

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Florida Conservative PAC

Case No.: FEC 19-169

TO: Florida Conservative PAC
Adam Lane Perez, Chair
5778 Tamarac Drive
Melbourne, FL 32940

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

NOTICE OF HEARING (CONSENT ORDER)

A hearing will be held in this case before the Florida Elections Commission on, **August 13, 2019 at 8:30 am**, *or as soon thereafter as the parties can be heard*, at the following location: **Senate Office Building, 404 South Monroe Street, Room 110-S, Tallahassee, Florida 32399**. Due to heightened security access requirements, please bring only essential items into the building and plan to arrive early to allow for delays coming through security.

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

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

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

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

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

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

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

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

See further instructions on the reverse side.

Tim Vaccaro

Executive Director
Florida Elections Commission
July 29, 2019

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.

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

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Florida Conservative PAC
_____ /

**Case No.: FEC 19-169
F.O. No.: FOFEC**

CONSENT ORDER

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

FINDINGS OF FACT

1. Respondent is a political committee registered with the Division of Elections.
2. On March 21, 2019, the Commission received a referral from the Division of

Elections alleging that Respondent violated the following section of the Florida Election Code:

Section 106.07(7), Florida Statutes: As alleged in the complaint, Respondent, a political committee registered with the Division of Elections, failed to notify the filing officer on the prescribed reporting date that no report would be filed on that date because it had not received funds, made contributions, or expended reportable funds during the following reporting periods:

- 2018 D1
- 2018 D2
- 2018 D3
- 2018 G7

3. There were no other legally sufficient violations of Chapter 104 or 106, Florida Statutes, in the referral.

CONCLUSIONS OF LAW

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

5. The Commission considers the allegation(s) contained in the complaint a minor violation, pursuant to Rule 2B-1.003, Florida Administrative Code.

6. Respondent neither admits nor denies that it violated Section 106.07(7), Florida Statutes.

ORDER

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

8. Respondent shall bear its own attorney fees and costs that are in any way associated with this case.

9. Respondent understands that before the Consent Order is final agency action, it must be approved by the Commission. The Commission will consider the Consent Order at its next available meeting.

10. Respondent voluntarily waives confidentiality upon approval of the Consent Order by the Commission, the right to any further proceedings under Chapters 104, 106, and 120, Florida Statutes, and the right to appeal the Consent Order.

11. Respondent will carefully review Chapter 106, Florida Statutes, and avoid any future violation of the chapter.

12. Respondent agrees to correct immediately, if feasible, the violations alleged in the complaint.

13. Respondent shall remit to the Commission a civil penalty in the amount of **\$200**. The civil penalty shall be paid by cashier's check, money order that is good for at least 120 days,

or attorney trust account check. The civil penalty shall be made payable to the Florida Elections Commission and sent to 107 West Gaines Street, Collins Building, Suite 224, Tallahassee, Florida 32399-1050, as a condition precedent to the Commission's execution of this Consent Order.

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

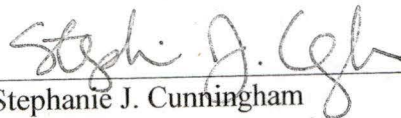
June 8, 2019.



Adam Lane Perez, Chair
Florida Conservative PAC
5778 Tamarac Dr.
Melbourne, FL 32940

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

June 13,, 2019.



Stephanie J. Cunningham
Assistant General Counsel
Florida Elections Commission
107 West Gaines Street
The Collins Building, Suite 224
Tallahassee, FL 32399-1050

Approved by the Florida Elections Commission at its regularly scheduled meeting on

_____, 2019.

Chair
Florida Elections Commission

Copies furnished to:
Stephanie J. Cunningham, Assistant General Counsel
Florida Conservative PAC, Respondent
Division of Elections, Complainant

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11-24

Office AU #

1210(8)

PERSONAL MONEY ORDER



Remitter: **ADAM PEREZ**
Operator I.D.: **u437671**

June 08, 2019

PAY TO THE ORDER OF *****FLORIDA ELECTIONS COMMISSION*****

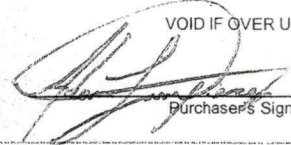
*****Two hundred dollars and no cents*****

****\$200.00****

Payee Address:
Memo:

WELLS FARGO BANK, N.A.
7779 N WICKHAM RD
MELBOURNE, FL 32940
FOR INQUIRIES CALL (480) 394-3122

VOID IF OVER US \$ 200.00


Purchaser's Signature

Security Features Included. Details on Back.





