#### STATE OF FLORIDA FLORIDA ELECTIONS COMMISSION

In Re: No Statute of Limitations on Torture Case No.: FEC 17-331

TO: No Statute of Limitations on Torture Michael Gene Anderson, Chair 2477 Virginia Street, # 305 Berkeley, CA 94709

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: 17

# STATE OF FLORIDA ELECTIONS COMMISSION FLORIDA ELECTIONS COMMISSION

Florida Elections Commission, Petitioner,

v.

**Case No.: FEC 17-331** 

No Statute of Limitations on Torture, 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 27, 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 September 16, 2016, Respondent violated Section 106.07(7), Florida Statutes, when Respondent failed to notify the Division of Elections in writing on or before September 16, 2016, that Respondent would not be filing its 2016 G1A Report on the prescribed due date.

#### Count 2:

On or about October 7, 2016, Respondent violated Section 106.07(7), Florida Statutes, when Respondent failed to notify the Division of Elections in writing on or before October 7, 2016, that Respondent would not be filing its 2016 G3 Report on the prescribed due date.

#### Count 3:

On or about October 28, 2016, Respondent violated Section 106.07(7), Florida Statutes, when Respondent failed to notify the Division of Elections in writing on or before October 28, 2016, that Respondent would not be filing its 2016 G6 Report on the prescribed due date.

#### Count 4:

On or about October 29, 2016, Respondent violated Section 106.07(7), Florida Statutes, when Respondent failed to notify the Division of Elections in writing on or before October 29, 2016, that Respondent would not be filing its 2016 D1 Report on the prescribed due date.

#### Count 5:

On or about October 30, 2016, Respondent violated Section 106.07(7), Florida Statutes, when Respondent failed to notify the Division of Elections in writing on or before October 30, 2016, that Respondent would not be filing its 2016 D2 Report on the prescribed due date.

#### Count 6:

On or about October 31, 2016, Respondent violated Section 106.07(7), Florida Statutes, when Respondent failed to notify the Division of Elections in writing on or before October 31, 2016, that Respondent would not be filing its 2016 D3 Report on the prescribed due date.

#### Count 7:

On or about November 1, 2016, Respondent violated Section 106.07(7), Florida Statutes, when Respondent failed to notify the Division of Elections in writing on or before November 1, 2016, that Respondent would not be filing its 2016 D4 Report on the prescribed due date.

#### Count 8:

On or about November 2, 2016, Respondent violated Section 106.07(7), Florida Statutes, when Respondent failed to notify the Division of Elections in writing on or before November 2, 2016, that Respondent would not be filing its 2016 D5 Report on the prescribed due date.

#### Count 9:

On or about November 4, 2016, Respondent violated Section 106.07(7), Florida Statutes, when Respondent failed to notify the Division of Elections in writing on or before November 4, 2016, that Respondent would not be filing its 2016 G7 Report on the prescribed due date.

#### Count 10:

On or about November 3, 2016, Respondent violated Section 106.07(7), Florida Statutes, when Respondent failed to notify the Division of Elections in writing on or before November 3, 2016, that Respondent would not be filing its 2016 D6 Report on the prescribed due date.

#### **Count 11**:

On or about December 12, 2016, Respondent violated Section 106.07(7), Florida Statutes, when Respondent failed to notify the Division of Elections in writing on or before December 12, 2016, that Respondent would not be filing its 2016 M11 Report on the prescribed due date.

#### Count 12:

On or about January 10, 2017, Respondent violated Section 106.07(7), Florida Statutes, when Respondent failed to notify the Division of Elections in writing on or before January 10, 2017, that Respondent would not be filing its 2016 M12 Report on the prescribed due date.

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

M. Scott Thomas, Chairman Florida Elections Commission

Copies furnished to: Eric M. Lipman, General Counsel No Statute of Limitations on Torture, 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 <u>consent order</u> where you and Commission staff agree to resolve the violation(s)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 <u>informal hearing</u> held before the Commission, if you <u>do not</u> 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 <u>formal hearing</u> 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: No Statute of Limitations on Torture Case No.: FEC 17-331

TO: No Statute of Limitations on Torture Michael Gene Anderson, Chair 2477 Virginia Street, # 305 Berkeley, CA 94709

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: No Statute of Limitations on Torture		<b>Case No.: FEC 17-331</b>
	1	

#### STAFF RECOMMENDATION FOLLOWING INVESTIGATION

Pursuant to Section 106.25(4)(c), Florida Statutes, undersigned staff counsel files this written recommendation for disposition of the complaint in this case recommending that there is **probable cause** to charge Respondent with violating **Section 106.07(7)**, **Florida Statutes**. Based upon a thorough review of the Report of Investigation submitted on December 11, 2017, the following facts and law support this staff recommendation.

- 1. On October 12, 2017, the Florida Elections Commission ("Commission") received a referral from the Division of Elections ("Division") alleging that No Statute of Limitations on Torture ("Respondent") violated Chapter 106, Florida Statutes.
- 2. Respondent is a political committee registered with the Division. Respondent's Appointment of Campaign Treasurer and Designation of Campaign Depository for Political Committees form was filed with the Division on July 6, 2015. Michael Gene Anderson was identified as Respondent's chairman and treasurer. (ROI Exhibit 1)<sup>1</sup>
- 3. By letter dated July 7, 2015, Kristi Reid Willis, Chief, Bureau of Election Records, notified Respondent that the name of the organization had been placed on the Division's active committee list as a political committee. The letter advised Respondent that all political committees filing reports with the Division are required to use the electronic filing system ("EFS") and provided Respondent with a user identification number and initial password to access to the EFS. (ROI Exhibit 2, page 1)<sup>2</sup>
- 4. Ms. Willis' July 7, 2015 letter further advised Respondent that all of the Division's publications and reporting forms were on the Division's website and directed Respondent to print a copy of Chapter 106, Florida Statutes, the *Political Committee Handbook* ("Handbook"), the *Calendar of Reporting Dates*, and other documents. (ROI Exhibit 2, page 3)

<sup>1</sup> The Report of Investigation shall be referred to herein as "ROI."

<sup>&</sup>lt;sup>2</sup> Kristi Reid Willis was formerly known as Kristi Reid Bronson.

- 5. On November 9, 2017, the Executive Director notified Respondent that Commission staff would investigate allegations that Respondent violated Section 106.07(7), Florida Statutes, by failing to timely file a notice of no activity for the following reporting periods:
  - 2016 G1A
  - 2016 G3
  - 2016 G6
  - 2016 D1
  - 2016 D2
  - 2016 D3
  - 2016 D4
  - 2016 D5
  - 2016 G7
  - 2016 D6
  - 2016 M11
  - 2016 M12
  - 6. Page 18 of the Handbook states:

When there has been no reportable activity in the campaign account during a reporting period (no funds expended or received) the filing of the report may be waived by notifying the filing officer in writing that no activity has occurred. This notification must be made on the prescribed reporting date.

(Section 106.07, F.S.)

All waivers filed with the Division must be filed electronically using the Division's electronic filing system.

(Section 106.0705, F.S.)

(ROI Exhibit 3, pages 1 and 4)

- 7. Pages 12, 13, 45, and 46 of the *Political Committee EFS User's Guide* ("Guide") explain the steps a political committee should take to notify the Division in writing on the prescribed reporting date that no report will be filed for the reporting period using the EFS. Specifically, at the top of page 13, the Guide instructs the user to click the box next to "Waiver" if there is no financial activity to report. (ROI Exhibit 4)
  - 8. Section 106.07(7), Florida Statutes, provides:

Notwithstanding any other provisions of this chapter, in any reporting period during which a candidate or political committee 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 next report filed must specify that the report covers the entire period between the last submitted report and the report being filed, and any candidate or political committee not reporting by virtue of this subsection on dates prescribed elsewhere in this chapter shall notify the filing officer in writing on the prescribed reporting date that no report is being filed on that date. (Emphasis added)

9. The table below reflects Respondent's untimely notices filed with the Division:

Report	Report Cover Period	Date Notification Due	Date Notification Filed	No. of Days Late
2016 G1A	09/03/16 - 09/09/16	09/16/16	09/17/16	1
2016 G3	09/24/16 09/30/16	10/07/16	10/08/16	1
2016 G6	10/15/16 – 10/21/16	10/28/16	11/01/16	4
2016 D1	10/22/16 - 10/28/16	10/29/16	11/02/16	4
2016 D2	10/29/16	10/30/16	11/06/16	7
2016 D3	10/30/16	10/31/16	02/22/17	114
2016 D4	10/31/16	11/01/16	02/22/17	113
2016 D5	11/01/16	11/02/16	02/22/17	112
2016 G7	10/22/16 - 11/03/16	11/04/16	02/22/17	110
2016 D6	11/02/16	11/03/16 <sup>3</sup>	02/27/17	111
2016 M11	11/04/16 - 11/30/16	12/12/16	02/22/17	72
2016 M12	12/01/16 - 12/31/16	01/10/17	02/22/17	43

(ROI Exhibit 5, pages 1 and 4; Attachment A)

10. Respondent's chairman claimed that working with the "filing website" was challenging and difficult. Respondent's chairman also wrote that he was in Mexico from November 8, 2016, through February 2017 and there was no internet where he was staying. (ROI Exhibits 6 and 7)<sup>4</sup>

<sup>&</sup>lt;sup>3</sup> The Division's Filing History Report lists the reporting date for the 2016 D6 Report as November 4, 2016. The correct reporting date was November 3, 2016. However, the 2016 Calendar of Reporting Dates for political committees that was available on the Division's website listed the correct reporting date. (ROI Exhibit 5, page 1 and Attachment A)

<sup>&</sup>lt;sup>4</sup> The Division's History Notes indicate that Respondent's chairman spoke with Donna Brown from the Division on February 22, 2017. Ms. Brown assisted him in locating the committee's outstanding reports and Respondent's chairman stated he would file the reports. (Attachment B, page 1)

- 11. "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).
- 12. The above facts show Respondent is a political committee that is registered with the Division of Elections. Respondent failed to timely file a notice of no activity for the 2016 G1A, 2016 G3, 2016 G6, 2016 D1, 2016 D2, 2016 D3, 2016 D4, 2016 D5, 2016 G7, 2016 D6, 2016 M11, and 2016 M12 reporting periods.
- 13. The above facts also show that Respondent's chairman stated he did not timely file notices of no activity for the reporting periods because working with the filing website was challenging and difficult, he was in Mexico from November 8, 2016, until February 2017, and there was no internet where he was staying in Mexico.

