Amount	Cash and Checks:	0.00	Loans:	0.00	Total Monetary:	0.00	In-kind:	0.00	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Expenditures</th> <th>Total Amount</th> </tr> </thead> <tbody> <tr> <td>Monetary:</td> <td style="text-align: right;">151.00</td> </tr> <tr> <td>Transfers to Off Acct:</td> <td style="text-align: right;">0.00</td> </tr> <tr> <td>Total Monetary:</td> <td style="text-align: right;">151.00</td> </tr> <tr> <td>Other Distributions:</td> <td style="text-align: right;">0.00</td> </tr> </tbody> </table>		Expenditures	Total Amount	Monetary:	151.00	Transfers to Off Acct:	0.00	Total Monetary:	151.00	Other Distributions:	0.00
Contributions	Total Amount																						
Cash and Checks:	0.00																						
Loans:	0.00																						
Total Monetary:	0.00																						
In-kind:	0.00																						
Expenditures	Total Amount																						
Monetary:	151.00																						
Transfers to Off Acct:	0.00																						
Total Monetary:	151.00																						
Other Distributions:	0.00																						
Created: 8/19/2010 2:01:35 PM By: 50552 Revised: 8/19/2010 3:56:42 PM By: 50552																							

Click on

The candidate enters his or her PIN, and then selects

NOTE: A PIN is the same as your signature attesting to the validity of the report.

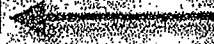
Step 1: Enter the candidate/chaiperson PIN.

Step 2: Select the "Report Approved" button.

Report: 2010 - F3 - 26	Coverage Period: 8/7/2010-8/19/2010	Due: 8/20/2010
Review Status: <input type="text" value="S. G. E. S."/>	<input checked="" type="radio"/> Original <input type="radio"/> Amended	
<input type="checkbox"/> Waiver		
PIN for Candidate/Chaiperson: <input type="text"/>	<input type="button" value="Report Approved"/>	

EXHIBIT 4 (506)

If there is more than one treasurer, click on the drop down and select the treasurer that is filing the report.

Campaign Treasurer: 

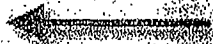
The treasurer enters his or her PIN and then clicks

Report: 2010-F3-26 Coverage Period: 8/7/2010-8/19/2010 Due: 8/20/2010

Review Status: Final / Amended

Campaign Treasurer: Other

PIN for specified Treasurer:

To Edit Report Again Select Cancel: 

IMPORTANT NOTE: If changes need to be made after a candidate enters his PIN, the treasurer must undo the candidate's PIN validation before the system will allow changes. See page 48 for instructions.

EXHIBIT 4 (606)



[search](#) | [directory](#) | [contact us](#) | [411](#) | [subscribe](#) | [tour](#) | [help](#)

Florida Department of State - Division of Elections

Florida Election System Reports

Candidate/Committee Lookup

Name:

Candidate Name: Elizabeth Kathryn McNutt

Account: 68250

Election:

Acct:

Type:

Date Due	Type	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amount Paid
2/6/2017	TR	2/6/2017						
11/4/2016	G7	11/4/2016						
10/28/2016	G6	10/28/2016						
10/21/2016	G5	10/24/2016	CLO	3	\$0.00		\$0.00	\$0.00
10/14/2016	G4	10/11/2016						
10/7/2016	G3	9/30/2016						
9/23/2016	G2	9/23/2016						
9/9/2016	G1	9/15/2016	CLO	6	\$0.00		\$0.00	\$0.00
8/26/2016	P7	8/26/2016						
8/19/2016	P6	8/12/2016						
8/12/2016	P5	8/12/2016						
8/5/2016	P4	8/7/2016	CLO	2	\$0.00		\$0.00	\$0.00
7/29/2016	P3	7/29/2016						
7/15/2016	P2	7/16/2016	CLO	1	\$0.00		\$0.00	\$0.00
7/1/2016	P1	7/1/2016						