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

May 16, 2019

Adam Lane Perez, Chair
Florida Conservatives PAC
5778 Tamarac Dr
Melbourne, FL 32940

RE: Case No.: FEC 19-169: Respondent: Florida Conservatives PAC

Dear Mr. Perez:

On March 21, 2019, the Florida Elections Commission received a complaint alleging that your committee violated Florida's election laws. I have reviewed the complaint and find that it contains one or more legally sufficient allegations. The Commission staff will investigate the following alleged violation(s):

Section 106.07(7), Florida Statutes: As alleged in the complaint, Respondent, a political committee registered with the Division of Elections, failed to notify the filing officer on the prescribed reporting date that no report would be filed on that date because it had not received funds, made contributions, or expended reportable funds during the following reporting periods:

- 2018 D1
- 2018 D2
- 2018 D3
- 2018 G7

However, prior to an investigation, you have the option to **resolve your case now by** signing a minor violation consent order and **paying a fine of \$200**, per Rule 2B-1.003, Florida Administrative Code, **rather than the potential \$1,000 per violation** 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, but you would be required to immediately correct the violation, if feasible.

Florida Conservatives PAC

May 16, 2019

Page 2

FEC 19-169

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 Wilson Brantley 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 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,

A handwritten signature in cursive script that reads "Tim Vaccaro". The signature is written in dark ink and has a long horizontal flourish extending to the right.

Tim Vaccaro
Executive Director

TV/med

Adam Lane Perez
5778 Tamarac Drive, Melbourne, Florida 32940
Home: (321) 617-9035; Cell: (321) 759-7168
AdamLanePerez@Gmail.com

REC'D: FL ELECTIONS COM
14 MAY 19 AM 11:34

May 11, 2019

Tim Vaccaro, Executive Director
107 West Gaines Street
Collins Building, Suite 224
Tallahassee, Florida 32399

RE: Case No.: FEC 19-169; Respondent: Florida Conservative PAC

Dear Mr. Vaccaro:

Let this letter serve as my official response to the complaint filed by Kristi Reid Willis, Chief of the Bureau of Election Records of the Division of Elections, dated March 19, 2019, regarding the late filling of campaign finance report waivers (notifications of no activity) for the 2018 D1, 2018 D2, 2018 D3, and 2018 G7 reporting periods.

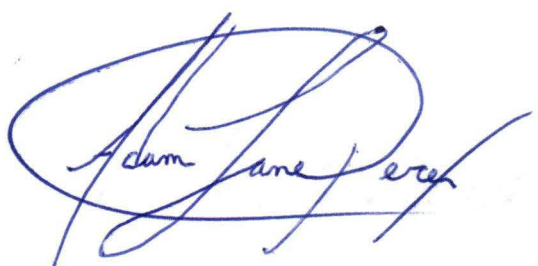
I have reviewed Ms. Willis's complaint, which includes an affidavit, Division of Elections FEC notice form, Committee Tracking System information page on Florida Conservative PAC, and filed report receipts for the 2018 D1, 2018 D2, 2018 D3, and 2018 G7 reporting periods. The only correction I would like to make to Ms. Willis's complaint is regarding statements Nos. 5, 6, 7, and 8 of her affidavit, stating that Mr. Murphy filed the notifications of no activity, when I, as deputy treasurer, filed the notifications. All other statements within Ms. Willis's complaint are accurate and should be regarded as fact for the purposes of this investigation.

I apologize for the unintentional late fillings of the subject notifications of no activity and respectfully request that if it is the will of the Florida Elections Commission to move forward with proceedings that a consent order be offered with a fine imposed on the Florida Conservative PAC not exceeding \$50 per violation, with a total cumulative fine not exceeding \$200.

I, the respondent, waive confidentiality in the interest of transparency.

Thank you in advance for your time, consideration, and forthcoming response.

Sincerely,



Adam Lane Perez, Chairman
Florida Conservative PAC

DIVISION OF ELECTIONS FEC NOTICE FORM

To FEC from Division of Elections

Name:	Florida Conservative PAC
Account Number:	69415
Chairperson:	Adam Lane Perez
Treasurer:	John Murphy
Registered Agent	Adam Lane Perez

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).

