

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Michael Stewart

Case No.: FEC 16-353

TO: Daniel Nordby, Esquire
Shutts & Bowen LLP
215 S. Monroe Street, Ste. 804
Tallahassee, FL 32301

Hugh Taylor
1357 Dr. Martin Luther King, Jr. Road
Crawfordville, FL 32327

NOTICE OF HEARING (CONSENT ORDER)

A hearing will be held in this case before the Florida Elections Commission on, **February 28, 2017 at 11:00 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**

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 13, 2017

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.



FEC 16-353; Respondent: Michael Stewart
Michael Stewart to: fec

08/25/2016 02:43 PM

History: This message has been replied to.

ATTN: ERIN RILEY

In response to the above mentioned complaint, I hereby waive confidentiality.
My response will be forthcoming.

Please advise if it is necessary to respond via US mail as well.

Thank you,

Michael Stewart
754 Rehwinkel Road
Crawfordville, FL 32327
850-727-1248

Sent from my iPhone

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Michael Stewart

**Case No.: FEC 16-353
F.O. No.: FOFEC <#>**

CONSENT ORDER

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

FINDINGS OF FACT

1. Respondent was a candidate for Wakulla County Commission, District 3, during the November 8, 2016 election.

2. On November 7, 2016, the Commission received a sworn amended complaint alleging that Respondent violated the following section of the Florida Election Code on one occasion:

Section 106.143(3), Florida Statutes: Respondent, a 2016 candidate for Wakulla County Commission, District 3, campaigned based on his party affiliation, even though the office for which he was running was nonpartisan, as alleged in the complaint.

3. No other legally sufficient violation of Chapters 104 or 106, Florida Statutes, was alleged in the complaint.

4. Respondent against whom the complaint was filed has not been notified of an allegation of the same violation before the conduct about which the complaint was filed.

CONCLUSIONS OF LAW

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

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

7. Respondent neither admits nor denies that he violated Section 106.143(3), Florida Statutes.

ORDER

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

9. Respondent shall pay his own attorney fees and costs that are in anyway associated with this case.

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

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

12. Respondent voluntarily waives the confidentiality of this matter as permitted by Section 106.25(7)(c), Florida Statutes.

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

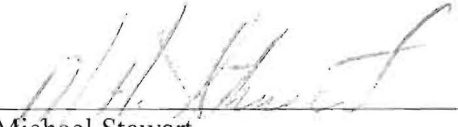
14. Respondent agrees to correct immediately, if feasible, the violations alleged in the complaint.

15. If the Commission does not receive the signed Consent Order and the fine payment by the close of business on January 12, 2016, the staff withdraws this offer of settlement and will proceed with an investigation of the allegations in the complaint.

16. 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, or attorney trust account check and be valid for 120 days from the date of its issuance. 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.

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

19 January, 2016.



Michael Stewart
754 Rehwinkel Road
Crawfordville, FL 32327

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

January 20, 2016.



Cole Kekelis, Assistant General Counsel
Florida Elections Commission
107 West Gaines Street
Collins Building, Suite 224
Tallahassee, FL 32399-1050

Approved by the Florida Elections Commission at its regularly scheduled meeting on
February 28 - March 1, 2017.

M. Scott Thomas, Chairman
Florida Elections Commission

Copies furnished to:
Amy Toman, Executive Director
Daniel E. Nordby, Attorney for Respondent
Hugh Taylor, Complainant

M 492016

NOTICE TO CUSTOMER

THE PURCHASE OF AN INDEMNITY BOND WILL BE REQUIRED BEFORE AN OFFICIAL CHECK OF THIS BANK WILL BE REPLACED OR REFUNDED IN THE EVENT IT IS LOST, MISPLACED OR STOLEN.



P.O. BOX 966
CONWAY, AR 72033

584330

REMITTER

MICHAEL H STEWART

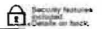
DATE 01/19/17

81-275/829
2000040

PAY TO THE ORDER OF FLORIDA ELECTIONS COMMISSION

\$200.00

Two Hundred Dollars AND 00 Cents

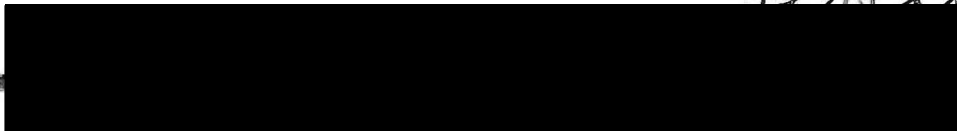


THIS DOCUMENT HAS A MICRO-PRINT SIGNATURE LINE, WATERMARK AND A THERMOCHROMIC ICON; ABSENCE OF THESE FEATURES WILL INDICATE A COPY

CASHIER'S CHECK

*Subscribed
J. A. Field*

MP
MP





FLORIDA ELECTIONS COMMISSION

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

December 23, 2016

Daniel E. Nordby, Esquire
Shutts & Bowen LLP
215 S Monroe Street, Suite 804
Tallahassee, FL 32301

RE: Case No.: FEC 16-353: Respondent: Michael Stewart

Dear Mr. Nordby:

The Florida Elections Commission has received **an amended complaint** alleging that your client, the Respondent, has violated Section 106.143(3), Florida Statutes, on one occasion. A copy of the complaint was previously provided to you.