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

#### Count 1:

On or about September 16, 2016, Respondent violated Section 106.07(7), Florida Statutes, when Respondent failed to notify the Division of Elections in writing on or before September 16, 2016, that Respondent would not be filing its 2016 G1A Report on the prescribed due date.

#### Count 2:

On or about October 7, 2016, Respondent violated Section 106.07(7), Florida Statutes, when Respondent failed to notify the Division of Elections in writing on or before October 7, 2016, that Respondent would not be filing its 2016 G3 Report on the prescribed due date.

#### Count 3:

On or about October 28, 2016, Respondent violated Section 106.07(7), Florida Statutes, when Respondent failed to notify the Division of Elections in writing on or before October 28, 2016, that Respondent would not be filing its 2016 G6 Report on the prescribed due date.

#### Count 4:

On or about October 29, 2016, Respondent violated Section 106.07(7), Florida Statutes, when Respondent failed to notify the Division of Elections in writing on or before October 29, 2016, that Respondent would not be filing its 2016 D1 Report on the prescribed due date.

#### Count 5:

On or about October 30, 2016, Respondent violated Section 106.07(7), Florida Statutes, when Respondent failed to notify the Division of Elections in writing on or before October 30, 2016, that Respondent would not be filing its 2016 D2 Report on the prescribed due date.

#### Count 6:

On or about October 31, 2016, Respondent violated Section 106.07(7), Florida Statutes, when Respondent failed to notify the Division of Elections in writing on or before October 31, 2016, that Respondent would not be filing its 2016 D3 Report on the prescribed due date.

#### Count 7:

On or about November 1, 2016, Respondent violated Section 106.07(7), Florida Statutes, when Respondent failed to notify the Division of Elections in writing on or before November 1, 2016, that Respondent would not be filing its 2016 D4 Report on the prescribed due date.

#### Count 8:

On or about November 2, 2016, Respondent violated Section 106.07(7), Florida Statutes, when Respondent failed to notify the Division of Elections in writing on or before November 2, 2016, that Respondent would not be filing its 2016 D5 Report on the prescribed due date.

#### Count 9:

On or about November 4, 2016, Respondent violated Section 106.07(7), Florida Statutes, when Respondent failed to notify the Division of Elections in writing on or before November 4, 2016, that Respondent would not be filing its 2016 G7 Report on the prescribed due date.

#### Count 10:

On or about November 3, 2016, Respondent violated Section 106.07(7), Florida Statutes, when Respondent failed to notify the Division of Elections in writing on or before November 3, 2016, that Respondent would not be filing its 2016 D6 Report on the prescribed due date.

#### Count 11:

On or about December 12, 2016, Respondent violated Section 106.07(7), Florida Statutes, when Respondent failed to notify the Division of Elections in writing on or before December 12, 2016, that Respondent would not be filing its 2016 M11 Report on the prescribed due date.

#### Count 12:

On or about January 10, 2017, Respondent violated Section 106.07(7), Florida Statutes, when Respondent failed to notify the Division of Elections in writing on or before January 10, 2017, that Respondent would not be filing its 2016 M12 Report on the prescribed due date.

Respectfully submitted on December <u>11</u>, 2017.

Eric M. Lipman

General Counsel

I have reviewed this Staff Recommendation on the 27 Wday of December 2017.

Amy McKeever Toman

Executive Director

## 2016 Calendar of Reporting Dates for Political Committees/Independent Expenditure-Only Organizations that file with the Division of Elections

Cover Period	Report Code	<u>Due Date</u>
12/01/15 12/31/15		01/11/16
01/01/16 - 01/31/16	2016 M1	02/10/16
02/01/16 - 02/29/16	2016 M2	03/10/16
03/01/16 - 03/31/16	2016 M3	04/11/16
04/01/16 - 04/30/16	2016 M4	05/10/16
05/01/16 - 05/31/16	2016 M5	06/10/16
01/01/15 - 12/31/15*	2015 MÜC*	07/01/16
06/01/16 - 06/24/16	2016 P1	07/01/16
06/25/16 07/01/16	2016:P1A	07/08/16
07/02/16 - 07/08/16	2016 P2	07/15/16
07/09/16 - 07/15/16	2016 P2A	07/22/16
07/16/16 - 07/22/16	2016 P3	07/29/16
07/23/16 - 07/29/16	2016 P4	08/05/16
07/30/16 - 08/05/16	2016 P5	08/12/16
08/06/16 - 08/12/16	2016 P6	08/19/16
08/13/16 - 08/25/16	2016 P7	08/26/16
08/26/16	2016 P7A	09/02/16
08/27/16 - 09/02/16	2016 G1	09/09/16
09/03/16 - 09/09/16		09/16/16
09/10/16 - 09/16/16	2016 G2	09/23/16
09/17/16 - 09/23/16	2016 G2A	09/30/16
09/24/16 - 09/30/16	2016 G3	10/07/16
10/01/16 - 10/07/16	2016 G4	10/14/16
10/08/16 - 10/14/16	2016 G5	10/21/16
10/15/16 - 10/21/16	2016 G6	10/28/16
10/22/16 - 10/28/16**	2016 D1**	10/29/16**
10/29/16**	2016 D2**	10/30/16**
10/30/16**	2016 D3**	10/31/16**
10/31/16**	2016 D4**	11/01/16**
11/01/16**	2016 D5**	11/02/16**
11/02/16**	2016 D6**	11/03/16**
40/22/46 44/02/46***	2046 07***	14 10 14 5444
10/22/16 - 11/03/16***	2016 G7***	11/04/16***
11/03/45 13/20/35	2016 8444	:: :: :::15745 /46 : :: :: :: ::
11/04/16 - 11/30/16	2016 M11	12/ 12/, 10 :
12/01/16-12/31/16	2016 M12	01/10/17

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

ATTACHMENT A

<sup>\*\*</sup> These reports need only contain information on all previously unreported contributions received as of the preceding day; however, expenditures can be reported if desired.

<sup>\*\*\*</sup> If expenditures for 10/22/16 – 11/02/16 have already been reported during the daily reports, do not duplicate expenditures in this report.





## HISTORY NOTES No Statute of Limitations on Torture - 64801

**Unique ID Date Recorded Last Edited Date** Orginally Recorded By 54605 6/27/2017 4:54:00 PM dsbrown RE: Call from Chair Michael Anderson called about a letter he received - failure to file the 2017 M5 report that was due 6/12/17. The letter was dated 6/20/17. I checked EFS and he had filed the report on 6/22/17 as a waiver. He asked if there was anything else he needed to do or if anything else was outstanding. I told him I did not see any outstanding reports due. 52411 2/22/2017 3:42:00 PM dsbrown RE: Call from Mr. Anderson, Chair called and said he received my email. I assisted him in locating the outstanding reports. He said he go ahead and get them filed. 52408 2/22/2017 2:21:00 PM dsbrown RE: Outstanding reports Followup to earlier call, I emailed the following: Michael G. Anderson, Chairperson No Statute of Limitations on Torture (64801) Dear Mr. Anderson, I called the number on record for you today and left a message. This email is a follow-up to let you know that although you did complete some of the committee's outstanding campaign finance reports, there are multiple 2016 campaign finance reports that remain unfiled. Please go into the Electronic Filing System (EFS) to file the remaining outstanding reports immediately. The committee will be in jeopardy of cancelation if all of the outstanding reports are not filed. Feel free to contact me at the number below if you have any questions, or if I may assist you. Best regards, Donna S. Brown 52402 2/22/2017 11:13:00 AM dsbrown RE: Outstanding reports Called the chairman's telephone number to advise that the committee still has multiple outstanding reports that need to be filed. Left a message for Mr. Anderson to call me direct concerning this matter. 51763 1/18/2017 12:08:00 PM dsbrown RE: Call to chair

Called number on record; left message for Mr. Anderson to call me at my direct number.

