

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Daniel Sohn

Case No.: FEC 18-066

TO: Daniel Sohn
1121 Trailaway LN
Haverhill, FL 33417-5833

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, **December 1, 2020 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
November 9, 2020

Please refer to the information below for further instructions related to your particular hearing:

If this is a hearing to consider **an appeal from an automatic fine**, the Filing Officer has imposed a fine on you for your failure to file a campaign treasurer's report on the designated due date and, by filing an appeal, you have asked the Commission to consider either (1) that the report was in fact timely filed; or (2) that there were unusual circumstances that excused the failure to file the report timely. You are required to prove your case. If the Commission finds that the report was filed timely or that there were unusual circumstances that excused the failure, it may waive the fine, in whole or in part. The Commission may reduce a fine after considering the factors in Section 106.265, Florida Statutes. If the Commission finds that the report was not timely filed and there were no unusual circumstances, the fine will be upheld.

If this is a hearing to consider a **consent order before a determination of probable cause has been made**, the Commission will decide whether to accept or reject the consent order. If the Commission accepts the consent order, the case will be closed and become public. If the Commission rejects the consent order or does not make a decision to accept or deny the consent order, the case will remain confidential, unless confidentiality has been waived.

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

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

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

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

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,
Petitioner,**

Case No.: FEC 18-066

v.

**Daniel Sohn,
Respondent.**

_____ /

ORDER OF PROBABLE CAUSE

THIS MATTER was heard by the Florida Elections Commission (Commission) at its regularly scheduled meeting on August 25, 2020, in Tallahassee, Florida.

On January 2, 2020, Staff recommended to the Commission that there was probable cause to believe the Florida Election Code was violated. The facts articulated in Staff's Recommendation are adopted by reference and incorporated herein. Based on the Referral, Report of Investigation, Staff's Recommendation, and oral statements, if any, made at the probable cause hearing, the Commission finds there is **probable cause** to charge Respondent with the following violations:

Count 1:

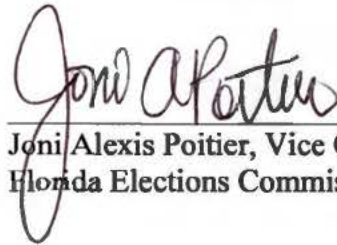
On or about November 20, 2017, Respondent violated Section 106.141(1), Florida Statutes, when Respondent failed to timely file his 2018 Termination Report reflecting the disposition of all remaining campaign funds.

Count 2:

On or about November 20, 2017, Respondent violated Section 106.19(1)(c), Florida Statutes, when Respondent failed to include information on his 2018 Termination Report that was required to be reported when Respondent did not file a 2018 Termination Report.

The Commissions also finds no probable cause to charge Respondent with violating Section 106.07(7), Florida Statutes.

DONE AND ORDERED by the Florida Elections Commission on August 25, 2020.



Joni Alexis Poitier, Vice Chair
Florida Elections Commission

Copies furnished to:
Eric M. Lipman, General Counsel
Daniel Sohn, Respondent
Division of Elections, Complainant

NOTICE OF RIGHT TO A HEARING

As the Respondent, you may elect to resolve this case in several ways. First, you may elect to resolve this case by consent order where you and Commission staff agree to resolve the violation(s) and agree to the amount of the fine. The consent order is then presented to the Commission for its approval. To discuss a consent order, contact the FEC attorney identified in the Order of Probable Cause.

Second, you may request an informal hearing held before the Commission, if you do not dispute any material fact in the Staff Recommendation. You have 30 days from the date the Order of Probable Cause is filed with the Commission to request such a hearing. The date this order was filed appears in the upper right-hand corner of the first page of the order. At the hearing, you will have the right to make written or oral arguments to the Commission concerning the legal issues related to the violation(s) and the potential fine. At the request of Respondent, the Commission will consider and determine willfulness at an informal hearing. Otherwise, live witness testimony is unnecessary.

Third, you may request a formal hearing held before an administrative law judge in the Division of Administrative Hearings (DOAH), if you dispute any material fact in the Staff Recommendation. You have 30 days from the date the Order of Probable Cause is filed with the Commission to request such a hearing. The date this order was filed appears in the upper right-hand corner of the first page of the order. At the hearing, you will have the right to present evidence

relevant to the violation(s) listed in this order, to cross-examine opposing witnesses, to impeach any witness, and to rebut the evidence presented against you.