Rule 2B-1.003, Florida Administrative Code, provides for resolving certain cases by a consent order before investigation commences. Under the rule, an alleged violation of Chapter 106 will be considered a minor violation if the following criteria are met:

- (1) The violation is one identified in the rule;
- (2) It is the first time the person is alleged to have committed the violation;
- (3) The person agrees to correct the conduct that resulted in the violation, if feasible; and
- (4) When a violation involves political advertising, the person must be named in the political advertisement and the complainant must not allege that the advertising was either deceptive or influenced the outcome of the election if the violation occurred less than 14 days before the election.

This case meets the criteria set forth above. Therefore, the procedures of the Commission allow you one of two options at this juncture. You may either, (1) enter into a consent order with the Commission staff and pay a small fine, rather than the potential \$1,000 per violation provided for in Section 106.265, Florida Statutes, or (2) not enter into a consent order, in which case the staff will proceed to investigate the allegations in the complaint. The consent order provides that the Respondent neither admits nor denies the allegation(s) in the complaint, and requires the Respondent immediately to correct the violation, if feasible, and to avoid future violations. The consent order does not constitute final action by the Commission until it is accepted and approved by the Commission.

If you choose to resolve this case without an investigation and possible hearing, please sign and return the enclosed consent order, together with payment of the specified fine, within 20 days of the date you receive this letter. Payment of the fine must be by either cashier's check or other certified funds. The signed consent order will then be considered by the Commission at its next available meeting. If the staff does not receive the signed consent order and the fine within 20 days, staff withdraws this offer of settlement and will proceed to investigate the allegations in the complaint.

If you choose to proceed with the investigation, the Commission staff will investigate the following statutory provision:

Section 106.143(3), Florida Statutes: Respondent, a 2016 candidate for Wakulla County Commission, District 3, campaigned based on his party affiliation, even though the office for which he was running was nonpartisan, as alleged in the complaint.

You may respond to the violation alleged in the complaint by filing a notarized statement providing any information regarding the facts and circumstances surrounding the allegation. If you choose to file a response to the complaint, you should file the response within 20 days of the date you receive this letter. Your response will be included as an attachment to the investigator's report.

Section 106.25, Florida Statutes, provides that when the investigator completes his or her report, staff will mail you a copy of the investigator's report. Should you choose to file a response to the report, you must file your response with the Commission within 15 days of the date of this letter. If your response is timely filed, the Commission will consider it when determining probable cause.

Commission staff will review the Report of Investigation and make a written recommendation to the Commission on whether there is probable cause to charge you with violating Chapter 104 or 106, Florida Statutes. You will receive a copy of this staff recommendation and will have the opportunity to file a response. Should you choose to do so, your response must be filed with the Commission within 15 days of the date the recommendation is mailed to you. If your response is timely filed, the Commission will consider it when determining probable cause.

The Commission will hold a hearing to determine whether there is probable cause to charge you with a violation. You will receive a notice of hearing at least 14 days before the hearing. The notice of hearing will indicate the location, date, and time of your hearing. If you attend the hearing, you will be permitted to make a brief oral statement to the Commission, but you cannot testify or call others to testify, or introduce any documentary or other evidence.

The staff recommendation and the notice of the probable cause hearing will be mailed to the same address as this letter. Therefore, if your address changes, you must notify the Commission of your new address. Otherwise, you may not receive the correspondence from the Commission staff. Failure to receive the documents will not delay the probable cause hearing.

Under section 106.25, Florida Statutes, complaints, Commission investigations, investigative reports, and other documents relating to an alleged violation of Chapters 104 and 106, Florida Statutes, are **confidential** until the Commission finds probable cause or no probable cause. A breach of confidentiality is a criminal violation of the law. The confidentiality

provision does not apply to the person filing the complaint. However, it does apply to you, the Respondent, unless you waive confidentiality in writing. The confidentiality provision does not preclude you from seeking legal counsel. However, if you retain counsel, your attorney must file a notice of appearance with the Commission before any member of the Commission staff can discuss this case with him or her.

If you have any questions, please contact **Cole Kekelis**, at extension 106, or at the address listed above.