2018 D1
2018 D2
2018 D3
2018 G7

Sent By: Kristi Reid Willis *KRW*
Date: March 19, 2019
mcc

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. Florida Conservative PAC (69415) is a Political Committee registered with the Division. On September 9, 2016, a DSDE 5 and DSDE 6 was filed with the Division of Elections indicating that Adam Lane Perez was the chairperson and Susan Hammerling was the treasurer for the committee.
4. On January 11, 2017, John Murphy was appointed treasurer for the committee.
5. The 2018 D1 campaign treasurer's report was due on October 27, 2018. Mr. Murphy failed to notify the Division that no report was being filed on the prescribed reporting date. Mr. Murphy filed a notification of no activity on October 30, 2018. (See attached file receipt.)
6. The 2018 D2 campaign treasurer's report was due on October 28, 2018. Mr. Murphy failed to notify the Division that no report was being filed on the prescribed reporting date. Mr. Murphy filed a notification of no activity on October 30, 2018. (See attached file receipt.)
7. The 2018 D3 campaign treasurer's report was due on October 29, 2018. Mr. Murphy failed to notify the Division that no report was being filed on the prescribed reporting date. Mr. Murphy filed a notification of no activity on October 30, 2018. (See attached file receipt.)

8. The 2018 G7 campaign treasurer's report was due on November 2, 2018. Mr. Murphy failed to notify the Division that no report was being filed on the prescribed reporting date. Mr. Murphy filed a notification of no activity on November 4, 2018. (See attached file receipt.)

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

Kurt Rind Willis

Signature of Affiant

Sworn to (or affirmed) and subscribed before me this **19th** day of **March, 2019**.

Stacy L Bagley

Signature of Notary Public - State of Florida

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known



 Treasurer Report Status

ID: **69415** Name: **Florida Conservative PAC**

Report: 2018 - D1 - 52

Print Date: **3/14/2019 10:59:12 AM**

Election: 2018 General Election

Covers: 10/20/2018-10/26/2018

Amended Waiver

Due: 10/27/2018

Filed: **10/30/2018 10:18:09 PM**

File Status: **Filed Report**

Reviewed: **10/30/2018**

Review Status: **Reviewed**

Detail Complete: **No Detail Records Found**

File Method: Web Filed

Entry Method: Web Data Entry

Pending Queued Items: **0**

Number of Detail Records

Contributions: 0

Expenditures: 0

Fund Transfers: 0

Distributions: 0

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

 Treasurer Report Status

ID: **69415** Name: **Florida Conservative PAC**

Report: 2018 - D2 - 53

Print Date: **3/14/2019 10:59:34 AM**

Election: 2018 General Election

Covers: 10/27/2018-10/27/2018

Amended Waiver

Due: 10/28/2018

Filed: **10/30/2018 10:19:43 PM**

File Status: **Filed Report**

Reviewed: **10/30/2018**

Review Status: **Reviewed**

Detail Complete: **No Detail Records Found**

File Method: Web Filed

Number of Detail Records

Entry Method: Web Data Entry

Contributions: 0

Expenditures: 0

Pending Queued Items: **0**

Fund Transfers: 0

Distributions: 0

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

 Treasurer Report Status

ID: **69415** Name: **Florida Conservative PAC**

Report: 2018 - D3 - 54

Print Date: **3/14/2019 10:59:53 AM**

Election: 2018 General Election

Covers: 10/28/2018-10/28/2018

Amended Waiver

Due: 10/29/2018

Filed: **10/30/2018 10:20:56 PM**

File Status: **Filed Report**

Reviewed: **10/30/2018**

Review Status: **Reviewed**

Detail Complete: **No Detail Records Found**

File Method: Web Filed

Number of Detail Records

Entry Method: Web Data Entry

Contributions: 0


Expenditures: 0

Pending Queued Items: **0**

Fund Transfers: 0

Distributions: 0

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

 Treasurer Report Status

ID: **69415** Name: **Florida Conservative PAC**

Report: 2018 - G7 - 57

Print Date: **3/14/2019 10:58:52 AM**

Election: 2018 General Election

Covers: 10/20/2018-11/1/2018

Due: 11/2/2018

Amended Waiver

Filed: **11/4/2018 12:22:04 AM**

File Status: **Filed Report**

Reviewed: **11/4/2018**

Review Status: **Reviewed**

Detail Complete: **No Detail Records Found**

File Method: Web Filed

Entry Method: Web Data Entry

Pending Queued Items: **0**

Number of Detail Records

Contributions: 0

Expenditures: 0

Fund Transfers: 0

Distributions: 0

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