ATTACHMENT B, page 1

Page 1 of 2

11/30/2017

## HISTORY NOTES No Statute of Limitations on Torture - 64801

**Unique ID** 

**Date Recorded** 

**Last Edited Date** 

Orginally Recorded By

51762

1/18/2017 11:48:00 AM

dsbrown

RE: Call to Registered Agent

Spoke with Mr. Cooper. Explained that the Div has been trying to contact Mr. Anderson regarding outstanding finance reports. He verified Mr. Anderson's phone number and recommended I call the number and leave a message. He said he did not know of any other address than the one listed in our records. I advised that documents may be sent to him in the future since he is the only officer that can be reached. He said he would need to resign because he had so much on his plate. He gave me an email address of samohi@comcast.net to send him an email with instructions on how to resign. Following email was sent:

Jerry Cooper, Registered Agent
No Statute of Limitations on Torture

Dear Mr. Cooper,

As discussed in our telephone conversation today, the Division of Elections has multiple failed attempts to contact Michael Anderson, chairperson/treasurer of the committee. Future correspondence may be sent to you as the registered agent. Since you stated that you are no longer able to continue as an officer of this committee, you may fax a signed letter of resignation as the Registered Agent for the above political committee to (850) 245-6259. In the alternate, you may email the scanned signed letter of resignation as the Registered Agent for the above political committee to ElecRecords@doe.myflorida.com.

If you have any questions, feel free to contact me at the number below.

Best regards,

Donna S. Brown Senior Management Analyst

51716

1/13/2017 3:17:00 PM

dsbrown

RE: Call to RA

Called the registered agents number; left message on Jerry Cooper voicemail to call me direct regarding outstanding finance reports and the Division's inability to contact chair/treasurer.

#### FLORIDA ELECTIONS COMMISSION

#### Report of Investigation for Failure to Notify Filing Officer

Case Number: FEC 17-331

Section 106.07(7), Florida Statutes, failure of a political committee that 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.

Respondent: No Statute of Limitations on

Torture

Complainant: Division of Elections

**Respondent Type:** 

☐ Candidate

X Political Committee

#### I. Preliminary Information:

- 1. An appointment of Campaign Treasurer and Designation of Campaign Depository (DS-DE 6) was filed on July 6, 2015. (Ex. 1)
- 2. An acknowledgement letter was mailed to the address provided on Respondent's DS-DE 6 on July 7, 2015 advising Respondent's chairman that all of the Division's publications and reporting forms are available on their website, including Chapter 106, Florida Statutes, the *Political Committee 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 *Political Committee Handbook* discusses filing a waiver when there is no activity to disclose on page 18. (Ex. 3)
- 5. Pages 12, 13, 45, and 46 of the *Political Committee 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 chairman/treasurer PINS are entered as shown on pages 45 and 46.

#### 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 G1A	09/03 - 09/09/16	09/16/16	09/17/16	1
2016 G3	09/24 - 09/30/16	10/07/16	10/08/16	
2016 G6	10/15 – 10/21/16	10/28/16	11/01/16	4
2016 D1	10/22 - 10/28/16	10/29/16	11/02/16	4

2016 D2	10/29 – 10/29/16	10/30/16	11/06/16	7
2016 D3	10/30 – 10/30/16	10/31/16	02/22/17	114
2016 D4	10/31 – 10/31/16	11/01/16	02/22/17	113
2016 D5	11/01 – 11/01/16	11/02/16	02/22/17	112
2016 D6	11/02 – 11/02/16	11/03/16 <sup>1</sup>	02/22/17	111
2016 G7	10/22 – 11/03/16	11/04/16	02/22/17	110
2016 M11	11/04 – 11/30/16	12/12/16	02/22/17	72
2016 M12	12/01 - 12/31/16	01/10/17	02/22/17	43

- 8. Respondent's chairman, Michael Gene Anderson, provided a written response to the referral dated October 28, 2017. He stated, "I found working with the 'filing website' to be challenging and difficult and requested help." He added that Kristi Reid Willis, or his/her agent<sup>2</sup>, "walked me through the 'online' process." (Ex. 6). Additionally, in an e-mail, Respondent's chairman stated that he left for Mexico on November 8, 2016, the day of the general election, and he did not have access to the internet. He added that he returned to the United States in February 2017. (Ex. 7)
- 9. Respondent's filing history indicates that a notification-of-no-activity was filed timely for the first 22 reporting periods prior to the 2016 G1A reporting period. (Ex. 5)

#### III. FEC History:

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

#### Conclusion:

- 11. Respondent's chairman stated in an e-mail that he did not read Chapter 106, Florida Statutes because "it looked too difficult to read like a 'Warranty' or 'Terms and Conditions clause, full of 'Legalize.' I got a headache just looking at it." (Ex. 7)
  - 12. The Investigative Phone Log is included with this report. (Ex. 8)

		,	
	11 VIV		****
SIGNATURE OF INVESTIGA	ATTARY FAITE	Cantl D	ate: /2/11/17
A		/// -2/ -	
		1 // - 1	

<sup>&</sup>lt;sup>1</sup> The 2016 Calendar of Reporting Dates for Political Committees published by the Division of Elections shows the due date as 11/03/16.

<sup>&</sup>lt;sup>2</sup> According to the Division's History Notes, it appears that Mr. Anderson spoke with Donna S. Brown on 02/22/17, who assisted him with the filing of certain reports.

#### FLORIDA ELECTIONS COMMISSION

## REPORT OF INVESTIGATION No Statute of Limitations on Torture -- FEC 17-331

LIST OF EXHIBITS			
Exhibits #s	Description of Exhibits		
Exhibit 1	DS-DE 6		
Exhibit 2	Acknowledgement ltr		
Exhibit 3	Page 18 – Political Committee Handbook		
Exhibit 4	Pages 12,13,45 & 46 Political Committee EFS User's Guide		
Exhibit 5	Respondent's filing history		
Exhibit 6	Response from Respondent's chairman		
Exhibit 7	Chairman's e-mail		
Exhibit 8	Phone Log		

# APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY FOR

**POLITICAL COMMITTEES** 

(Sections 106.011(1) and 106.021(1), F.S.)

DS-DE 6 (Rev. 7/10)



•			
CHECK APPROPRIATE BOX:			OFFICE USE ONLY
Original Appointment of Treasurer Reappointment	ntment of Treasurer		Deputy Treasurer
Committee or Organization		2. Telephone	
No Statute of Limitations on Torture		( <sub>510</sub> ) <sub>681-49</sub>	82
Name of Treasurer or Deputy Treasurer     4. Email (optional)	l)	5. Telephone (d	optional)
Michael Gene Anderson mathtoot@yahoo	o.com	(510 ) 681-49	82
6. Mailing Address			
2477 Virginia Street # 305 Berkeley, Ca 94709			
7. Street Address			-
2477 Virginia Street # 305 Berkeley, Ca 947	70		
8. The following bank has been designated as the X Pri	mary Depository	Seconda	ry Depository
9. Name of Bank	10. Street Address		
Chase Bank	3492 Mt Dial	olo Blvd, Laf	ayette, CA 94549
11. City	12. State	-	13. Zip Code
Lafayette	Califor	nia	94549
14. Signature of Chairman	15. Name of Chair	man (Print or Typ	e)
X	Michael Gene	e Anderson	
Campaign Treasurer's Ac	ceptance of A	ppointment	
I, Michael Gene Anderson		, do hereb	by accept the appointment as
(Please Print or Type)	on Tork		
treasurer or deputy treasurer for No Statute of Limitation	(Committee or Organization	ation)	
UNDER PENALTIES OF PERJURY, I DECLARE THAT I H ACCEPTANCE OF APPOINTMENT AND	AVEREAD THE FO	REGOING CAMP STATED ARE TO	'AIGN TREASURER'S RUE.
7/1/15 EXHIBIT <sub>X</sub>			
Date	Signature of Campa	ign Treasurer or	Deputy Treasurer



RICK SCOTT Governor

KEN DETZNER
Secretary of State

July 7, 2015

Michael Gene Anderson, Chairperson No Statute of Limitations on Torture 2477 Virginia Street #305 Berkeley, California 94709

Dear Mr. Anderson:

This will acknowledge receipt of the Statement of Organization and Appointment of Campaign Treasurer and Designation of Campaign Depository for No Statue of Limitations on Torture, which were placed on file in our office on July 6, 2015. 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, 2015. The report will cover the period of July 1-31, 2015 (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).

#### Credentials and Sign-ons

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

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

Identification Number: 64801





Michael Gene Anderson, Chairperson July 7, 2015 Page Two

#### Pin Numbers

Pin numbers are confidential secure credentials that allow you to submit reports and update information. The enclosed sealed envelopes contain your confidential pin numbers.

Each political committee chairperson is required to provide the Division of Elections with confidential personal information that may be used to allow access in the event that the 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 must be completed and filed through the EFS not later than midnight, Eastern Standard Time, of the due date. Reports not filed by midnight, Eastern Standard Time, of the due date are late filed and subject to the penalties in Section 106.07(8), Florida Statutes. In the event that the 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.



Michael Gene Anderson, Chairperson July 7, 2015 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 <a href="http://dos.myflorida.com/elections/">http://dos.myflorida.com/elections/</a>. 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,

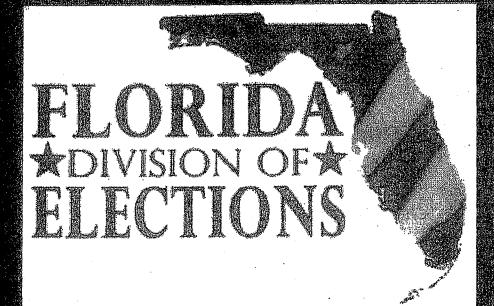
Kristi Reid Bronson, Chief Bureau of Election Records

KRB/ljr

Enclosures

EXHIBIT 2 (3.63)

# Political Committee Handbook



June 2014
Florida Department of State
Division of Elections
R. A. Gray Building,
Room 316
500 South Bronough Street
Tallahassee, FL 32399-0250
(850) 245-6240
http://elections.myflorida.com

EXHIBIT 3 (166)

# Table of Contents

Chapter 1: Background	
Chapter 2: The Campaign Financing Act	
Chapter 3: Glossary of Terms	
Chapter 4: Political Committee	
What to File	
Where to File (Area, Scope, Jurisdiction)	5
Disbandment	6
Revocation	E
Chapter 5: Campaign Treasurer	6
Duties and Responsibilities of Campaign Treasurers	
Resignation or Removal of Campaign Treasurers	
Chapter 6: Campaign Depository	
Primary Campaign Depository	
Secondary Campaign Depository	
Separate Interest-Bearing Accounts and Certificates of Deposit	
Campaign Checks	
Debit Cards	
Credit Cards	
Chapter 7: Contributions	
In-Kind Contributions	
Loans	
Cash Contributions	
Money Order, Debit and Credit Card Contributions	
Contributions via Online Payment Service Organizations	
Contribution Limits	
2014 Deadlines for Accepting Contributions	
ViolationsChapter 8: Expenditures	
General Requirements	
Checks	
Petty Cash Funds	
Independent Expenditures	
Credit Cards	
Debit Cards	
2014 Deadlines for Making Contributions to Candidates	
Chapter 9: Recordkeeping	
Bookkeeping	
Preservation of Account Records	
Contributions	
Expenditures	
Inspections	
hapter 10: Filing Campaign Reports	
Where to File	
When to File	
Penalty for Late Filing	
EXHIBIT () (2 & 6)	

Waiver of Report	18
Special Election Reports	18
Incomplete Reports	18
Reporting Total Sums	18
Reporting Contributions	18
Returning Contributions	19
Reporting Expenditures	19
Reporting Other Distributions	20
Chapter 11: Electronic Filing of Campaign Reports	20
Accessing the EFS	21
Creating Reports	21
Submitting Reports	21
Electronic Receipts	21
Chapter 12: Electioneering Communications	21
Electioneering Communication Disclaimers	22
Chapter 13: Political Advertising	22
Disclaimers	23
Language Other Than English	24
Miscellaneous Provisions	
Use of Closed Captioning and Descriptive Narrative in All Television Broadcasts	
Disclaimers on Novelty Items	
Items Designed to be Worn by a Person	•
Bumper Stickers (paid for by political committee independently of any candidate)	
Chapter 14: Telephone Solicitation	29
Disclosure requirements:	
Prohibitions:	
Written authorization requirements:	
Penalties:	
The term "person:"	
Chapter 15: Florida Elections Commission	
Automatic Fine Appeal Process	
Complaint Process	
Appendix A: Frequently Asked Questions	
Appendix B: Comparison – Political Committee vs. Electioneering Communications Organization	
Appendix C: 2014 Deadlines for Making Contributions to Candidates	

#### Waiver of Report

When there has been no reportable activity in the campaign account during a reporting period (no funds expended or received) the filing of the report may be waived by notifying the filing officer in writing that no activity has occurred. This notification must be made on the prescribed reporting date.

(Section 106.07, F.S.)

All waivers filed with the Division must be filed electronically using the Division's electronic filing system.

(Section 106.0705, F.S.)

#### **Special Election Reports**

When a special election is called to fill a vacancy in office, all political committees making contributions or expenditures to influence the results of the special election shall file campaign treasurers' reports with the filing officer on the dates set by the Department of State pursuant to Section 100.111, F.S.

When an election is called for an issue to appear on the ballot at a time when no candidates are scheduled to appear on the ballot, all political committees making contributions or expenditures in support of or in opposition to such issue shall file reports on the 18th and 4th days prior to such election.

Committees are to include on the special election campaign treasurer's reports only expenditures related to the special election made by the committee during the special election reporting periods. All contributions received and all expenditures made not related to the special election during the current quarter should be filed on the next quarterly report. Once a committee has participated in the special election and has filed a special election campaign report, all other special election reports remaining must also be filed by the committee, even if there is no further special election activity.

(Section 106.07(1), F.S.)

#### Incomplete Reports

Note: The Division's Electronic Filing System will allow a committee to file an incomplete report, however, filing a report that is incomplete means filing a report that is not in compliance with the Florida Statutes.

If a campaign treasurer files a report that is deemed incomplete, he or she will be notified by the filing officer by certified mail, or by another method using a common carrier that provides a proof of delivery as to why the report is incomplete. The campaign treasurer must file an addendum to the incomplete report within seven days of notification. The addendum must include all necessary information to complete the report. Failure to file a complete report after notice constitutes a violation of Chapter 106, F.S.

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

#### Reporting Total Sums

Each campaign treasurer's report required by Chapter 106, F.S., shall contain the total sums of all loans, in-kind contributions, and other receipts, and total sums of all expenditures made during the reporting period. The reporting forms shall be designed to elicit separate totals for in-kind contributions, loans, and other receipts.

(Section 106.07, F.S.)

#### **Reporting Contributions**

Each report must contain:

- Full name, address, specific occupation, amount, and date of each person making a contribution. Reports must provide as clear a description as practicable of the principal type of business conducted for corporations contributing. Occupations or principal type of business are not required if the contribution is \$100 or less.
- 2. Name, address, amount, and date of each political committee or organization making any transfer of funds.



records of petty cash expenditures must be kept.

- Amount and nature of debts and obligations owed by or to the committee, which relate to the conduct of any political campaign.
- The amount and nature of any separate interest-bearing accounts or certificates of deposit. Identification of the financial institution in which such accounts or certificates of deposit are located must be identified.
- 6. The primary purposes of an expenditure made indirectly through a campaign treasurer for goods and services such as communications media placement or procurement services, campaign signs, insurance and other expenditures that include multiple components as part of the expenditure. The primary purpose of an expenditure shall be that purpose, including integral and directly related components, that comprises 80 percent of such expenditure. (See also Reporting Other Distributions)

(Section 106.07, F.S.)

#### Reporting Other Distributions

Every distribution should be reported during the coverage period when the distribution actually occurred, as is the case with the expenditures and contributions. The related distribution(s) and expenditure can and often do occur in different reporting periods.

#### Types of distributions:

- Prepaid
- Credit card purchases/payments
- Reimbursements
- In-kind

#### Reports must contain:

- Full name and address of each person to whom payment for reimbursement was made by check drawn upon the campaign account together with the purpose of such payment.
- Expenditures made indirectly through a treasurer for goods or services, such as communications media placement or procurement services, campaign signs, insurance or other expenditures that include multiple integral components as part of the expenditure.
- 3. Distribution of goods and services to a candidate, committee or party.

  (Section 106.07, F.S.)

# Chapter 11: Electronic Filing of Campaign Reports

The Electronic Filing System (EFS) is an Internet system for recording and reporting campaign finance activity by reporting period. Each political committee required to file reports with the Division pursuant to Section 106.07, F.S., must file such reports with the Division by means of the EFS. Reports filed pursuant to this section:

- 1. Shall be completed and filed through the EFS not later than midnight of the day designated. Reports not filed by midnight of the day designated are late filed and are subject to the penalties under Section 106.07(8), F.S., as applicable.
- Are considered to be under oath by the chairperson and treasurer, and such persons are subject to provisions of Section 106.07(5), F.S. Persons given a secure signon to the EFS are responsible for protecting such from disclosure and are responsible for all filings using such credentials, unless they

have notified the Division that their credentials have been compromised.

(Sections 106.0705 and 106.0706, F.S.)

#### Accessing the EFS

From Internet Explorer, you can access the EFS at <a href="https://efs.dos.state.fl.us">https://efs.dos.state.fl.us</a>. Each person filing a report is provided an identification number and initial password to gain entry. Once you log in using the initial password, you will be prompted to change it to a confidential one. You are responsible for protecting the password from disclosure. Contact the Division immediately if your password has been compromised.

#### **Creating Reports**

Campaign reports must be entered, saved, reviewed, and filed via the EFS either by directly entering data into the web application or by uploading data using an approved vendor's software. The Division maintains a list of approved software vendors whose programs meet the file specifications for filing campaign reports. Instructions for uploading reports are provided in the EFS Help Guide located at:

http://election.dos.state.fl.us/EFS/pdf/dsde110B UderGuidePAC.pdf

#### **Submitting Reports**

Reports will be held in pending status until the report is ready to be filed. Each person eligible to file a report will receive a PIN (personal identification number) that allows the person to file reports via the EFS. A person's PIN is considered the same as that person's signature on a filed report.

#### **Electronic Receipts**

The person filing a report on the EFS may print an electronic receipt verifying the report was filed with the Division. Each report filed by means of the EFS is considered to be under oath and such persons filing the report are subject to the provisions of Chapter 106, F.S.

**EFS HELP LINE** 

(850) 245-6280

#### **EFS HELP GUIDE**

http://election.dos.state.fl.us/EFS/pdf/dsde110B U serGuidePAC.pdf

#### NOTES:

- For further information on the EFS, see Rule 1S-2.017, Florida Administrative Code; Reporting Requirements for Campaign Treasurer's Reports.
- Political committees that do not file their campaign treasurer's reports with the Division must consult their filing officer for filing instructions.