Sincerely,



Amy McKeever Toman
Executive Director

Enclosures: Consent Order
AMT/enr

mw



Notices of Appearance

Marsha A. Poppell

to:

'Florida Elections Commission'

12/07/2016 04:56 PM

Cc:

"Daniel E. Nordby"

Hide Details

From: "Marsha A. Poppell" <MPoppell@shutts.com>

To: 'Florida Elections Commission' <fec@myfloridalegal.com>

Cc: "Daniel E. Nordby" <DNordby@shutts.com>

7 Attachments



FEC 16-350.pdf

FEC 16-351.pdf

FEC 16-352.pdf

FEC 16-353.pdf

FEC 16-354.pdf

FEC 16-355.pdf



FEC 16-356.pdf

Good afternoon:

Attached please find Notices of Appearance for the following case numbers: FEC 16-350; FEC 16-351; FEC 16-352; FEC 16-353; FEC 16-354; FEC 16-355; and FEC 16-356.

Thanks and have a great evening.



Marsha A. Poppell

Legal Assistant

Shutts & Bowen LLP

215 South Monroe Street, Suite 804 | Tallahassee, FL 32301

Direct: (850) 521-0600 | Fax: (850) 521-0604

[E-Mail](#) | [Website](#)

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

IN RE: MIKE STEWART,

Case No.: FEC 16-353

Respondent
_____ /

NOTICE OF APPEARANCE

Daniel E. Nordby of Shutts & Bowen LLP hereby provides notice of his appearance as counsel for Respondent Mike Stewart in this matter.

Respectfully submitted,

/s/ Daniel Nordby

Daniel E. Nordby (FBN 014588)

SHUTTS & BOWEN LLP

215 South Monroe Street, Suite 804

Tallahassee, Florida 32301

Telephone: 850-521-0600

Email: dnordby@shutts.com

Counsel for Respondent Mike Stewart

CERTIFICATE OF FILING

I hereby certify that a true copy of this document has been filed this 7th day of December,

2016, with:

Erin Riley
Deputy Agency Clerk
Florida Elections Commission
107 West Gaines Street
Collins Building, Suite 224
Tallahassee, Florida 32399-1050
fec@myfloridalegal.com

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

107 West Gaines Street, Suite 224, Tallahassee, Florida 32399-1050

Telephone Number: (850) 922-4539

www.fec.state.fl.us

CONFIDENTIAL ADDITIONAL INFORMATION FORM

Case Number: FEC 16-353

Pursuant to Rule 2B-1.0025, Florida Rules of Administrative Procedure, if you have additional information to correct the ground(s) of legal insufficiency stated in the attached letter, please explain below and attach any relevant documentation to this form:

*Please see attached affidavit -
D. Shumbriev
- D. Shumbriev VIDEO*

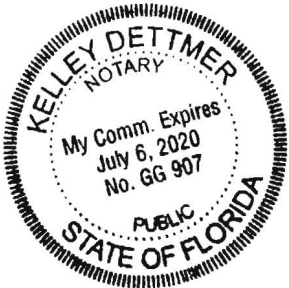
OATH
STATE OF FLORIDA
COUNTY OF Harlem

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

RECEIVED
2016 NOV - 1 P 11:34
STATE OF FLORIDA
ELECTIONS COMMISSION

[Signature]
Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this 7th day of November, 2016



[Signature]
Signature of Officer Authorized to Administer Oaths or Notary public.

Kelley Dettmer
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally known _____ Or Produced Identification

Type of Identification Produced FIDELITY [REDACTED]

Any person who files a complaint while knowing that the allegations are false or without merit commits a misdemeanor of the first degree, punishable as provided in Sections 775.082 and 775.083, Florida Statutes.

Hugh Taylor
1357 Martin Luther King Rd.
Crawfordville, Fl. 32327
11/6/16

RE: Response/Addendum to Case No.: 16-353

Respondent: Michael Stewart


This addendum is in response to the Florida Elections Commission letter dated October 25, 2016, allowing me to provide additional information to correct the ground(s) of insufficiency in the case cited above.

I quote your letter to me: "...you do not provide any evidence other than the newspaper articles to support you allegations about Respondent's involvement with the forum . . . As such, you complaint is based on hearsay, *rather than personal information* or information other than hearsay and it is legally insufficient pursuant to Section 106.25, Florida Statutes."

As I am permitted to supply additional information that "corrects the stated ground(s) of insufficiency," I am submitting the *attached affidavit and video* to reflect and support my original complaint. This should remove all doubt about both my original complaint and the newspaper article attached to my original complaint.

While I did not personally witness the actions alleged in the complaint, the attached affidavit and video clarify the allegations in my complaint and cure the hearsay objections of the commission with a first person affidavit and video of the event and participants.