If you do not elect to resolve the case by consent order or request a formal hearing at the DOAH or an informal hearing before the Commission within 30 days of the date this Order of Probable Cause is filed with the Commission, the case will be sent to the Commission for a formal or informal hearing, depending on whether the facts are in dispute. The date this order was filed appears in the upper right-hand corner of the first page of the order.

To request a hearing, please send a written request to the Commission Clerk, Donna Ann Malphurs. The address of the Commission Clerk is 107 W. Gaines Street, Collins Building, Suite 224, Tallahassee, Florida 32399-1050. The telephone number is (850) 922-4539. The Clerk will provide you with a copy of Chapter 28-106, *Florida Administrative Code*, and other applicable rules upon request. No mediation is available.

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Daniel Sohn

Case No.: FEC 18-066

TO: Daniel Sohn
920 Haverhill Road, Unit 5
Haverhill, FL 33415-1523

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 **August 25, 2020**. The Commission will begin at **8:30 am, EST**, and will consider multiple cases that day.

Please note that because of COVID-19, this will be a virtual meeting conducted by remote video or teleconference. Enclosed you will find additional details on joining the video conference via ZOOM, Meeting ID 340 226 0750, or via teleconference by dialing (929) 205-6099 and entering the meeting access code 673802, when prompted. If you wish to speak before the Commission, you will need to appear by webcam and will be sworn in remotely. Please be advised that the Commission will consider multiple cases, so you will need to wait until your case is considered. If you have any questions, please contact Commission staff at (850) 922-4539.

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 motions to dismiss 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.

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See further instructions on the reverse side.

Tim Vaccaro
Executive Director
Florida Elections Commission
August 13, 2020

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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.

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



Florida Elections Commission

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

Telephone: (850) 922-4539 · Facsimile: (850) 921-0783

FEC@myfloridalegal.com · www.fec.state.fl.us



Confidential Commission Meeting August 25, 2020 at 8:30AM via Zoom

In order to participate in the confidential portion of the August 25, 2020, Florida Elections Commission meeting, please follow the instructions below:

Join Zoom Meeting

Click on the meeting link sent to your attention via email:

<https://zoom.us/j/91062518383?pwd=VkJ4Mi9kUUZXM1llZW5YcDFObU1Sdz09>

If you have difficulty launching the hyperlink, follow these steps.

1. Open your web browser and search ZOOM or enter www.zoom.us
2. Select "Join A Meeting" in the upper right corner of the website.
3. Enter the Meeting ID: 910 6251 8383 and click "Join".
4. Enter the Meeting Passcode: 673802 and click "Join".

For alternative audio participation:

1. Dial: 1 (929) 205-6099
2. Meeting ID: 910 6251 8383
3. Passcode: 673802

While this is a confidential meeting and advanced registration is not mandatory, we ask that if you plan to attend via Video Conference or Teleconference, that you notify our office in advance. This will give the Commission the opportunity to organize the agenda as efficiently as possible. It will be the goal of the Commission to hear cases in which parties are present, first, in order to reduce the standby time of the parties in attendance.

Please test your audio; microphone, speakers and webcam, in advance.

Those attendees who wish to speak before the Commission will need to appear by webcam and will be sworn in remotely.

Please be advised that the Commission will consider multiple cases, so you will be placed in a ZOOM breakout room until your case is considered.

If you have any questions, contact Commission staff at (850) 922-4539. Please provide the case number(s) when contacting our office.

Thank you,

Commission Staff

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Daniel Sohn

Case No.: FEC 18-066

TO: Daniel Sohn
920 Haverhill Road, Unit 5
Haverhill, FL 33415-1523

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 August 25, 2020. The Commission will begin at 8:30 am, EST, and will consider multiple cases that day.

Please note that because of COVID-19, this will be a virtual meeting conducted by remote video conference only. If you wish to attend the meeting, please notify the Commission office by email at fec@myfloridalegal.com no later than 5:00 pm EST, on Friday, August 7, 2020. After receiving your request, the Commission office will send you a set of participant instructions prior to the meeting, which will include login information and specific details regarding the time of your hearing. If you have questions, please contact Commission staff at (850) 922-4539.

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.

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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.

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See further instructions on the reverse side.

Tim Vaccaro

Executive Director
Florida Elections Commission
July 28, 2020

Please refer to the information below for further instructions related to your particular hearing:

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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.

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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: Daniel Sohn

Case No.: FEC 18-066

TO: Daniel Sohn
920 Haverhill Road, Unit 5
Haverhill, FL 33415-1523

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

NOTICE OF CANCELLATION OF HEARING (PROBABLE CAUSE DETERMINATION)

You are hereby notified that the previously scheduled **hearing for March 24-25, 2020 is cancelled**. It is anticipated that your case will be heard at the next regularly scheduled meeting, which is currently set for May 2020. A Notice of Hearing will be mailed approximately 14 days prior to the hearing date indicating the exact date, time, and location.

Tim Vaccaro

Executive Director
Florida Elections Commission
March 12, 2020

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Daniel Sohn

Case No.: FEC 18-066

TO: Daniel Sohn
920 Haverhill Road, Unit 5
Haverhill, FL 33415-1523

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 25, 2020 at 8:30 a.m., or as soon thereafter as the parties can be heard**, at the following location: **House Office Building, 404 South Monroe Street, Room 28-H, 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.

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Tim Vaccaro

Executive Director
Florida Elections Commission
March 9, 2019

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**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Daniel Sohn

Case No.: FEC 18-066

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 **Sections 106.141(1) and 106.19(1)(c), Florida Statutes**, and **no 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 16, 2019, the following facts and law support this staff recommendation.

1. On March 7, 2018, the Florida Elections Commission (“Commission”) received a referral from the Division of Elections (“Division”) alleging Daniel Sohn (“Respondent”) violated Chapter 106, Florida Statutes.

2. Respondent was a candidate for the Commissioner of Agriculture in the 2018 election. This was Respondent’s fourth campaign. Respondent’s initial Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates form (“DS-DE 9”) was filed with the Division on April 19, 2017. Respondent appointed William Wells as his campaign treasurer. (ROI Exhibit 1, page 2)¹ Respondent withdrew from the race on August 22, 2017. (ROI Exhibit 3, pages 1 and 2)²

3. By letter dated March 29, 2019, the Executive Director notified Respondent that Commission staff would investigate the following alleged violations:

Section 106.07(7), Florida Statutes: As alleged in the complaint, Respondent, a 2018 candidate for the office of Commissioner of Agriculture, may have failed to notify the filing officer on the prescribed reporting date that no report would be filed on that date because he had not received funds, made contributions, or expended reportable funds during the 2018 TR reporting period.

Section 106.141(1), Florida Statutes: As alleged in the complaint, Respondent, a 2018 candidate for the office of Commissioner of Agriculture, failed to timely file his 2018

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

² Respondent also filed a second DS-DE 9 on August 22, 2017, designating himself as his campaign treasurer. (ROI Exhibit 2, page 2)

Termination Report reflecting the disposition of all remaining campaign funds.

Section 106.19(1)(c), Florida Statutes: As alleged in the complaint, Respondent, a 2018 candidate for the office of Commissioner of Agriculture, may have falsely reported or deliberately failed to include information for the 2018 TR reporting period, as required by Chapter 106.

4. By letter dated April 20, 2017, Kristi Reid Bronson, Chief, Bureau of Election Records, Division of Elections, notified Respondent that his name had been placed on the 2018 active candidate list. The letter advised Respondent that all candidates who file reports with the Division are required to use the Division's Electronic Filing System ("EFS") and provided Respondent with a user identification number and initial password to access the EFS. (ROI Exhibit 1, page 3)³

5. Ms. Bronson's April 20, 2017 letter further advised Respondent that all the Division's publications and reporting forms were available on the Division's website and directed Respondent to print a copy of Chapters 104 and 106, Florida Statutes, the *Candidate and Campaign Treasurer Handbook* ("Handbook") and the *Calendar of Reporting Dates* as well as other documents. (ROI Exhibit 1, page 5)

6. 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)

7. Respondent's 2018 Termination Report ("TR") covering the dates of August 22, 2017, through November 20, 2017, was due on November 20, 2017. (ROI Exhibit 3, page 2) However, Respondent failed to file a 2018 TR or notice of no activity on the due date. (ROI Exhibit 3, page 2; Attachment A)

8. By letters dated December 20, 2017, January 9, 2018, and January 31, 2018, the Division notified Respondent that it had not yet received his 2018 Termination Report, or notice of no activity, whichever was applicable. The Division's January 31, 2018 letter was confirmed delivered on February 3, 2018. (ROI Exhibit 4) As of January 2, 2020, Respondent has not filed

³ Kristi Reid Bronson is now known as Kristi Reid Willis.

a 2018 Termination Report or notice of no activity for the 2018 Termination Reporting period. (Attachment A)

9. Investigator Ayres subpoenaed copies of Respondent's campaign bank account records from BankUnited. Respondent's campaign account records show that Respondent had financial activity during the 2018 termination reporting period and that Respondent's campaign account was closed on September 12, 2017. (ROI Exhibit 5, pages 3-5)

10. In a May 7, 2019 affidavit, Respondent stated he had a copy of, and had read, Chapters 104 and 106, Florida Statutes, he had a copy of, and had read, the Handbook, and that "I done (*sic*) my best with the understanding of the laws to complete reports on time. I have paid fees when an error was made on my part." (ROI Exhibit 6, page 2)

11. When asked why he did not file a 2018 TR, Respondent stated in his affidavit, "I did not know that a TR report was due. Only a letter of resignation or a letter terminating my campaign." (ROI Exhibit 6, page 3)

12. During a December 11, 2019 telephone call, Respondent told Investigator Ayres that he withdrew from the election because he got sick at the beginning of the campaign and because his campaign treasurer resigned. Respondent also stated that he added money into his campaign depository to balance out his account in order to close it. (ROI Exhibit 7, Phone Entry 3)

13. Because Respondent had financial activity during the 2018 termination reporting period, Respondent was not required to file a notice of no activity with the filing officer for the 2018 termination reporting period. However, Respondent was required to timely file a 2018 TR reflecting the disposition of all remaining campaign funds, which he failed to do. As of January 2, 2020, Respondent has not filed a 2018 TR. (Attachment A)

14. Based on the information above, it appears Respondent may have failed to timely file a 2018 Termination Report reflecting the disposition of all remaining campaign funds. It also appears that Respondent may have deliberately failed to include information required to be reported when Respondent did not file a 2018 Termination Report.

15. "Probable Cause" is defined as a reasonable ground 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).

16. The above facts show that Respondent was a candidate for the Commissioner of Agriculture in the 2018 election. This was his fourth campaign. Respondent withdrew from the race on August 22, 2017. Respondent failed to timely file a 2018 Termination Report or notice of no activity for the 2018 termination reporting period. Because Respondent had financial activity during the 2018 termination reporting period, Respondent was required to timely file a 2018 Termination Report reflecting the disposition of all remaining campaign funds, which he failed to do.

2018 Termination Report reflecting the disposition of all remaining campaign funds, which he failed to do.

17. The above facts also show that despite the Division sending Respondent three notifications that he had not filed his 2018 Termination Report or notice of no activity, whichever was applicable, as of December 30, 2019, Respondent has failed to file his 2018 Termination Report

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

Count 1:

On or about November 20, 2017, Respondent violated Section 106.141(1), Florida Statutes, when Respondent to timely file his 2018 Termination Report reflecting the disposition of all remaining campaign funds.

Count 2:

On or about November 20, 2017, Respondent violated Section 106.19(1)(c), Florida Statutes, when Respondent failed to include information on his 2018 Termination Report that was required to be reported when Respondent did not file a 2018 Termination Report.

I further recommend the Commission find no probable cause to charge Respondent with violating Section 106.07(7), Florida Statutes.

Respectfully submitted on January 2, 2020.



Eric M. Lipman
General Counsel

I have reviewed this Staff Recommendation this 2nd day of January 2020



Tim Vaccaro
Executive Director



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Florida Department of State - Division of Elections

Florida Election System Reports

Candidate/Committee Lookup

Candidate Name: Daniel Sohn

Account: 69766

Name

Election

Acct: **69766**

Type:

Date Due	Type	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amount Paid
11/20/2017	TR		FEC	0	\$0.00		\$0.00	\$0.00
8/10/2017	M7		FEC	0	\$0.00		\$0.00	\$0.00
7/10/2017	M6	7/11/2017	CLO	1	\$0.00		\$0.00	\$0.00
6/12/2017	M5	7/11/2017	DFS	29	\$50.00		\$50.00	\$0.00
5/10/2017	M4	5/11/2017	DFS	1	\$50.00		\$50.00	\$0.00

ATTACHMENT A

FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Case No.: FEC 18-066

Respondent: Daniel Sohn

Complainant: Division of Elections

Pursuant to Section 106.25(2), Florida Statutes, on March 7, 2018, the Florida Elections Commission (“Commission”) received a referral from the Division of Elections (“Division”) alleging that Respondent violated Chapter 106, Florida Statutes. Commission staff, therefore, investigated whether Respondent violated the following statutes:

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

Section 106.141(1), Florida Statutes, failure of a candidate to dispose of funds remaining in his campaign account within 90 days after he withdrew, became unopposed, was eliminated, or elected and to file a report reflecting the disposition of all remaining funds; and

Section 106.19(1)(c), Florida Statutes, prohibiting a person or organization from falsely reporting or deliberately failing to report information required by Chapter 106, Florida Statutes.

I. Preliminary Information:

1. Respondent was a 2018 candidate for the office of Commissioner of Agriculture. Respondent previously ran for Dania Beach City Commission in 2014 and 2016. However, he did not complete the candidate-qualifying process in either race. Respondent was recently elected to the town of Haverhill’s Council, seat number 2, on March 13, 2018.

2. Complainant is the Division.

3. On April 19, 2017, Respondent filed the Appointment of Campaign Treasurer and Designation of Campaign Depository (“DS-DE 9”) and a Statement of Candidate (“DS-DE 84”) with the Division. In signing his DS-DE 84, Respondent acknowledged he has been provided access to read and understand Chapter 106, Florida Statutes. Respondent appointed William Wells as treasurer. On April 20, 2017, Complainant mailed Respondent a letter explaining where to find publications and materials concerning Chapter 106, Florida Statutes and the *Candidate and Campaign Treasurer Handbook* and when to file his first Campaign Treasurer Report (“CTR”).

Refer to Exhibit 1 for Respondent's DS-DE 9 and DS-DE 84 and acknowledgement letter.

4. Mr. Wells resigned as Respondent's campaign treasurer on July 21, 2017. Respondent appointed himself as treasurer on August 22, 2017 by filing his second DS-DE 9. Refer to Exhibit 2 for Mr. Well's resignation letter and the Respondent's second DS-DE 9.

II. Alleged Violation of Sections 106.07(7); 106.141(1); and 106.19(1)(c), Florida Statutes:

5. I investigated whether Respondent violated these sections of the election laws either by failing to file his Termination Report ("TR"), or failing to notify his filing officer, in writing, that no report would be filed due to no financial activity during the TR period, whichever was applicable, and whether Respondent failed to timely file a TR reflecting the disposition of funds remaining in his campaign account within 90 days after he withdrew.

6. Respondent withdrew as a candidate for the Office of Commissioner of Agriculture on August 22, 2017, the same day he appointed himself as treasurer. The Complainant sent a letter acknowledging his withdrawal as a candidate and notified him that he was required to file his TR no later than November 20, 2017. To review Respondent's withdrawal notification and the Complainant's acknowledgment letter, refer to Exhibit 3.

7. Respondent did not file the TR by the due date. Respondent was sent three written notices to file his TR or a notice-of-no-activity, whichever was applicable, by the Complainant. The notices were sent on December 20, 2017, January 9, and January 31, 2018. The final notice was confirmed delivered on February 3, 2018. As of December 2, 2019, no notice-of-no-activity or TR has been filed to complainant. Refer to Exhibit 4 for the Complainant's notification letters and delivery confirmation.

8. