

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: People Power for Florida

Case No.: FEC 18-224

TO: William Hollimon, Esquire
Hollimon PA
118 North Gadsden Street
Tallahassee, FL 32301

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

NOTICE OF HEARING (AUTOMATIC FINE)

A hearing will be held in this case before the Florida Elections Commission on, **November 14, 2018 at 1:30 pm, or as soon thereafter as the parties can be heard**, at the following location: **Senate Office Building, 404 South Monroe Street, Room 110-S, Tallahassee, Florida 32399.**

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.

Eric M. Lipman
General Counsel for Executive Director
Florida Elections Commission
October 29, 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.

FLORIDA ELECTIONS COMMISSION
CASE REPORT
Case Number: FEC-18-224

NAME: PEOPLE POWER FOR FLORIDA

DATE APPEAL RECEIVED: 8/17/18

DATE REPORT DUE: 07/06/18 (2018 P1A)

DATE OF ELECTRONIC RECEIPT: 07/01/18¹

NUMBER OF DAYS LATE: 4

AMOUNT OF FINE: \$464.25

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

TOTAL RECEIPTS FOR REPORTING PERIOD: \$1,857.00

TOTAL EXPENDITURES FOR REPORTING PERIOD: \$0

DATE OF FIRST NOTIFICATION: 08/07/18

CANDIDATE []	STATE [X]
PC [X]	DISTRICT []
CCE []	COUNTY []
POLITICAL PARTY []	CITY []
ECO []	

SUMMARY: People Power for Florida (PP4F) is a political committee (PC) registered with the State of Florida. The PC's chair is Anna Eskamani and its treasurer is William Hollimon. Mr. Hollimon serves as legal counsel in this case.

The PC is appealing the fine claiming that at the time the report was filed, PP4F "was aware of no reportable activity that occurred during the covered period". According to the treasurer, William Hollimon, Esq., on July 4th he received notice of an in-kind contribution in the amount of \$1,857. This was in connection to a fundraising event that took place on June 23rd. Mr. Hollimon states that it is not clear in chapter 106 whether an in-kind contribution is deemed to be received when the in-kind contribution is made or when the valuation of the contribution is received by the committee's treasurer. He states that with the lack of clarity, PP4F elected to report the activity as having been received on the day the contribution was made (June 23rd) and filed an amendment to the 2018 P1A reflecting the change.

- The 2018 P1A Original Report covers the period from 06/23/18-06/29/18; it was due on 07/06/18.
- The 2018 P1A Queued Transaction Report shows that it was created and filed on 07/01/18.²
- People Power for Florida reported receiving 1 contribution, while making 0 expenditures.
- The Division of Elections does not have any notes that pertain to People Power for Florida's 2018 P1A report.
- In a 08/21/18 email with Kristi Willis, FEC staff was advised, the committee filed a notice of no activity (waiver) on 07/01/18. A waiver is not a report. On 07/10/18, the committee filed a report showing \$1,857.00 of activity. The fine is based on 25% of the activity.

PRIOR CASES: None.

¹ Respondent initially filed a waiver that reflected no activity occurred during the 2018 P1A reporting period. Respondent later filed a 2018 P1A Report on 07/10/18 to reflect financial activity.

² The report discussed in this bullet refers to the waiver that reflected zero activity.



HOLLIMON, P.A.

FOCUSED ON INTELLECTUAL PROPERTY

HOLLIMON P.A.

118 NORTH GADSDEN STREET
TALLAHASSEE, FLORIDA 32301

PH: 850.320.8515
bill@hollimonpa.com
www.hollimonpa.com

August 17, 2018

VIA EMAIL ONLY

Florida Elections Commission
107 West Gaines Street
Suite 224
Tallahassee, FL 32399
fec@myfloridalegal.com

RE: Florida Political Committee # 69953

Dear Commissioners:

Hollimon, P.A. serves as legal counsel for People Power for Florida, Florida Political Committee 69953 (hereinafter "PP4F"). I also serve as the Treasurer for PP4F. This letter is written on behalf of PP4F and its Chairman, Anna Eskamani.

On August 7, 2018, PP4F received a notice of late filing for Report P1A-13 which was due on July 6, 2018. A copy of this notice is attached. PP4F hereby appeals this ruling on the following grounds:

1. Report P1A-13 covered the reporting period of 6/23/18 – 6/29/18 (the "Covered Period");
2. Report P1A-13 was due to be filed on or before July 6, 2018;
3. On July 1, 2018, PP4F filed a waiver indicating there was no reportable activity during the Covered Period;
4. At the time the waiver was filed, PP4F was aware of no reportable activity that occurred during the Covered Period.
5. On July 4, 2018, PP4F's Treasurer received notice of an in-kind contribution to PP4F in the amount of \$1,857. This in-kind contribution was made in connection with a fundraising event that was held on June 23, 2018;
6. Section 106.06, Florida Statutes, requires a person that makes an in-kind contribution to value such a contribution at the time the contribution is made;

7. Chapter 106 does not specify a time frame for a person making an in-kind contribution to a political committee to communicate the value of the in-kind contribution to the political committee;
8. It is not clear from chapter 106 whether an in-kind contribution is deemed to be received when the in-kind contribution is made or when the valuation of the in-kind contribution is received by the political committee's treasurer;
9. In light of this lack of clarity, PP4F elected to treat the in-kind contribution as having been received on the day the contribution was made (June 23, 2018), not when the valuation of the in-kind contribution was received (July 4, 2018); and
10. Accordingly, on July 10, 2018, PP4F amended the previously filed waiver to include the in-kind contribution that occurred on June 23, 2018.

The Division's August 7, 2018 letter, states "[t]he campaign treasurer's report that was due on July 6, 2018, was filed on July 10, 2018. By law, you are automatically assessed a late fine of \$464.25." Notably, the Division's letter does not cite the statute under which this fine is imposed.

As discussed above, the report that was due on July 6th was filed on July 1st – in the form of a waiver. A waiver was filed at that time because PP4F had no knowledge of any reportable activity during the Covered Period. The filing that was made on July 10th was to amend the previously filed waiver, to report activity that, under PP4F's interpretation of Chapter 106, occurred during the Covered Period.

It is not clear to PP4F how and when the Division believes this in-kind contribution was to be reported. In any event, the purpose of the campaign finance law – to transparently report "who gave it and who got it," was complied with by PP4F's filings. While PP4F believes its filings fully comply with the applicable law, to the extent any campaign finance law violation occurred, it was made in a good faith effort to fully and completely comply with the law.

Under these circumstances, PP4F respectfully requests that, pursuant to section 106.07(8)(c), Florida Statutes, the fine of \$464.25 be waived.

Sincerely,



William Hollimon

cc via email: Florida Division of Elections – divelections@dos.myflorida.com



FLORIDA DEPARTMENT OF STATE
Ken Detzner
Secretary of State
DIVISION OF ELECTIONS

August 7, 2018

Anna Eskamani, Chairperson
People Power for Florida
1302 East Gore Street
Orlando, FL 32806

PAC 69953

Dear Ms. Eskamani:

The campaign treasurer's report that was due on July 6, 2018, was filed on July 10, 2018. By law, you are automatically assessed a late fine of \$464.25.

You have 20 days from the receipt of this notice to either:

1. Pay the fine to the Florida Division of Elections (For a candidate only, a fine is not an allowable campaign expenditure and must be paid from personal funds) at:

*Florida Division of Elections
R.A. Gray Building, Room. 316
500 South Bronough Street
Tallahassee, Florida 32399-025011*

2. Appeal the fine to the Florida Elections Commission (See Rules 2B-1.005 and 2B-1.0055, Florida Administrative Code) at:

*Florida Elections Commission
107 West Gaines Street, Ste. 224
Tallahassee, Florida 32399-0150*

If you appeal, please send a copy also to the Florida Division of Elections so that you will not receive further notices from the Division about this matter.

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

Sincerely,

Kristi Reid Willis, Chief
Bureau of Election Records

The R A Gray Building-Room 316 • 500 South Bronough Street • Tallahassee FL 32399-0250 • (850) 245-6240
• WWW Address: <http://dos.myflorida.com/ele> • E-Mail: ElecRecords@dos.myflorida.c



FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

August 7, 2018

Anna Eskamani, Chairperson
People Power for Florida
1302 East Gore Street
Orlando, FL 32806

PAC 69953

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Sincerely,

Kristi Reid Willis, Chief
Bureau of Election Records

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

- (1) People Power for Florida (2) 69953
Candidate, Committee or Party Name I.D. Number
- (3) 118 North Gadsden Street Tallahassee FL 32301
Address (number and street) City State Zip Code
☐ Check box if address has changed since last report
- (4) Check appropriate box(es):
☐ Candidate (office sought):
☒ Political Committee ☐ Check If PC has DISBANDED
☐ Committee of Continuous Existence ☐ Check If CCE has DISBANDED
☐ Party Executive Committee

(5) REPORT IDENTIFIERS

Cover Period: From 06/23/2018 To 06/29/2018 Report Type: P1A
☐ Original ☒ Amendment ☐ Special Election Report

(6) CONTRIBUTIONS THIS REPORT

Cash & Checks \$0.00
Loans \$0.00
Total Monetary \$0.00
In-Kind \$1,857.00

(7) EXPENDITURES THIS REPORT

Monetary Expenditures \$0.00
Transfers to Office Account \$0.00
Total Monetary \$0.00

(8) Other Distributions

Certification

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

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

Name of ☐ Treasurer ☐ Deputy Treasurer

X
Signature

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

Name of ☐ Candidate ☒ Chairman (PC/PTY Only)

X
Signature

Name: People Power for Florida

Report: 2018 P1A

Period: 06/23/2018 to 06/29/2018

** Records in Filed Report **

Seq #	Full Name (Last, Suffix, First, Middle)	Contributor	Occupation	Amount
Date	Street Address & City, State, Zip	Type	In-Kind Description	Amend
1	POE, BOB	I	INVESTOR	\$1,857.00
06/23/2018	2207 BOWMONT DRIVE BEVERLY HILLS, CA 90210	INK	FUNDRAISER EXPENSE	ADD

Name: People Power for Florida

Report: 2018 P1A

Period: 06/23/2018 to 06/29/2018

** Records in Filed Report **

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

ID:

CAMPAIGN TREASURER'S REPORT – ITEMIZED FUND TRANSFERS

Page 1 of 1

Name: People Power for FloridaReport: 2018 P1APeriod: 06/23/2018to 06/29/2018**** Records in Filed Report ****

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

ID:

CAMPAIGN TREASURER'S REPORT – ITEMIZED DISTRIBUTIONS

Page 1 of 1

Name: People Power for Florida

Report: 2018 P1A

Period: 06/23/2018 to 06/29/2018

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

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

Queued Items for 2018-P1A

Account: 69953

People Power for Florida

Rpt Seq: 13

<i>ProcessDescription</i>	<i>Status</i>	<i>Submitter</i>	<i>Created</i>	<i>LastUpdate</i>
Create Pending Report	Processing Complete	69953	7/1/2018 11:46:45 AM	7/1/2018 11:46:45 AM
Review Pending Report	Processing Complete	69953	7/1/2018 11:46:48 AM	7/1/2018 11:46:48 AM
File Pending Report	Processing Complete	69953	7/1/2018 11:47:05 AM	7/1/2018 11:47:05 AM
Amend Filed Report	Processing Complete	69953	7/10/2018 9:38:30 PM	7/10/2018 9:38:30 PM
Review Pending Report	Processing Complete	69953	7/10/2018 9:39:50 PM	7/10/2018 9:39:50 PM
Review Pending Report	Processing Complete	69953	7/10/2018 9:40:23 PM	7/10/2018 9:40:23 PM
File Pending Report	Processing Complete	69953	7/10/2018 9:40:39 PM	7/10/2018 9:40:39 PM
Review Filed Report	Processing Complete	69953	8/12/2018 10:38:28 AM	8/12/2018 10:38:28 AM
Review Filed Report	Processing Complete	69953	8/12/2018 10:38:56 AM	8/12/2018 10:38:56 AM



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Florida Department of State - Division of Elections

Florida Election System Reports

Candidate/Committee Lookup

Committee Name: People Power for Florida

Name:

Account: 69953

Election:

Acct: 69953

Type:

Search

Reset

Date Due	Type	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amount Paid
8/17/2018	P6	8/15/2018						
8/10/2018	P5	8/8/2018						
8/3/2018	P4	8/2/2018						
7/27/2018	P3	7/23/2018						
7/20/2018	P2A	7/16/2018						
7/13/2018	P2	7/10/2018						
7/6/2018	P1A	7/1/2018	SNT	0	\$464.25		\$464.25	\$0.00
6/29/2018	P1	6/24/2018						
6/11/2018	M5	6/5/2018						
5/10/2018	M4	5/7/2018						
4/10/2018	M3	4/10/2018						
3/12/2018	M2	3/11/2018						
2/12/2018	M1	2/4/2018						
1/10/2018	M12	1/7/2018						
12/11/2017	M11	12/9/2017						
11/13/2017	M10	11/8/2017						
10/10/2017	M9	10/9/2017						
9/22/2017	M8	9/10/2017						
8/10/2017	M7	8/9/2017						



FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

July 13, 2017

Anna Eskamani, Chairperson
People Power for Florida
118 North Gadsden Street
Tallahassee, Florida 32301

Dear Ms. Eskamani:

This will acknowledge receipt of the Statement of Organization and Appointment of Campaign Treasurer and Designation of Campaign Depository for **People Power for Florida**, which were placed on file in our office on July 12, 2017. This information appears to comply with the requirements of Section 106.03, Florida Statutes, and the name of this organization has been placed on our active committee list as a political committee.

Campaign Treasurer's Reports

Your first campaign treasurer's report will be due on **August 10, 2017**. The report will cover the period of July 1-31, 2017 (M7). All political committees that file reports with the Division of Elections are required to file by means of the Division's Electronic Filing System (EFS).

EFS Access

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

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

Identification Number: 69953

Timely Filing

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

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/



Anna Eskamani, Chairperson
July 13, 2017
Page Two

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

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

Electronic Receipts

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

Instructions and Assistance

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

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

Please let me know if you need additional information.

Sincerely,



Kristi Reid Willis, Chief
Bureau of Election Records

KRW/zjs

Enclosures

pc: William Hollimon, Treasurer