Cordially,



Hugh Taylor



NOTARY
Kelley Dettmer

AFFIDAVIT

State of Florida

County of Wakulla

I, Carrie A. Hess, swear that I attended the "Wakulla County Republican Executive Committee Republican Candidates Forum" where on the Wakulla County Chamber of Commerce website, the public was invited to "come out to the Senior Citizens Center and meet the Republican Candidates running for all local offices (BOCC, Sheriff, Property Appraiser)..." held on August 11th, 2016 and that I recorded the proceedings on my camera in seven parts, which recordings have been accurately transferred from the original recordings to the thumb drives submitted with this affidavit. Recording in seven parts were necessary due to limitations of my camera.



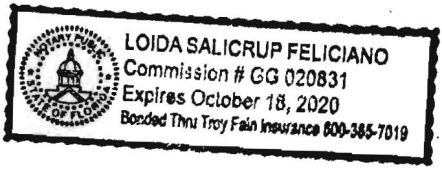
Carrie A. Hess

FL lic#: H 200 101 58752-0 - LSI
expired: 7-12-2022

Sworn to and subscribed before me this 5 day of November, 2016



Notary Public





Print or stamp name of notary public

NOTARY SEAL



FEC 16-353; Respondent: Michael Stewart
Michael Stewart to: fec

08/25/2016 02:43 PM

History: This message has been replied to.

ATTN: ERIN RILEY

In response to the above mentioned complaint, I hereby waive confidentiality.
My response will be forthcoming.

Please advise if it is necessary to respond via US mail as well.

Thank you,

Michael Stewart
754 Rehwinkel Road
Crawfordville, FL 32327
850-727-1248

Sent from my iPhone

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

107 West Gaines Street, Suite 224, Tallahassee, Florida 32399-1050
Telephone Number: (850) 922-4539
www.fec.state.fl.us

RECEIVED

CONFIDENTIAL COMPLAINT FORM

2016 AUG 19 1 P 1:22

The Commission's records and proceedings in a case are confidential until the Commission rules on probable cause. A copy of the complaint will be provided to the person against whom the complaint is brought.

1. PERSON BRINGING COMPLAINT:

Name: HUBB TAYLOR Work Phone: (850) 926-6058
Address: 1357 MILK RD Home Phone: ()
City: CRAWFORDVILLE County: WALUHUA State: FL Zip Code: 32327

2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:

A person can be an individual, political committee, committee of continuous existence, political party, electioneering communication organization, club, corporation, partnership, company, association, or any other type of organization. (If you intend to name more than one individual or entity, please file multiple complaints.)

Name of individual or entity: MICHAEL STEWART
Address: 754 REHWINKEL RD Phone: () N/A
City: CRAWFORDVILLE County: WALUHUA State: FL Zip Code: 32327

If individual is a candidate, list the office or position sought: Waluhua county commissioner

Have you filed this complaint with the State Attorney's Office? (check one) Yes No

3. ALLEGED VIOLATION(S):

Please list the provisions of The Florida Election Code that you believe the person named above may have violated. The Commission has jurisdiction only to investigation the following provisions: Chapter 104, Chapter 106, and Section 105.071, Florida Statutes. Also, please include:

- The facts and actions that you believe support the violations you allege,
- The names and telephone numbers of persons you believe may be witnesses to the facts,
- A copy or picture of the political advertisements you mention in your statement,
- A copy of the documents you mention in your statement, and
- Other evidence that supports your allegations.

SEE ATTACHED

Additional materials attached (check one)? Yes No

4. OATH

STATE OF FLORIDA
COUNTY OF Wakulla

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

[Signature]
Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this 19th day of
August, 2016
[Signature]
Signature of Officer Authorized to Administer Oaths or Notary public.

RECEIVED
2016 AUG 19 P 1:22
STATE OF FLORIDA
ELECTORS COMMISSION

NOTARY PUBLIC
SHANNON K LARSON
MY COMMISSION # EE 851732
EXPIRES: January 21, 2017
Bonded Thru Budget Notary Services
STATE OF FLORIDA

(Print, Type, or Stamp Commissioned Name of Notary Public)
Personally known _____ Or Produced Identification X
Type of Identification Produced DL

Any person who files a complaint while knowing that the allegations are false or without merit commits a misdemeanor of the first degree, punishable as provided in Sections 775.082 and 775.083, Florida Statutes.

Republican Party Executive Committee
Wakulla County, Florida

ADDENDUM TO ELECTIONS COMPLAINT

8/19/16

NARRATIVE AND EXHIBITS

1. Wakulla County, Florida, is a charter county. The county recently amended its charter. Article 2.1 plainly states all elections are to be nonpartisan (see attached exhibit "A").

Regardless of whether the subject to the complaint knew about the nonpartisan section of the charter, they 1)., should have known, and 2). Ignorance is no excuse

2. On 7/21 The Republican Party announced a partisan forum to be held August 11th (see attached article from "The Wakulla News,"). And I quote: "REC Chairman *Chris Russell* advised that the executive Committee felt it was vitally important to allow the voters an opportunity to hear firsthand from the Republican candidates that may ultimately represent them" (exhibit "B" attached).

The subject either was advised by the Republican Executive committee or read the article or should have read the article.

3. A citizen, Al Shylkofski, after reading the article wrote the Supervisor of elections about the Republican forum and received an email stating both the statute and the penalties for violating statutes 104.43 and 104.271 (exhibit "C" attached)

4. In a Facebook post (undated exhibit "D attached, a representative of the Wakulla County Republican Party or Mr. Chris Russell arrogantly poo-pooed Mr. Shylkofski's concerns.

The subject either was aware of the Facebook post or, as a member of the Republican Party, should have known; failing that, there was enough notice (see #5 below)

5. Mr. Shylkofski then wrote a letter to the Wakulla News, 8/14/16, Questioning the legality of the partisan Republican forum the Republican Executive committee, chaired by Mr. Chris Russell and the danger Mr. Russell and the Republican executive committee were putting Republican candidates in.

Again, the subject either was not aware of the Wakulla News article or should have been aware.

6. The partisan Republican forum was held 8/11 and the news article (exhibit "F" attached) In The Wakulla News reflected the fact that the Wakulla Supervisor of Elections "warned that the Republicans were 'on thin ice.'" Relative to the forum. Additionally Mr. Russell "referred to the controversy, but indirectly, reassuring the attendees and candidates that 'This is not a problem . . .'"

Regardless of the foregoing, the fact that 1). The "controversy" was mentioned (and discounted) at Partisan Republican forum the subject attended and that the Wakulla County Sheriff made the following announcement (Exhibit "F" attached) "Sheriff Charlie Creel, in an abundance of caution, told the crowd that, on the advice of his attorney, he would not speak at the event."

In summation:

There being no doubt Wakulla County is a Charter county, and the Republican Executive committee *and*

The Republican Executive Committee (REC) planned a partisan "forum," exclusively for Republican, for up-coming nonpartisan elections, I quote the following statutes:

104.43.3(3):

"(3)Any political advertisement of a candidate running for partisan office shall express the name of the political party of which the candidate is seeking nomination or is the nominee. If the candidate for partisan office is running as a candidate with no party affiliation, any political advertisement of the candidate must state that the candidate has no party affiliation.

A political advertisement of a candidate running for *nonpartisan office may not state the candidate's political party affiliation*. This section does not prohibit a political advertisement from stating the candidate's partisan-related experience. **A candidate for nonpartisan office is prohibited from campaigning based on party affiliation.**

In attending the partisan Republican Forum, the subject violated 104.43.3(3) in that he campaigned as a Republican Party member in a non-partisan Wakulla County.

Additionally, subject violated the following statute (104.091 below) by aiding, agreeing to attend, confederating, combined with, knew of the felony violation, gave aid to the offender who violated the code (the REC).

104.091 Aiding, abetting, advising, or conspiring in violation of the code (Chapter. 104)

(1) Any person, who knowingly aids, abets, or advises the violation of this code shall be punished in like manner as the principal offender.

(2) Any person who agrees, conspires, combines, or confederates with another person to commit a violation of this code shall be punished as if he or she had committed the violation.

(3) Any person who knows of a felony violation of this code and gives any aid to the offender who has violated the code, with intent that the offender avoid or escape detection, arrest, trial or punishment, shall be punished as if he or she had committed the violation. This subsection does not prohibit a member of The Florida Bar from giving legal advice to a client.

The statutes are clear. Subject violated the code by attending a partisan forum in a nonpartisan county, and campaigning as a Republican in a nonpartisan county and telling or inviting others to attend the forum and should be prosecuted to the fullest extend of the law.

Wakulla County Charter Review Commission Summary of Proposed Amended/Revised Articles

The following is a list of Articles for which the CRC has voted & approved to amend/revise:

✓ **Article 2.1 –**

- All candidates shall be nonpartisan in the Primary election, settled by 50% + 1, the top 2 candidates shall go to the General election (unless in conflict w/ Supervisor of Elections Laws)
- Shall be five single member districts for BOCC

✓ **Article 2.3 –**

- Mandatory residency requirement – must provide a declaration/oath of living in district for 6 months prior to qualifying date. Must also provide 3 out of the following 4 other categories providing proof of residency: (1) vehicle registration; (2) voter registration card; (3) Florida Driver's License and/or Florida Identification Card; (4) a notarized statement of residency from home-owner, or homestead exemption card, or leasing/renting statement.
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✓ **Article 6 –**

- Add a new subsection regarding "Special Elections/Referendums" that reads all referendums shall take place at the general election

✓ **Article 6.1 –**

- Add language that reads 60% of the electors votes shall be required to pass charter amendments and ordinances.

✓ **Article 6.2 –**

- All local officers shall be subject to recall

✓ **Article 7.4 –**

- Each County Commissioner shall appoint 3 citizens to serve on the Charter Review Commission (totaling 15 members); 12 members shall make a quorum and 2/3 of the 12 members to pass a vote; and the CRC shall be appointed no more than 8 years apart
- The BOCC shall provide CRC a list of no less than 3 attorneys before the 1st CRC meeting to allow CRC to rank and provide recommendation to the BOCC for approval

✓ **New Article –**

- The BOCC shall adopt, and adhere to, a debt policy that regulates the acceptance, issuance, and management of debt. The BOCC shall also adhere to the fund balance policy.

(Revised June 9, 2014)

Republican Executive Committee plans forum Aug. 11

Special to The News

The Wakulla County Republican Executive Committee (REC) will be hosting a Republican Candidates Forum on Thursday Aug. 11, at the Senior Citizens Center, starting at 6:30 p.m.

REC Chairman Chris Russell advised that the Executive Committee felt it was vitally important to allow the voters an opportunity to hear firsthand from the Republican candidates that may ultimately represent them. The forum will feature candidates running for local, state, and federal office. He noted that 12 of the 14 candidates running for local office are registered Republicans and that the U.S. Congressional District 2 seat has an overwhelming high probability of being filled by a registered Republican. This compliments the two school board seats that were up for election this cycle and will remain filled by Republicans as both of those candidates went unopposed.

Russell stated that the number of registered Republicans in Wakulla County has dramatically increased over the last couple of years and he credits that with local voters making a stronger stand on issues they hold dear, such as: constitutional rights, the protection of the unborn, and domestic security. He said more local Republicans are

now getting involved as candidates and pointed out the fact that for the first time in modern history, Wakulla County will elect both a Sheriff and a Property Appraiser, that are registered as Republicans. Mr. Russell closed by stating that he appreciated the Christian Coalition's willingness to reschedule the event they previously planned for Aug. 11, that by doing so, more voters will now have an opportunity to hear firsthand from the candidates running to represent them.

The following candidate campaigns have confirmed they will be present at the forum: BOCC District 1 candidate Ralph Thomas, BOCC District 3 candidates John Shuff and Mike Stewart, BOCC District 5 candidates Richard Harden and Gordon Millender, Property Appraiser candidates Ed Brimner, Brad Harvey, and Steve Remke, Sheriff candidates Charlie Creel, Jared Miller, and Bill Poole, Florida House of Representatives District 7 incumbent Halsey Beshears, State Attorney's Office candidate Pete Williams, and U.S. Congressional District 2 candidates Neal Dunn, Ken Sukhia, and Mary Thomas.

More information about the forum can be found at the REC's home facebook page: www.facebook.com/wakullarepublicans/

7/21/16

THE WAKULLA
NEWS.

EXHIBIT "B"

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From: Henry Wells <hwells@mywakulla.com>
Date: July 28, 2016 at 10:05:04 AM CDT
To: "al@activecabling.com" <al@activecabling.com>
Subject: Nonpartisan Questions

2 HUBIT
C

Al,

See the information below for Nonpartisan offices and if we can be of further assistance contact the office.

97-021 (22) "Nonpartisan office" means an office for which a candidate is prohibited from campaigning or qualifying for election or retention in office based on party affiliation.

106-143 (3) Any political advertisement of a candidate running for partisan office shall express the name of the political party of which the candidate is seeking nomination or is the nominee. If the candidate for partisan office is running as a candidate with no party affiliation, any political advertisement of the candidate must state that the candidate has no party affiliation. A political advertisement of a candidate running for nonpartisan office may not state the candidate's political party affiliation. This section does not prohibit a political advertisement from stating the candidate's partisan-related experience. A candidate for nonpartisan office is prohibited from campaigning based on party affiliation.

106-143 (11) Any person who willfully violates any provision of this section is subject to the civil penalties prescribed in s. 106.265.

106.265 Civil penalties.— (1) The commission or, in cases referred to the Division of Administrative Hearings pursuant to s. 106.25(5), the administrative law judge is authorized upon the finding of a violation of this chapter or chapter 104 to impose civil penalties in the form of fines not to exceed \$1,000 per count, or, if applicable, to impose a civil penalty as provided in s. 104.271 or s. 106.19. (2) In determining the amount of such civil penalties, the commission or administrative law judge shall consider, among other mitigating and aggravating circumstances: (a) The gravity of the act or omission; (b) Any previous history of similar acts or omissions; (c) The appropriateness of such penalty to the financial resources of the person, political committee, affiliated party committee, electioneering communications organization, or political party; and (d) Whether the person, political committee, affiliated party committee, electioneering communications organization, or political party has shown good faith in attempting to comply with the provisions of this chapter or chapter 104. (3) If any person, political committee, affiliated party committee, electioneering communications organization, or political party fails or refuses to pay to the commission any civil penalties assessed pursuant to the provisions of this section, the commission shall be responsible for collecting the civil penalties resulting from such action. (4) Any civil penalty collected pursuant to the provisions of this section shall be deposited into the General Revenue Fund. (5) Any fine assessed pursuant to this chapter shall be deposited into the General Revenue Fund. (6) In any case in which the commission determines that a person has filed a complaint against another person with a malicious intent to injure the reputation of the person complained against by filing the complaint with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations of fact material to a violation of this chapter or chapter 104, the complainant shall be liable for costs and reasonable attorney's fees incurred in the defense of

the person complained against, including the costs and reasonable attorney's fees incurred in proving entitlement to and the amount of costs and fees. If the complainant fails to pay such costs and fees voluntarily within 30 days following such finding by the commission, the commission shall forward such information to the Department of Legal Affairs, which shall bring a civil action in a court of competent jurisdiction to recover the amount of such costs and fees awarded by the commission

Thank You

Henry F. Wells "Buddy" MFCEP

Wakulla County

Supervisor of Elections

850-926-7575

hwells@mywakulla.com

www.wakullaelection.com

EXHIBIT
"D"



Wakulla County Republican Party AI, your post disproved your own accusation of wrongdoing. I'll show you how. F.S. 106.143 pertains to "Political advertisements circulated prior to election". Please allow me to draw your attention to the word "advertisement". Follow me closely, it's very important that you understand, the statute you quoted applies to advertisements only, not others things that you would like to twist into the statute. You correctly quoted part of 106.143 (3) when you posted "A candidate for nonpartisan office is prohibited from campaigning based on party affiliation." Pay attention now, I don't want to lose or confuse you. Since the statute you quoted pertains to "advertising" and the quote you referenced pertains to "candidates", if you wish to defend your accusation of wrongdoing, you need to produce evidence of "A candidate for nonpartisan office" who is "campaigning based on party affiliation." I'm sure that you understand, the Wakulla County Republican Executive Committee is not a "candidate for nonpartisan office", therefore the statute you referenced is not applicable to the Wakulla County Republican Executive Committee. As a layperson, we understand how you you could be confused by Florida Statutes. We are happy to have this opportunity to clear up your misunderstanding. If this was an honest mistake by you, please leave an apology in the comments below and we will thank you for recognizing your mistake.

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The Opinion Page

READERS WRITE:

Public invited to coalition forum Aug. 8

Editor, The News:

We would love to invite everyone in the county to our first candidate forum, to be held Aug. 8, at 7 p.m. at the Wakulla County Public Library. This forum will be dedicated to those candidates running for office in county commission Districts 3 and 5.

The forum will be in a moderated forum format, with questions from the audience turned in to a moderator, with no questions directly from the floor.

Becoming informed is a civic duty, and we have offered these forums to help citizens know about the candidates and their positions

on issues. Part of our mission is education and we can think of nothing better than making candidate positions and platforms available to the most people possible.

We believe all candidates should be included as the primary will turn out to be the election that could possibly elect a new commissioner, so we encourage all citizens to drop in and hear the candidates then get ready to vote.

Remember, early voting starts Aug. 20.

Thank you,

Jennie V. Jones
President
Wakulla County Christian Coalition

Disappointed about Republican 'forum'

Editor, The News:

I am disappointed by the actions of the Republican Executive Committee Chairman, Chris Russell and the Wakulla County Republican Party for advertising and scheduling a partisan forum whose participants are limited only to "registered" Republican candidates.

I am a registered Republican and believe the public is best served when they have the opportunity to see and hear all candidates.

Wakulla County's local elections are non-partisan (political-party candidates not allowed) and, according to Wakulla County's Supervisor of Elections Buddy Wells, and Florida law F.S. 106.143, "A candidate for nonpartisan office is prohibited from campaigning based on

party affiliation."

There is no ambiguity in the Republican Executive Committee (REC) invitation: Chris Russell, the Republican Executive Committee chairman emphasizes that the GOP forum is exclusively for "registered" Republican candidates in a "Special to The News" report in the July 21, The Wakulla News, and on the Wakulla County Republican Party's Facebook page.

Russell, of all people, should know Florida's election laws on non-partisan elections, he led Wakulla County's Charter Review Committee, proposed by Wakulla County Commissioner Ralph Thomas that helped change Wakulla County elections to non-partisan races.

Now, Republican candidates, and arguably, Wakulla's Republican Party, face

a sticky situation: The REC's apparent disregard for Florida's elections laws puts Wakulla County's registered Republican candidates in a spot where they, running as non-partisan candidates attending this exclusive GOP forum could make themselves vulnerable to violating Florida's law.

It should not have to be said that Wakulla County's voters deserve an opportunity to ask questions of all candidates and hear them state their positions on how they would serve Wakulla County.

We should all strive to adhere to Florida's laws. Politicians who ignore our laws threaten the public's trust and our freedom.

Al Shylkofski
Crawfordville

8/4/10
THE WAKULLA
NEWS
EXHIBIT
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Republican forum draws concern

Complaint reportedly filed with state claiming violation of non-partisan elections

By WILLIAM SNOWDEN
editor@thewakullanews.net

A forum held by Wakulla Republicans last week reportedly drew an elections complaint after local candidates who are registered Democrats were not invited to attend.

The state Elections Commission would not verify a complaint had been filed, but a person close to the matter confirmed that a complaint was filed on Friday, Aug. 12, the day after the forum, against the local executive committee and the candidates who attended.

All of Wakulla's local races are non-partisan - except the Superintendent of Schools. The political parties can still support candidates with money and other help, but the candidates are not allowed to campaign using their party affiliation.

At the senior center on Thursday night, the local party invited Republican candidates in local and area elections.



PHOTO BY WILLIAM SNOWDEN

The audience was standing-room only at the GOP forum on Thursday.

Chuck Hess and Nikki Barnes, two candidates in the non-partisan county commission races, were not invited because they are registered Democrats. Howard Kessler, who is a registered Republican, did not attend the forum out of concern that all candidates weren't invited.

Supervisor of Elections Buddy Wells met with Republican Party Chair Chris Russell about the concerns of possible violations and warned that the Republicans were "on thin ice."

Russell and the members of the executive committee reviewed the law and contend there is no violation.

At the start of the Thursday night forum,

which was attended by nearly 200 people and was standing-room only in the senior center, Russell referred to the controversy, but indirectly, reassuring attendees and candidates that "This is not a problem," and "This is nothing new."

But many of the candidates who attended were unaware of the controversy and the threat of an election complaint. Some who were aware of the controversy said simply that they had received an invitation to speak and were going wherever they were invited.

Sheriff Charlie Creel, in an abundance of caution, told the crowd that, on the advice of his attorney, he would not speak at the event.

He offered to talk after the event - and walked away from the podium to silence and a few muffled boos.

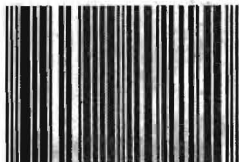
Creel and the other two candidates for sheriff, Jared Miller and Bill Poole, are all registered Republicans. Miller had heard of the controversy and went ahead with his stump speech, while Poole was unaware of it and admitted afterwards that he was mystified by Creel's comments.

After the event, Russell would not talk on the record about the controversy.

It's not clear if the Democrats violated the non-partisan laws at their May gala at Wakulla Springs when Barnes and Hess spoke

Turn to Page 5A

5/18/16
THE
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EXHIBIT
174



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Republican forum draws concern

From Front Page

there, but no other candidates spoke. (Barnes was chair of the local Democratic Party until she was required to step down when qualifying as a candidate for county commission.) There was no election complaint filed alleging a violation at the Democratic event.

CANDIDATES AT THE FORUM

Russell served as Master of Ceremonies at the forum, which included many candidates from local and area races. State Rep. Halsey Beshears, whose district includes Wakulla but who has no opposition for re-election, helped with timekeeping.

Republican congressional candidates Ken Sukhia, Mary Thomas and Neal Dunn gave their stump speeches.

Sukhia, a former federal prosecutor for the Northern District of Florida, said that "People run as conservatives and then govern as moderates." He painted himself as a law-and-order conservative who wants to defend the American way of life.

Thomas, an attorney in the office of Gov. Rick Scott, noted her endorsement by the NRA and said she is the only candidate in the race to endorse Donald Trump for president. That drew applause from the crowd, as it did when she repeated Trump's pledge to "Make America great again."

Dunn, a surgeon, said his three priorities in office will be health care, the economy, and national security. "The White House has more damage to the military than ISIS," he said.

Pete Williams, Republican candidate for state attorney and a former statewide prosecutor, spoke of the problems of different treatment for the same crimes under current state attorney, Willie Meggs, who is retiring and whom Williams never mentioned by name.

Williams vowed to spend one day a week in each county in the circuit to discuss local concerns. Williams will face a Democrat in the November general election, either Sean Desmond or Jack Campbell.

Local candidates at the event, in addition to the sheriff's candidates, included Ralph Thomas, running for re-election to county commission, district 1; Mike Stewart and John Shuff, candidates for district 3; Richard Harden and Gordon Millender for district 5; and two of the three candidates for property appraiser, Steve Remke and Brad Harvey. Ed Brimmer was not at the event, and no reason was given for his absence.

THE WAKULLA
NEWS

71 (2)