EXHIBIT 5 (1 of 2)



**Florida Department of State
Division of Elections**

**2016 General Election
Elizabeth Kathryn McNutt (WRI)
State Senator**

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			
W	06/23/2016 - 06/24/2016	0.00	0.00	0.00	0.00	0.00	0.00
W	06/25/2016 - 07/08/2016	0.00	0.00	0.00	0.00	0.00	0.00
W	07/09/2016 - 07/22/2016	0.00	0.00	0.00	0.00	0.00	0.00
W	07/23/2016 - 07/29/2016	0.00	0.00	0.00	0.00	0.00	0.00
W	07/30/2016 - 08/05/2016	0.00	0.00	0.00	0.00	0.00	0.00
W	08/06/2016 - 08/12/2016	0.00	0.00	0.00	0.00	0.00	0.00
W	08/13/2016 - 08/25/2016	0.00	0.00	0.00	0.00	0.00	0.00
W	08/26/2016 - 09/02/2016	0.00	0.00	0.00	0.00	0.00	0.00
W	09/03/2016 - 09/16/2016	0.00	0.00	0.00	0.00	0.00	0.00
W	09/17/2016 - 09/30/2016	0.00	0.00	0.00	0.00	0.00	0.00
W	10/01/2016 - 10/07/2016	0.00	0.00	0.00	0.00	0.00	0.00
W	10/08/2016 - 10/14/2016	0.00	0.00	0.00	0.00	0.00	0.00
W	10/15/2016 - 10/21/2016	0.00	0.00	0.00	0.00	0.00	0.00
W	10/22/2016 - 11/03/2016	0.00	0.00	0.00	0.00	0.00	0.00
W	11/04/2016 - 02/06/2017	0.00	0.00	0.00	0.00	0.00	0.00
☉	All Dates (Totals)	0.00	0.00	0.00	0.00	0.00	0.00

Note: (E) indicates that report was filed electronically

X Indicates that detail has not been released

W Indicates that a waiver was filed and L Indicates that a loan report was filed

Select Detail Type
Contributions ▼

Select Sort Order
Date(Ascending) ▼

Select Output Type
Display On Screen ▼

EXHIBIT 5 (~~242~~)

Submit Query Now

**STATEMENT OF
CANDIDATE**

(Section 106.023, F.S.)
(Please print or type)

OFFICE USE ONLY

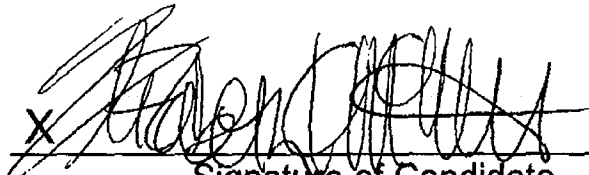
RECEIVED

16 JUN 23 PM 12:36

DIVISION OF ELECTIONS
SECRETARY OF STATE

I, Elizabeth Kathryn McNutt,
candidate for the office of State Senator, District 12;

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


Signature of Candidate

6/23/16
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
PHONE LOG
Case No.: FEC 17-150

Respondent: Elizabeth McNutt

Complainant: Division of Elections

1. **Date and time:** 11/15/17 @ 10:11 a.m.
Name: John French – Respondent’s Atty.
Phone #: 850-320-0032
Summary: I called counsel to inform him that I was turning in the case for review and for eventual mailing of the report and that I wanted to afford him an opportunity for any comments or questions. I left a message on his voice-mail asking that he return my call at his earliest convenience.
Memo to File? No
Entered by: KS

2. **Date and time:** 11/15/17 @ 1:48 p.m.
Name: John French – Respondent’s Atty.
Phone #: 850-320-0032
Summary: Counsel called earlier and left a message on my voice-mail returning my earlier call to him; this call was in response to his voice-mail message. Counsel stated in his voice-mail message that he had completely forgotten about the affidavit that I e-mailed him on behalf of his client as he had been pre-occupied with moving. During this telephone call, I mentioned to counsel that one of the questions posed in the questionnaire-affidavit was whether his client read Chapter 106, Florida Statutes and/or the *Candidate and Campaign Treasurer Handbook*. Counsel answered in the affirmative on behalf of his client. Counsel was advised that he would receive a copy of the report within a week or so and that should he still want to settle the case he would do so with Stephanie.
Memo to File? No
Entered by: KS

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

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

5. **Date and time:**

EXHIBIT

7 (1 of 2)

Name:
Phone #:
Summary:
Memo to File? No
Entered by:

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

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

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

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

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

EXHIBIT

7 (2&2)



Re: FEC cases - settlement

John French

to:

Keith Smith

10/24/2017 12:50 PM

Hide Details

From: John French <jfrench@jfrench.com>

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

Hi Keith-

It appears as though I was very over-optimistic in that it's now highly unlikely that I can wrap these up this week. Several things have popped up unexpectedly that have resulted in delays. I'm almost positive they'll settle eventually. I'm sorry if I'm putting you in a time crunch.

Take care...

John

On 10/24/2017 10:29 AM, Keith Smith wrote:

Hi John:

I have been out of the office the past two weeks but wanted to follow-up with you to see if we are still on for settling the three cases before Friday.

Just let me know at your earliest convenience. Hope all is well.

Keith Smith

Investigator - Florida Elections Commission
107 West Gaines Street - Suite 224
Tallahassee, FL 32399-1050
(850) 922-4539 (phone)
(850) 921-0783 (fax)



Re: Referrals/Consent-order

John French

to:

Keith Smith

10/05/2017 11:36 AM

Hide Details

From: John French <jfrench@jfrench.com>

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

Hi Keith-

Nice to work with you again. I'll have the signed documents and the checks back to you in plenty of time.

Thanks...

John

On 10/5/2017 10:33 AM, Keith Smith wrote:

Hi John:

It looks like the last possible date to have the money and signed consent-orders is Friday, October 27th in order for the three cases to make it on the November agenda, otherwise, they will not be heard until February of next year.

In reviewing each file, Stephanie had previously e-mailed you the consent-orders in all three cases. As a reminder, the cases are:

17-150 McNutt
17-153 Erksine
17-163 Bailey

Should you have any questions, please feel free to contact me.

Keith Smith

Investigator - Florida Elections Commission
107 West Gaines Street - Suite 224
Tallahassee, FL 32399-1050
(850) 922-4539 (phone)
(850) 921-0783 (fax)



Re: FEC 17-150, 17-153, and 17-163

John French

to:

Stephanie Cunningham

09/01/2017 12:36 PM

Hide Details

From: John French <jfrench@jfrench.com>

To: Stephanie Cunningham <Stephanie.Cunningham@myfloridalegal.com>

Stephanie-

Thank you Ma'am. I hope you have a great holiday weekend as well.

John

On 9/1/2017 12:27 PM, Stephanie Cunningham wrote:

John:

Sept. 29th will give me enough time to get them on the Nov. agenda. Enjoy the long weekend!

Stephanie

John French --08/29/2017 12:50:37 PM--Stephanie- Thanks for your thoughtfulness and patience. I'm well now but still

From: John French <jfrench@jfrench.com>

To: Stephanie Cunningham <Stephanie.Cunningham@myfloridalegal.com>

Date: 08/29/2017 12:50 PM

Subject: Re: FEC 17-150, 17-153, and 17-163

Stephanie-

Thanks for your thoughtfulness and patience. I'm well now but still playing catch-up. How does Sept. 29 work for you as the last day to get the documents/funds to you? That will give me plenty of time and will hopefully be before your deadline for the November meeting?

Thanks again...

John

On 8/29/2017 8:55 AM, Stephanie Cunningham wrote:

John:

I'm sorry to hear that. I hope you are feeling better. Can you give me a date that I should expect to receive the documents/funds? I would like to get these done by the deadline for the November agenda.

Stephanie

John French ---08/22/2017 12:43:50 PM---Stephanie- Due to a series of unforeseen events, including a fairly lengthy

From: John French <jfrench@ifrench.com>
To: Stephanie Cunningham <Stephanie.Cunningham@myfloridalegal.com>
Date: 08/22/2017 12:43 PM
Subject: Re: FEC 17-150, 17-153, and 17-163

Stephanie-

Due to a series of unforeseen events, including a fairly lengthy illness, I'm running way behind on everything. I would appreciate some additional time on these if you can give it to me. I assure you that this is atypical of me and I promise I won't ask for any further delays.

Thanks for your consideration...

John

On 8/22/2017 9:57 AM, Stephanie Cunningham wrote:

John:

Any update on this? Thanks!

Stephanie

John French ---07/19/2017 03:25:38 PM---Stephanie- Thanks a bunch!!! I appreciate your help...

From: John French <jfrench@ifrench.com>
To: Stephanie Cunningham <Stephanie.Cunningham@myfloridalegal.com>
Date: 07/19/2017 03:25 PM
Subject: Re: FEC 17-150, 17-153, and 17-163

Stephanie-

Thanks a bunch!!! I appreciate your help...

John

On 7/19/2017 3:20 PM, Stephanie Cunningham wrote:

Mr. French:

I'm sorry to hear about your computer. That's great that everything was able to be recovered. Lets extend the deadline to August 18th..

Stephanie

John French ---07/19/2017 02:45:57 PM---Ms. Cunningham- You were kind enough to send me the proposed CO in FEC 17-163 on June 30

From: John French <ifrench@ifrench.com>
To: Stephanie Cunningham
<Stephanie.Cunningham@myfloridalegal.com>
Date: 07/19/2017 02:45 PM
Subject: FEC 17-150, 17-153, and 17-163

Ms. Cunningham-

You were kind enough to send me the proposed CO in FEC 17-163 on June 30 and the other two COs on July 3. I found all three to be consistent with out conversation and am strongly advising my clients to accept them. Unfortunately, I experienced a serious computer crash on July 4 that prevented me from forwarding the COs to my clients or from any other form of contact since their names, addresses, email addresses, and phone numbers were solely on the computer. I finally got my computer back yesterday afternoon. Very fortunately, they were able to restore my hard drive with no loss of data. Needless to say, two weeks without a computer sent me through all types of withdrawal, etc.

The "expiration date" on 17-163 is this Friday. The other two are due this coming Monday. It would be very difficult to send the COs to my clients, give them any sort of time to consider them and ask questions, obtain money

orders/checks, and return them to me by the scheduled due dates. Under the rather unusual circumstances, I would appreciate your consideration of extending the due dates on all three until Friday, August 4 or until such other date that would provide me with reasonable time to get them turned around and back to you.

Thanks for your consideration...

John



FEC 17-150

John French

to:

Erin Riley

06/09/2017 08:59 AM

Hide Details

From: John French <jfrench@jfrench.com>

To: Erin Riley <fec@myfloridalegal.com>

History: This message has been replied to.

1 Attachment



NOA.docx

Ms. Riley-

Attached is my notice of appearance in this case. Please note that I'm also requesting contact concerning settlement potentials. Please let me know if there is anything else I need to do at this time.

Thanks for your help...

John French

JOHN FRENCH

ATTORNEY AT LAW

1531 LIVE OAK DRIVE
TALLAHASSEE, FLORIDA 32301

PHONE: (850) 320-0032

FAX: (850) 270-1428

JFRENCH@JFRENCH.COM

June 9, 2017

Ms. Erin Riley
Deputy Agency Clerk
Florida Elections Commission
107 West Gaines Street
Suite 224 Collins Building
Tallahassee, Florida 32399

Re: Case No. 17-150; Respondent: Elizabeth Kathryn McNutt

Dear Ms. Ryan,

Please consider this as my Notice of Appearance in the above-styled matter. All future communications regarding this matter should be made through me at the address, phone number, or email address set forth in my letterhead above.

Please note that my client is interested in settlement of this matter. I would appreciate it if you would direct this letter to the appropriate attorney or investigator in anticipation that I will be contacted regarding these possibilities.

Thank you for your assistance.

Cordially,


John French



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 26, 2017

Elizabeth Kathryn McNutt
1815 Devia Drive
Tallahassee, FL 32303-2303

RE: Case No.: FEC 17-150; Respondent: Elizabeth Kathryn McNutt

Dear Ms. McNutt:

On April 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 failed to timely notify the filing officer that she had no reportable activity and, therefore, would not be filing a report on the prescribed reporting date for each of the following reporting periods:

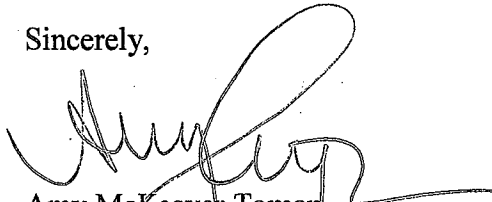
- 2016 P2
- 2016 G4
- 2016 G1
- 2016 G5

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,



Amy McKeever Toman
Executive Director

AMT/dam

DIVISION OF ELECTIONS RECEIVED
FEC NOTICE FORM

2017 APR 14 P 3:33

To FEC from Division of Elections

STATE OF FLORIDA
ELECTIONS COMMISSION

Candidate: Elizabeth Kathryn McNutt

Account Number: 68250

Treasurer: Elizabeth McNutt

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

2016 P2

2016 P4

2016 G1

2016 G5

Sent By: Kristi Reid Bronson

Date: April 12, 2017

KRB

zjs

AFFIDAVIT

STATE OF FLORIDA

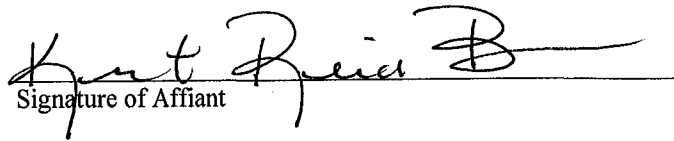
County of Leon

Kristi Reid Bronson, being duly sworn, says:

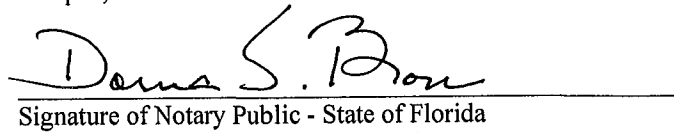
1. I am the Chief of the Bureau of Election Records of the Division of Elections (Division). In that capacity, I oversee the Division's duties related to the filing of campaign finance reports. This affidavit is made upon my personal knowledge, including information obtained from review of the attached records, of which I am the custodian.
2. I am of legal age and competent to testify to the matters stated herein.
3. Elizabeth Kathryn McNutt (68250) was a 2016 candidate for the office of State Senate. On June 23, 2016, Ms. McNutt filed the Appointment of Campaign Treasurer and Designation of Campaign Depository with the Division designating herself as treasurer. (See attached documents and acknowledgment letter).
4. The 2016 P2 campaign treasurer's report was due on July 15, 2016. Ms. McNutt failed to notify the Division that no report was being filed on the prescribed reporting date. Ms. McNutt filed a notification of no activity on July 16, 2016. (See attached letter and file receipt).
5. The 2016 P4 campaign treasurer's report was due on August 5, 2016. Ms. McNutt failed to notify the Division that no report was being filed on the prescribed reporting date. Ms. McNutt filed a notification of no activity on August 7, 2016. (See attached letter and file receipt).
6. The 2016 G1 campaign treasurer's report was due on September 9, 2016. Ms. McNutt failed to notify the Division that no report was being filed on the prescribed reporting date. Ms. McNutt filed a notification of no activity on September 15, 2016. (See attached letter and file receipt).

7. The 2016 G5 campaign treasurer's report was due on October 21, 2016. Ms. McNutt failed to notify the Division that no report was being filed on the prescribed reporting date. Ms. McNutt filed a notification of no activity on October 24, 2016. (See attached letter and file receipt).

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

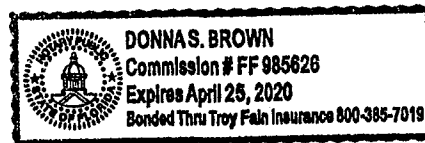

Signature of Affiant

Sworn to (or affirmed) and subscribed before me this 12th day of April, 2017.


Signature of Notary Public - State of Florida

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known



HAND DELIVERED

APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY FOR CANDIDATES

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

(PLEASE PRINT OR TYPE)

RECEIVED

16 JUN 23 PM 12:36

DIVISION OF ELECTIONS SECRETARY OF STATE

OFFICE USE ONLY

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

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)

Elizabeth Kathryn McNutt

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

1815 Devra Dr. Tallahassee, FL 32303

4. Telephone

(850) 545-1516

5. E-mail address

elizabethmcnutt16@gmail.com

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

State Senator, District 12

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 Party candidate.

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

10. Name of Treasurer or Deputy Treasurer

Elizabeth McNutt

11. Mailing Address

1815 Devra Dr.

12. Telephone

(850) 545-1571

13. City

Tallahassee

14. County

leon

15. State

FL

16. Zip Code

32303

17. E-mail address

elizabethmcnutt16@gmail.com

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

19. Name of Bank

Emission Credit Union

20. Address

3519 Thomasville Rd

21. City

Tallahassee

22. County

Leon

23. State

FL

24. Zip Code

32309

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

6/23/16

26. Signature of Candidate

[Signature]

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

I, Elizabeth Kathryn McNutt, do hereby accept the appointment (Please Print or Type Name)

designated above as: Campaign Treasurer Deputy Treasurer

6/23/16 Date

[Signature] Signature of Campaign Treasurer or Deputy Treasurer



FLORIDA DEPARTMENT OF STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

June 24, 2016

Elizabeth Kathryn McNutt
1815 Devra Drive
Tallahassee, Florida 32303

Dear Ms. McNutt:

This will acknowledge receipt of the Appointment of Campaign Treasurer and Designation of Campaign Depository for the office of State Senator, which was placed on file in our office on June 23, 2016. Your name has been placed on the 2016 active candidate list.

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 these passwords 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: 68250

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/

FLO
RDIV
ELEC

Elizabeth McNutt
June 24, 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 your confidential pin numbers.

Each candidate is required to provide the Division of Elections with confidential personal information that may be used to allow access in the event that 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 no later than midnight, Eastern Standard Time, of the due date. Reports not filed by midnight of the due date are late filed and subject to 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.

Elizabeth McNutt
June 24, 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

 Treasurer Report Status

ID: **68250** Name: **Elizabeth Kathryn McNutt**

Report: 2016 - P2 - 2

Print Date: **4/12/2017 11:00:40 AM**

Election: 2016 General Election

Covers: 6/25/2016-7/8/2016

Due: 7/15/2016

Amended Waiver

Filed: **7/16/2016 12:04:59 AM**

File Status: **Filed Report**

Reviewed: **7/16/2016**

Review Status: **Reviewed**

Detail Complete: **No Detail Records Found**

File Method: Web Filed

Entry Method: Web Data Entry

Pending Queued Items: **0**

Number of Detail Records

Contributions: 0

Expenditures: 0

Fund Transfers: 0

Distributions: 0

To Print Report: Right Click Mouse and Select 'Print'



FLORIDA DEPARTMENT OF STATE

Ken Detzner

Secretary of State

DIVISION OF ELECTIONS

July 20, 2016

Elizabeth McNutt
1815 Devra Drive
Tallahassee, FL 32303-2303

CAN 68250

Dear Ms. McNutt:

The notification that you had no reportable activity for the report deadline of July 15, 2016, was not filed until July 16, 2016. Although the notification is late, no automatic fine is assessed because you had no receipts or expenditures during this reporting period.

However, to avoid potential issues in the future, please note that state law (s. 106.07(7), Fla. Stat.) requires you to file by the dates set out also in law, either a campaign finance report or if applicable, a notification that no reportable activity occurred for the reporting period. Failure to do may constitute a violation of sections 106.07(1) and 106.19(1)(c), Fla. Stat. The Division is required to notify the Florida Elections Commission of any apparent violation of chapter 106, Fla. Stat., or any failure to file a report or information required by chapter 106, Fla. Stat. If a matter is referred to the Florida Elections Commission, the Commission may assess a civil penalty of up to \$1,000 per violation.

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

Sincerely,

Kristi Reid Bronson, Chief
Bureau of Election Records

 Treasurer Report Status

ID: **68250** Name: **Elizabeth Kathryn McNutt**

Report: 2016 - P4 - 4

Print Date: **4/12/2017 11:02:24 AM**

Election: 2016 General Election

Covers: 7/23/2016-7/29/2016

Amended Waiver

Due: 8/5/2016

Filed: **8/7/2016 11:14:47 PM**

File Status: **Filed Report**

Reviewed: **8/7/2016**

Review Status: **Reviewed**

Detail Complete: **No Detail Records Found**

File Method: Web Filed

Number of Detail Records

Entry Method: Web Data Entry

Contributions: 0

Expenditures: 0

Fund Transfers: 0

Distributions: 0

Pending Queued Items: **0**

To Print Report: Right Click Mouse and Select 'Print'



FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

August 8, 2016

Elizabeth McNutt
1815 Devra Drive
Tallahassee, FL 32303-2303

CAN 68250

Dear Ms. McNutt:


The notification that you had no reportable activity for the report deadline of August 5, 2016, was not filed until August 7, 2016. Although the notification is late, no automatic fine is assessed because you had no receipts or expenditures during this reporting period.

However, to avoid potential issues in the future, please note that state law (s. 106.07(7), Fla. Stat.) requires you to file by the dates set out also in law, either a campaign finance report or if applicable, a notification that no reportable activity occurred for the reporting period. Failure to do may constitute a violation of sections 106.07(1) and 106.19(1)(c), Fla. Stat. The Division is required to notify the Florida Elections Commission of any apparent violation of chapter 106, Fla. Stat., or any failure to file a report or information required by chapter 106, Fla. Stat. If a matter is referred to the Florida Elections Commission, the Commission may assess a civil penalty of up to \$1,000 per violation.

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

Sincerely,

Kristi Reid Bronson, Chief
Bureau of Election Records

 Treasurer Report Status

ID: **68250** Name: **Elizabeth Kathryn McNutt**

Report: 2016 - G1 - 8

Print Date: **4/12/2017 11:02:46 AM**

Election: 2016 General Election

Covers: 8/26/2016-9/2/2016

Amended Waiver

Due: 9/9/2016

Filed: **9/15/2016 1:17:38 PM**

File Status: **Filed Report**

Reviewed: **9/15/2016**

Review Status: **Reviewed**

Detail Complete: **No Detail Records Found**

File Method: Web Filed

Number of Detail Records

Entry Method: Web Data Entry

Contributions: 0

Expenditures: 0

Pending Queued Items: **0**

Fund Transfers: 0

Distributions: 0

To Print Report: Right Click Mouse and Select 'Print'



FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

September 20, 2016

Elizabeth McNutt
1815 Devra Drive
Tallahassee, FL 32303-2303

CAN 68250

Dear Ms. McNutt:

The notification that you had no reportable activity for the report deadline of September 9, 2016, was not filed until September 15, 2016. Although the notification is late, no automatic fine is assessed because you had no receipts or expenditures during this reporting period.

However, to avoid potential issues in the future, please note that state law (s. 106.07(7), Fla. Stat.) requires you to file by the dates set out also in law, either a campaign finance report or if applicable, a notification that no reportable activity occurred for the reporting period. Failure to do may constitute a violation of sections 106.07(1) and 106.19(1)(c), Fla. Stat. The Division is required to notify the Florida Elections Commission of any apparent violation of chapter 106, Fla. Stat., or any failure to file a report or information required by chapter 106, Fla. Stat. If a matter is referred to the Florida Elections Commission, the Commission may assess a civil penalty of up to \$1,000 per violation.

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

Sincerely,

Kristi Reid Bronson, Chief
Bureau of Election Records

 Treasurer Report Status

ID: **68250** Name: **Elizabeth Kathryn McNutt**

Report: 2016 - G5 - 12

Print Date: **4/12/2017 10:58:28 AM**

Election: 2016 General Election

Covers: 10/8/2016-10/14/2016

Due: 10/21/2016

Amended Waiver

Filed: **10/24/2016 8:52:19 AM**

File Status: **Filed Report**

Reviewed: **10/24/2016**

Review Status: **Reviewed**

Detail Complete: **No Detail Records Found**

File Method: Web Filed

Entry Method: Web Data Entry

Pending Queued Items: **0**

Number of Detail Records

Contributions: 0

Expenditures: 0

Fund Transfers: 0

Distributions: 0

To Print Report: Right Click Mouse and Select 'Print'



FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

October 24, 2016

Elizabeth McNutt
1815 Devra Drive
Tallahassee, FL 32303-2303

CAN 68250

Dear Ms. McNutt:

The notification that you had no reportable activity for the report deadline of October 21, 2016, was not filed until October 24, 2016. Although the notification is late, no automatic fine is assessed because you had no receipts or expenditures during this reporting period.

However, to avoid potential issues in the future, please note that state law (s. 106.07(7), Fla. Stat.) requires you to file by the dates set out also in law, either a campaign finance report or if applicable, a notification that no reportable activity occurred for the reporting period. Failure to do may constitute a violation of sections 106.07(1) and 106.19(1)(c), Fla. Stat. The Division is required to notify the Florida Elections Commission of any apparent violation of chapter 106, Fla. Stat., or any failure to file a report or information required by chapter 106, Fla. Stat. If a matter is referred to the Florida Elections Commission, the Commission may assess a civil penalty of up to \$1,000 per violation.

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

Sincerely,

Kristi Reid Bronson, Chief
Bureau of Election Records

HISTORY NOTES
Elizabeth Kathryn McNutt - 68250

Unique ID	Date Recorded	Last Edited Date	Originally Recorded By
48350	6/30/2016 1:59:00 PM		Ejrowlette
<p>Re: Pins, pw, acc Ms. McNutt and I finally spoke. I gave her all her credentials and the website to the EFS system. She told me she still had not received her credentials in the mail and she is here in Tallahassee. I'm glad we were able to speak. Ejr</p>			
48346	6/30/2016 1:47:00 PM		Ejrowlette
<p>Re: pins, pw, account # cont.... Ms. McNutt called and left a message on my answering machine letting me know she received my call and was calling for her credentials. She asked me to call her back. I called Ms. McNutt back but got her answering machine. I told her I would be here until 5pm today. If she would call someone here, or myself, will gladly assist her in getting her credentials. Ejr</p>			
48179	6/28/2016 11:06:00 AM		Ejrowlette
<p>Re: PW, PINS, ACCOUNT # I attempted to reach Ms. McNutt but got an answering machine. I left the message that she will need to file her first financial report this Friday, the 2016 P1. I told her that in order to do so, she would need her candidate pw, pin #, and account #. I told her that I couldn't give this information out on the answering machine, but she would need to call the division of elections and we would provide it for her then. Ejr</p>			