#### <u>Chapter 12: Electioneering</u> <u>Communications</u>

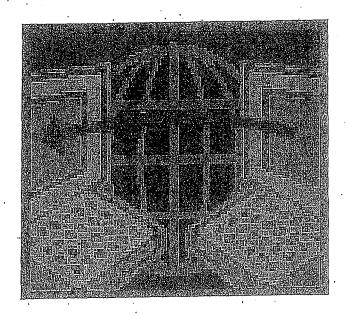
Electioneering communication means communication publicly distributed by a television station, radio station, cable television system, satellite system, newspaper, magazine, direct mail, or telephone that:

- Refers to or depicts a clearly identified candidate for office without expressly advocating the election or defeat of a candidate but that is susceptible of no reasonable interpretation other than an appeal to vote for or against a specific candidate;
- 2. Is made within 30 days before a primary or special primary election or 60 days before any other election for the office sought by the candidate; and
- 3: Is targeted to the relevant electorate in the geographical area the candidate would represent if elected.

EXHIBIT 3 (6x6)

# Department of State Division of Elections

# Political Committee 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. **EXHIBIT** 



(lac 6PS-DE 110B (eff. 01/11)

# Index

Introduction	
Access the EFS	
Passwords and PiNs Set a Password Recovery Question Recover Password Change a Password Set a PIN Recovery Question Recover a PIN	3 4 5 6
Create a New Report by Data Entry	
Enter Contributions Enter Expenditures Enter Other Distributions Enter Fund Transfers	16 20
Report Credit Card Activity	25
Report Prepaid Distributions	29
Report Reimbursements	32
Create a New Report by File Upload	36
Review Data for Errors	39
Create an Error Filter	43
File the Report	45
Print a File Receipt	47
lake Changes to the Report after Chairperson Enters PIN	49
Access a Pending Report	50
mend a Report	51
rint a Report	56

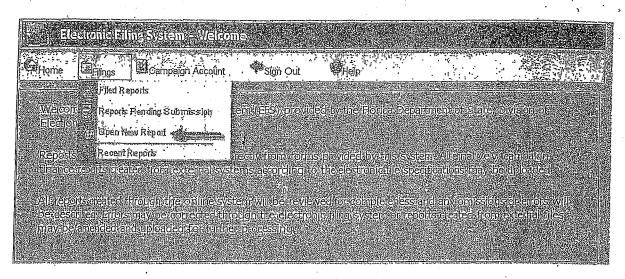
### Create a New Report by Data Entry

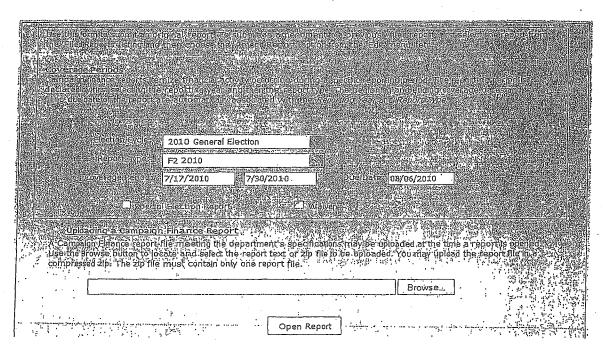
From the Welcome screen, click











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

Click arrow next to Report Type select report type corresponding to the correct cover period and due date.

The Cover Period dates will ExHIBITALLY fill in based on the Calendar of Election and Reporting Dates.

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

If this report is for a special election, click the box next to Special Election Report. (If no special elections are scheduled this option will not be available.)

#### \*\*\*\*\*MOTE\*\*\*\*

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

Escibe Cycle 2010 General Eschon	
Report Type F7 2050	The state of the s
Covarage Pellod: 7/17/2010 7/30/20	110   D.Gelluster   08/06/2010
Last marketalast manicipality	U Valor Later property and the second

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.

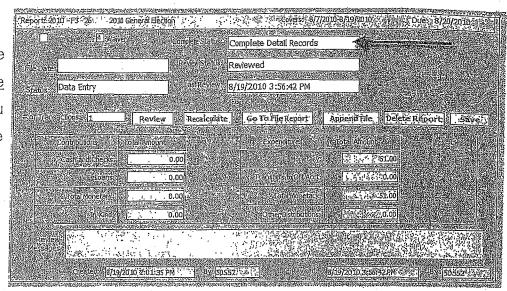
Report: 2010 - G4-27 2010 Gene	ral Election	Covers: 10/16/2010-	10/28/2010 Due: 10/29/2010	
	s.:Complete Status: Trace	mplete Detail Records		
	<u>  IIICC</u>	приесе ресон кесотоз		
Ele Dates	Review Status Wot	Reviewed		
Status Data Entry	East Review			
status para Entry				
#ofTransactions: 0	Review / Recalculate	Go To File Report Appe	and File Delete Report Saive	
	NEOBICINE			
Contributions Total	Amount	Expenditures Tot	al Amount	
Cash and Checks:	0.00	Monetary:	0.00	
soans.	0.00	Transfers to Off Acctive 4	0.00	
Total Monetary:	0,00	Total Monetary:	0.00	
In-Kind:	0,00	Other Distributions:	0,00	
Review		<u></u>		
Messages				
Created: 10/26/2010	11:41:25 AM By: 50552	Revised: 10/26	/2010 11:41:25 AM By: 50552	
Created: 10/26/2010 11:41:25 AM By: 50552 Revised: 10/26/2010 11:41:25 AM By: 50552				

## File the Report

If the Review Status is <u>Updated Detail - Needs Review</u> the report has not been reviewed since the last update. (See page 39 for instructions on how to submit the report to the system for review.)

If the status of the report is <u>Complete</u>

<u>Detail Records</u>, you are ready to file the report.



Click on Go to File Report

The chairperson enters his or her PIN, and then selects

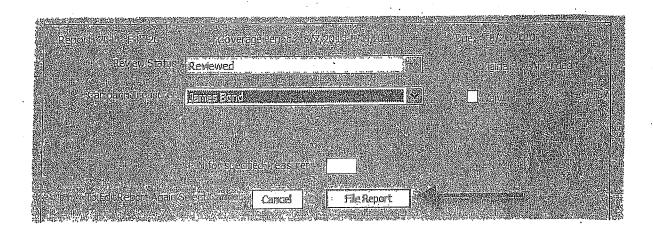
Report Approved

ngan pangangan paga ti san sanggo ng mga mga pangan pangan pangan pangan sa san san san san san sa san sa san	· · · · · · · · · · · · · · · · · · ·
MOTE A Physible same as your signature aftesting to the	validity of the report:
Step:12 Enter the candidate/chairperson PIN.	
Step 2: Select the 'Report Approved' button.	
	The state of the s
Report: 2010 - F3 - 26 Coverage Period: 8/7/2010-8/19	72010 Due: 8/20/2010
Review Status: Reviewed	
REVIEWED	Valunginal S. Amended
	Tull-theory
	tul swelled
PIN for Candidate/Chairperson:	
1 114 107 GENTEIGER OF HEILING BET BOTT	Report Approved
<b>/</b>	
S=000000000000000000000000000000000000	<u></u>
EXHIBIT	(5x6)
and the second s	

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



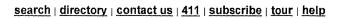
The treasurer enters his PIN and then clicks



IMPORTANT NOTE: If changes need to be made after a chairperson PIN is entered, the treasurer must undo the chairperson PIN validation before the system will allow changes. See page 49 for instructions.

EXHIBIT 4 (656)





## Florida Department of State - Division of Elections

#### Florida Election System Reports

Florida Election System Reports	5								
Candidate/Committee Lookup	Pol Actio			tute of I	imitatio	ons on Tortui	æ		
Name: no statute of limital			ame:	itato or t		mo on rona.	•		
Election:		ACCC	ount: 64801			p== 1			
<u> </u>	Date Due	Туре	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amount Paid
Acct: 64801	11/13/2017	M10	10/31/2017			, , , , , , , , , , , , , , , , , , , ,			
Type: Pol Action Comm	10/24/2017	SP1	11/10/2017	CLO	17	\$0.00		\$0.00	\$0.00
	10/10/2017	М9	10/5/2017						
Search Reset	9/22/2017	M8	9/16/2017						
	8/10/2017	М7	8/10/2017						•
	7/10/2017	М6	6/30/2017						
	6/12/2017	М5	6/22/2017	CLO	10	\$0.00		\$0.00	\$0.00
	5/10/2017	Μ4	5/1/2017						
	4/10/2017	МЗ	4/6/2017						
	3/11/2017	M2	3/11/2017						
	2/10/2017		2/3/2017						
	1/10/2017		2/22/2017	FEC	43	\$0.00		\$0.00	\$0.00
	12/12/2016			FEC	72	\$0.00		\$0.00	\$0.00
•	11/4/2016	D6	2/22/2017	FEC	110	\$0.00		\$0.00	\$0.00
	11/4/2016		2/22/2017	FEC	110	\$0.00		\$0.00	\$0.00
	11/2/2016		2/22/2017	FEC	112	\$0.00		\$0.00	\$0.00
	11/1/2016		2/22/2017	FEC	113	\$0.00		\$0.00	\$0.00
	10/31/2016		2/22/2017	FEC	114	\$0.00		\$0.00	\$0.00
	10/30/2016		11/6/2016	FEC	7	\$0.00		\$0.00	\$0.00
	10/29/2016	D1	11/2/2016	FEC	4	\$0.00		\$0.00	\$0.00
	10/28/2016		11/1/2016	FEC	4	\$0.00		\$0.00	\$0.00
	10/21/2016		10/17/2016						
·			10/11/2016						
	10/7/2016	G3	10/8/2016	FEC	1	\$0.00		\$0.00	\$0.00
	9/30/2016		9/26/2016						
	9/23/2016		9/21/2016						
	9/16/2016		9/17/2016	FEC	1	\$0.00		\$0.00	\$0.00
	9/9/2016		9/9/2016						
	9/2/2016		9/2/2016						
	8/26/2016		8/26/2016						
	8/19/2016		8/15/2016						
	8/12/2016		8/8/2016						
	8/5/2016		8/3/2016						
	7/29/2016		7/25/2016						
	7/22/2016		7/20/2016						
	7/15/2016		7/12/2016						
	7/8/2016		7/5/2016			•			
	7/1/2016		6/29/2016						
	6/10/2016		6/2/2016						
	5/10/2016		5/4/2016						
	4/11/2016		4/1/2016						
	.3/10/2016		3/1/2016						
	2/10/2016		2/1/2016						
	1/11/2016			$\gamma$	100	<b>=</b> 1			
	EXHI		(Managed Street, Stree		10	=/-			

12/10/2015 M11 12/1/2015 11/10/2015 M10 11/2/2015 10/13/2015 M9 10/2/2015 9/10/2015 M8 9/9/2015 8/10/2015 M7 8/7/2015



#### No Statute of Limitations on Torture

### **Campaign Finance Activity**

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

		C	ontributions				
	Filing Period	Monetary	Loans	InKind	Expend	Other	Transfers
W	07/01/2015 - 07/31/2015	0.00	0.00	0.00	0.00	0.00	0.00
W	08/01/2015 - 08/31/2015	0.00	0.00	0.00	0.00	0.00	0.00
W	09/01/2015 - 09/30/2015	0.00	0.00	0.00	0.00	0.00	0.00
W	10/01/2015 - 10/31/2015	0.00	0.00	0.00	0.00	0.00	0.00
W	11/01/2015 - 11/30/2015	0.00	0.00	0.00	0.00	0.00	0.00
W	12/01/2015 - 12/31/2015	0.00	0.00	0.00	0.00	0.00	0.00
W	01/01/2016 - 01/31/2016	0.00	0.00	0.00	0.00	0.00	0.00
W	02/01/2016 - 02/29/2016	0.00	0.00	0.00	0.00	0.00	0.00
W	03/01/2016 - 03/31/2016	0.00	0.00	0.00	0.00	0.00	0.00
W	04/01/2016 - 04/30/2016	0.00	0.00	0.00	0.00	0.00	0.00
W	05/01/2016 - 05/31/2016	0.00	0.00	0.00	0.00	0.00	0.00
W	06/01/2016 - 06/24/2016	0.00	0.00	0.00	0.00	0.00	0.00
W	06/25/2016 - 07/01/2016	0.00	0.00	0.00	0.00	0.00	0.00
W	07/02/2016 - 07/08/2016	0.00	0.00	0.00	0.00	0.00	0.00
W	07/09/2016 - 07/15/2016	0.00	0.00	0.00	0.00	0.00	0.00
W	07/16/2016 - 07/22/2016	0.00	0.00	0.00	0.00	0.00	0.00
W		0.00	0.00	0.00	0.00 <b>&amp; 5</b> )	0.00	0.00

					( )		
	07/23/2016 - 07/29/2016						
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 - 08/26/2016	0.00	0.00	0.00	0.00	0.00	0.00
W	08/27/2016 - 09/02/2016	0.00	0.00	0.00	0.00	0.00	0.00
w	09/03/2016 - 09/09/2016	0.00	0.00	0.00	0.00	0.00	0.00
W	09/10/2016 - 09/16/2016	0.00	0.00	0.00	0.00	0.00	0.00
w	09/17/2016 - 09/23/2016	0.00	0.00	0.00	0.00	0.00	0.00
W	09/24/2016 - 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 - 10/28/2016	0.00	0.00	0.00	0.00	0.00	0.00
W	10/29/2016 - 10/29/2016	0.00	0.00	0.00	0.00	0.00	0.00
W	10/30/2016 - 10/30/2016	0.00	0.00	0.00	0.00	0.00	0.00
W	10/31/2016 - 10/31/2016	0.00	0.00	0.00	0.00	0.00	0.00
W	11/01/2016 - 11/01/2016	0.00	0.00	0.00	0.00	0.00	0.00
W	11/02/2016 - 11/02/2016	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 - 11/30/2016	0.00	0.00	0.00	0.00	0.00	0.00
W	12/01/2016 - 12/31/2016	0.00	0.00	0.00	0.00	0.00	0.00
W	01/01/2017 - 01/31/2017	0.00	0.00	0.00	0.00	0.00	0.00
W	02/01/2017 - 02/28/2017	0.00	0.00	0.00	0.00	0.00	0.00
W	03/01/2017 - 03/31/2017	0.00	0.00	0.00	0.00	0.00	0.00
		EXH	IBIT 0.00	5 (4%)	<b>s</b> ) 0.00	0.00	0.00

							•
W	04/01/2017 - 04/30/2017						
W	05/01/2017 - 05/31/2017	0.00	0.00	0.00	0.00	0.00	0.00
W	06/01/2017 - 06/30/2017	0.00	0.00	0.00	0.00	0.00	0.00
W	07/01/2017 - 07/31/2017	0.00	0.00	0.00	0.00	0.00	0.00
W	08/01/2017 - 08/31/2017	0.00	0.00	0.00	0.00	0.00	0.00
W	09/01/2017 - 09/30/2017	0.00	0.00	0.00	0.00	. 0.00	0.00
W	09/05/2017 - 10/19/2017	0.00	0.00	0.00	0.00	0.00	0.00
W	10/01/2017 - 10/31/2017	0.00	0.00	0.00	0.00	0.00	0.00
•	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
 Select Sort Order
 Select Output Type

 Contributions
 ✓
 Date(Ascending)
 ✓

 Display On Screen
 ✓

Submit Query Now

Query the Campaign Finance Data Base

[Department of State] [Division of Elections] [Candidates and Races] [Campaign Finance Information]

EXHIBIT <u>5 (525)</u>

#### 10/28/17

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

Subject: Certified Mail 9214 8969 0099 9790 1617 7757 15

Attn: Ms Erin Riley,

Ms Erin Riley, et. al.

Firstly your correspondence of October  $19^{th}$ , 2017 was not in receipt until approximately 10/26/17 see: ( <u>https://tools.usps.com/go/TrackConfirmAction?</u> tRef=fullpage&tLc=2&text28777=&tLabels=92148969009997901617775715%2C )

Secondly I was in phone contact with Kristi Reid Willis (or her/his agent) concerning the "late reports": 2016GIA, 2016G3, 2016G6, 2016D1, 2016D2, 2016D3, 2016D4, 2016D5, 2016G7, 2016D6, 2016M11, and 2016M12. Kristi Reid Willis (or her/his agent) "walked me through the 'online' process". I found working with the "filing website" to be challenging and difficult and requested help.

In order to get the "time-stamp" of that conversation I will have to subpoena my cell carrier.

At that time a verbal warning was issued by Kristi Reid Willis (or her/his agent) that "filings" were to be filled out according to deadlines issued via e-mail (to my email address: mathtoot@yahoo.com) in the future.

In the correspondence of October 19<sup>th</sup> 2017 received from your office I see that all reports have been filed. Therefore I do not understand the point of this correspondence "October 19<sup>th</sup> 2017"

We, the victims numbering 500 +/-, from the "Florida School for Boys" at both the Marianna and Okeechobee campuses are currently pursuing legal remedy for the atrocities committed by The State of Florida – which oversaw the "actions" of the "Florida School for Boys".

Hence the raison d'être "No Statute of Limitations on Torture\*"

Kind Regards,

Michael Gene Anderson - 510-681-4982

\*http://archive.boston.com/globe/spotlight/abuse/stories4/010103\_california.htm

\*https://www.buzzfeed.com/zoetillman/this-child-sexual-abuse-case-could-overturn-a-utah-law-that?utm\_term=.mm7BYb7Jn#.vg8w67B54 **EXHIBIT** 

(D)

2017 NOV -3 : A 11: 00

STATE OF FLORIDA COMMISSION



Re: FEC 17-331 Michael Anderson

to:

Keith Smith

12/08/2017 05:06 PM

Hide Details

From: Michael Anderson <mathtoot@yahoo.com>

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

Dear Mr. Smith,

Thank you for your succinct requests.... I'll answer them respectively.

- 1) I left the U.S. November 8th 2016 (election day) for Mexico. Where I was, in Mexico, there was no "internet". I didn't return to the US until February 2017.
- 2) No I didn't read the "Florida Statutes" . It looked too difficult to read like a "Warranty" or "Terms and Conditions" clause, full of "Legalize" . I got a headache just looking at it.

Kind Regards,

Michael G Anderson Cell 510-681-4982

Sent from BlueMail On Dec 8, 2017, at 8:27 AM, Keith Smith < Keith.Smith@myfloridalegal.com > wrote:

Mr. Anderson:

The above-referenced case, a referral from the Division of Elections, has been assigned to me for investigation.

Although a notification-of-no-activity was eventually filed for a number of reporting periods, the notification that no activity occurred was not timely filed.

The only two questions at this time:

- Is there any particular reason why the notification-of-no-activity was filed late for several reporting periods, and
- 2.) Did you read Chapter 106, Florida Statutes and/or the Political Committee Handbook as advised by the Division of Elections in their letter to you dated July 7, 2015?

Should you prefer to call at a time that is best for you, please feel free to contact me at (850) 922-4539 x112.

Please let me know if you have any questions.

# Keith Smith

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

	7
EXHIBIT	order to the state of the state

# FLORIDA ELECTIONS COMMISSION PHONE LOG

Case No.: FEC 17-331

Respondent: No Statute of Limitations on Torture

Complainant: Division of Elections

1. **Date and time:** 11/30/17 @ 11:58 a.m.

Name: Kristi R. Willis - Chief, Bureau of Election Records

**Phone #**: 850-245-6240

**Summary:** I called Ms. Willis to follow-up on her providing me with the history notes associated with the political committee. I mentioned to her that the chairman, Michael Anderson, had told our staff that he wanted an investigation relative to the referral because she (Kristi) said she would give him a "pass." Ms. Willis said that she would not be in a position to give him or anyone else a "pass." She added, when asked, that her staff would also not have said that to him.

Memo to File? No Entered by: KS

2. Date and time:

Name:

Phone #:

**Summary:** 

Memo to File? No

Entered by:

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:

Name:

Phone #:

**Summary:** 

Memo to File? No

Entered by:

EXHIBIT\_\_\_8



Re: FEC 17-331 Michael Anderson

to:

Keith Smith

12/08/2017 05:06 PM

Hide Details

From: Michael Anderson <mathtoot@yahoo.com>
To: Keith Smith <Keith.Smith@myfloridalegal.com>

Dear Mr. Smith,

Thank you for your succinct requests.... I'll answer them respectively.

- 1) I left the U.S. November 8th 2016 (election day) for Mexico. Where I was, in Mexico, there was no "internet". I didn't return to the US until February 2017.
- 2) No I didn't read the "Florida Statutes". It looked too difficult to read like a "Warranty" or "Terms and Conditions" clause, full of "Legalize". I got a headache just looking at it.

Kind Regards,

Michael G Anderson Cell 510-681-4982

Sent from BlueMail On Dec 8, 2017, at 8:27 AM, Keith Smith < Keith.Smith@myfloridalegal.com > wrote:

Mr. Anderson:

The above-referenced case, a referral from the Division of Elections, has been assigned to me for investigation.

Although a notification-of-no-activity was eventually filed for a number of reporting periods, the notification that no activity occurred was not timely filed.

The only two questions at this time:

- 1.) Is there any particular reason why the notification-of-no-activity was filed late for several reporting periods, and
- 2.) Did you read Chapter 106, Florida Statutes and/or the Political Committee Handbook as advised by the Division of Elections in their letter to you dated July 7, 2015?

Should you prefer to call at a time that is best for you, please feel free to contact me at (850) 922-4539 x112.

Please let me know if you have any questions.

# Keith Smith

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



#### FLORIDA ELECTIONS COMMISSION

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

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

November 9, 2017

No Statute of Limitations on Torture Michael Gene Anderson, Chair 2477 Virginia Street, #305 Berkeley, CA, 94709

RE: Case No.: FEC 17-331: Respondent: No Statute on Limitations on Torture

Dear Mr. Anderson:

On October 12, 2017, the Florida Elections Commission received a legally sufficient complaint alleging that your committee violated Section 106.07(7), Florida Statutes, by <u>failing to timely file waiver(s)</u> of the following campaign treasurer's report(s): 2016 G1A, 2016 G3, 2016 G6, 2016 D1, 2016 D2, 2016 D3, 2016 D4, 2016 D5, 2016 G7, 2016 D6, 2016 M11, 2016 M12.

You have the option to <u>resolve your case now by</u> signing a minor violation consent order and <u>paying a fine of \$600</u>, which is \$50 per reporting period, per Rule 2B-1.003, Florida Administrative Code. <u>Should you not accept this offer, the potential fine for the alleged violation(s) is \$12,000</u>, which is \$1,000 per reporting period, as provided for in Section 106.265, Florida Statutes. If you sign the consent order, you would not be required to admit or deny the allegation(s) in the complaint. The signed consent order would then be considered by the Commission at its next available meeting, and would constitute final action by the Commission once it is accepted and approved by the Commission. Please contact Eric Lipman at 850-922-4539, or at the address listed above, to accept this minor violation consent order offer.

If you choose not to resolve the case by minor violation consent order, an investigation will be conducted, and then the Commission will hold one or more hearings to determine whether the alleged violation(s) occurred and, if so, the amount of the fine to be imposed upon you. For more information, please see our FAQs available at http://www.fec.state.fl.us.

Sincerely,

Amy McKeever Toman

Executive Director

AMT/enr

#### 10/28/17

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

Subject: Certified Mail 9214 8969 0099 9790 1617 7757 15

Attn: Ms Erin Riley,

Ms Erin Riley, et. al.

Firstly your correspondence of October  $19^{th}$ , 2017 was not in receipt until approximately 10/26/17 see: ( <u>https://tools.usps.com/go/TrackConfirmAction?</u> tRef=fullpage&tLc=2&text28777=&tLabels=92148969009997901617775715%2C )

Secondly I was in phone contact with Kristi Reid Willis (or her/his agent) concerning the "late reports": 2016GIA, 2016G3, 2016G6, 2016D1, 2016D2, 2016D3, 2016D4, 2016D5, 2016G7, 2016D6, 2016M11, and 2016M12. Kristi Reid Willis (or her/his agent) "walked me through the 'online' process". I found working with the "filing website" to be challenging and difficult and requested help.

In order to get the "time-stamp" of that conversation I will have to subpoena my cell carrier.

At that time a verbal warning was issued by Kristi Reid Willis (or her/his agent) that "filings" were to be filled out according to deadlines issued via e-mail (to my email address: mathtoot@yahoo.com) in the future.

In the correspondence of October 19<sup>th</sup> 2017 received from your office **I see that all reports** have been filed. Therefore I do not understand the point of this correspondence "October 19<sup>th</sup> 2017"

We, the victims numbering 500 +/-, from the "Florida School for Boys" at both the Marianna and Okeechobee campuses are currently pursuing legal remedy for the atrocities committed by The State of Florida – which oversaw the "actions" of the "Florida School for Boys".

Hence the raison d'être "No Statute of Limitations on Torture\*"

Kind Regards,

Michael Gene Anderson - 510-681-4982

\*http://archive.boston.com/globe/spotlight/abuse/stories4/010103\_california.htm

 $*https://www.buzzfeed.com/zoetillman/this-child-sexual-abuse-case-could-overturn-a-utah-law-that? \\utm\_term=.mm7BYb7Jn\#.vg8w67B54$ 



RECEIVED

2017 NOV -3 : A II: 00

STATE OF FLORIDA

# DIVISION OF ELECTIONS FEC NOTICE FORM

RECEIVED

2011 OCT 12 P 3:57

STATE OF FLORIDA

To FEC from Division of Elections

Name:

No Statute of Limitations on Torture

**Account Number:** 

64801

Chairperson:

Michael Gene Anderson

Treasurer:

Michael Gene Anderson

**Registered Agent** 

Jerry Cooper

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 G1A	2016 D4
2016 G3	2016 D5
2016 G6	2016 G7
2016 D1	2016 D6
2016 D2	2016 M11
2016 D3	2016 M12

Sent By:

Kristi Reid Willis

Date:

October 10, 2017

MAN

ejr

# AFFIDAVIT STATE OF FLORIDA

**County of Leon** 

#### Kristi Reid Willis, being duly sworn, says:

- 1. I am the Chief of the Bureau of Election Records of the Division of Elections (Division). In that capacity, I oversee the Division's duties related to the filing of campaign finance reports. 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. No Statute of Limitations on Torture (64801) is a Political Committee registered with the Division. On July 6, 2015, a DSDE 5 and DSDE 6 was filed with the Division of Elections indicating that Michael Gene Anderson was the chairperson and treasurer for the committee.
- 4. The 2016 G1A campaign treasurer's report was due on September 16, 2016. Mr. Anderson failed to notify the Division that no report was being filed on the prescribed reporting date. Mr. Anderson filed a notification of no activity on September 17, 2016. (See attached file receipt.)
- 5. The 2016 G3 campaign treasurer's report was due on October 7, 2016. Mr. Anderson failed to notify the Division that no report was being filed on the prescribed reporting date. Mr. Anderson filed a notification of no activity on October 8, 2016. (See attached file receipt.)
- 6. The 2016 G6 campaign treasurer's report was due on October 28, 2016. Mr. Anderson failed to notify the Division that no report was being filed on the prescribed reporting date. Mr. Anderson filed a notification of no activity on November 1, 2016. (See attached file receipt.)
- 7. The 2016 D1 campaign treasurer's report was due on October 29, 2016. Mr. Anderson failed to notify the Division that no report was being filed on the prescribed reporting date. Mr. Anderson filed a notification of no activity on November 2, 2016. (See attached file receipt.)
- 8. The 2016 D2 campaign treasurer's report was due on October 30, 2016. Mr. Anderson failed to notify the Division that no report was being filed on the prescribed reporting date. Mr. Anderson filed a notification of no activity on November 6, 2016. (See attached file receipt.)
- 9. The 2016 D3 campaign treasurer's report was due on October 31, 2016. Mr. Anderson failed to notify the Division that no report was being filed on the prescribed reporting date. Mr. Anderson filed a notification of no activity on February 22, 2017. (See attached file receipt.)

- 10. The 2016 D4 campaign treasurer's report was due on November 1, 2016. Mr. Anderson failed to notify the Division that no report was being filed on the prescribed reporting date. Mr. Anderson filed a notification of no activity on February 22, 2017. (See attached file receipt.)
- 11. The 2016 D5 campaign treasurer's report was due on November 2, 2016. Mr. Anderson failed to notify the Division that no report was being filed on the prescribed reporting date. Mr. Anderson filed a notification of no activity on February 22, 2017. (See attached file receipt.)
- 12. The 2016 G7 campaign treasurer's report was due on November 4, 2016. Mr. Anderson failed to notify the Division that no report was being filed on the prescribed reporting date. Mr. Anderson filed a notification of no activity on February 22, 2017. (See attached file receipt.)
- 13. The 2016 D6 campaign treasurer's report was due on November 4, 2016. Mr. Anderson failed to notify the Division that no report was being filed on the prescribed reporting date. Mr. Anderson filed a notification of no activity on February 22, 2017. (See attached file receipt.)
- 14. The 2016 M11 campaign treasurer's report was due on December 12, 2016. Mr. Anderson failed to notify the Division that no report was being filed on the prescribed reporting date. Mr. Anderson filed a notification of no activity on February 22, 2017. (See attached file receipt.)
- 15. The 2016 M12 campaign treasurer's report was due on January 10, 2017. Mr. Anderson failed to notify the Division that no report was being filed on the prescribed reporting date. Mr. Anderson filed a notification of no activity on February 22, 2017. (See attached 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 10th day of October, 2017.

Lew Willis

Signature of Notary Public - State of Florida

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known

ID: 64801 Name: No Statute of Limitations on Torture

Report: 2016 - G1A - 23

Election: 2016 General Election

Covers: 9/3/2016-9/9/2016

Due: 9/16/2016

Print Date: 10/9/2017 1:36:37 PM

Amended Y Waiver

Filed: **9/17/2016 1:33:28 PM** 

File Status: Filed Report

Reviewed: 9/17/2016

Review Status: Reviewed

Detail Complete: No Detail Records Found

File Method: Web Filed

Pending Queued Items: 0

**Number of Detail Records** 

Entry Method: Web Data Entry

Contributions: 0

Expenditures: 0

Fund Transfers:

Distributions: 0

ID: 64801 Name: No Statute of Limitations on Torture

Report: 2016 - G3 - 26

Election: 2016 General Election

Covers: 9/24/2016-9/30/2016

Due: 10/7/2016

Print Date: 10/9/2017 1:37:17 PM

Amended Y Waiver

Filed: **10/8/2016 6:56:07 AM** 

File Status: Filed Report

Reviewed: 10/8/2016

Review Status: Reviewed

Detail Complete: No Detail Records Found

File Method: Web Filed

Pending Queued Items: 0

Entry Method: Web Data Entry

**Number of Detail Records** 

Contributions: 0

Expenditures: 0

Fund Transfers:

Distributions: 0

ID: **64801** 

Name: No Statute of Limitations on Torture

Report: 2016 - G6 - 29

Election: 2016 General Election

Covers: 10/15/2016-10/21/2016

Due: 10/28/2016

Print Date: 10/9/2017 1:37:50 PM

Amended Y Waiver

Filed: 11/1/2016 5:58:49 PM

File Status: Filed Report

Reviewed: **11/1/2016** 

Review Status: Reviewed

Detail Complete: No Detail Records Found

File Method: Web Filed

Entry Method: Web Data Entry

**Number of Detail Records** 

Contributions:

Expenditures:

Fund Transfers:

Pending Queued Items: 0

Distributions:

ID: **64801** 

Name: No Statute of Limitations on Torture

Report: 2016 - D1 - 30

Election: 2016 General Election

Covers: 10/22/2016-10/28/2016

Due: 10/29/2016

Print Date: 10/9/2017 1:38:25 PM

Amended Y Waiver

Filed: **11/2/2016** 7:05:06 PM

File Status: Filed Report

Reviewed: 11/2/2016

Review Status: Reviewed

Detail Complete: No Detail Records Found

File Method: Web Filed

Pending Queued Items: 0

Entry Method: Web Data Entry

**Number of Detail Records** 

Contributions:

Expenditures:

Fund Transfers:

Distributions:

ID: **64801** 

Name: No Statute of Limitations on Torture

Report: 2016 - D2 - 31

Print Date: 10/9/2017 1:38:53 PM

Election: 2016 General Election

Covers: 10/29/2016-10/29/2016

Amended Y Waiver

Due: 10/30/2016

Filed: **11/6/2016 6:43:47 AM** 

File Status: Filed Report

Reviewed: 11/6/2016

Review Status: Reviewed

Detail Complete: No Detail Records Found

File Method: Web Filed

**Number of Detail Records** 

Entry Method: Web Data Entry

Contributions:

Expenditures:

Fund Transfers:

Pending Queued Items: 0

Distributions:

### B

#### **Treasurer Report Status**

ID: 64801

Name: No Statute of Limitations on Torture

Report: 2016 - D3 - 33

Election: 2016 General Election

Covers: 10/30/2016-10/30/2016

Due: 10/31/2016

Print Date: 10/9/2017 1:39:50 PM

Amended 🗸 Waiver

Filed: **2/22/2017 3:42:10 PM** 

File Status: Filed Report

Reviewed: 2/22/2017

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



ID: **64801** 

Name: No Statute of Limitations on Torture

Report: 2016 - D4 - 34

Print Date: 10/9/2017 1:40:14 PM

Election: 2016 General Election

Covers: 10/31/2016-10/31/2016

Due: 11/1/2016

Amended Y Waiver

Filed: 2/22/2017 3:43:13 PM

File Status: Filed Report

Reviewed: 2/22/2017

Review Status: Reviewed

Detail Complete: No Detail Records Found

File Method: Web Filed

**Number of Detail Records** 

Entry Method: Web Data Entry

Expenditures:

Fund Transfers:

Contributions:

Pending Queued Items: 0

Distributions:

ID: 64801 Name: No Statute of Limitations on Torture

Report: 2016 - D5 - 35

Election: 2016 General Election

Covers: 11/1/2016-11/1/2016

Due: 11/2/2016

Print Date: 10/9/2017 1:40:41 PM

Amended Y Waiver

Filed: **2/22/2017 3:44:01 PM** 

File Status: Filed Report

Reviewed: 2/22/2017

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



ID: 64801 Name: No Statute of Limitations on Torture

Report: 2016 - G7 - 37

Election: 2016 General Election

Covers: 10/22/2016-11/3/2016

Due: 11/4/2016

Print Date: 10/9/2017 1:41:11 PM

Amended Y Waiver

Filed: 2/22/2017 3:45:28 PM

File Status: Filed Report

Reviewed: 2/22/2017

Review Status: Reviewed

Detail Complete: No Detail Records Found

File Method: Web Filed

Pending Queued Items: 0

Entry Method: Web Data Entry

**Number of Detail Records** 

Contributions: 0

Expenditures: 0

Fund Transfers: 0

Distributions: 0



ID: 64801 Name: No Statute of Limitations on Torture

Report: 2016 - D6 - 36

Election: 2016 General Election

Covers: 11/2/2016-11/2/2016

Due: 11/4/2016

Print Date: 10/9/2017 1:41:41 PM

Amended Y Waiver

Filed: **2/22/2017 3:44:50 PM** 

File Status: Filed Report

Reviewed: 2/22/2017

Review Status: Reviewed

Detail Complete: No Detail Records Found

File Method: Web Filed

Pending Queued Items: 0

Entry Method: Web Data Entry

**Number of Detail Records** 

Contributions: 0

Expenditures: 0

Fund Transfers:

Distributions: 0

3

## Treasurer Report Status

ID: 64801 Name: No Statute of Limitations on Torture

Report: 2016 - M11 - 38

Election: 2016 General Election

Covers: 11/4/2016-11/30/2016

Due: 12/12/2016

Print Date: 10/9/2017 1:42:03 PM

Amended Y Waiver

Filed: 2/22/2017 3:46:09 PM

File Status: Filed Report

Reviewed: 2/22/2017

Review Status: Reviewed

Detail Complete: No Detail Records Found

File Method: Web Filed

Pending Queued Items: 0

**Number of Detail Records** 

Entry Method: Web Data Entry

Contributions: 0

Expenditures: 0

Fund Transfers:

Distributions: 0

•

3

#### **Treasurer Report Status**

ID: **64801** 

Name: No Statute of Limitations on Torture

Report: 2016 - M12 - 40

Election: 2016 General Election

Covers: 12/1/2016-12/31/2016

Due: 1/10/2017

Print Date: 10/9/2017 1:42:27 PM

Amended V Walver

Filed: 2/22/2017 4:45:28 PM

File Status: Filed Report

Reviewed: 2/22/2017

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:

Fund Transfers:

Pending Queued Items: **0**Distributions: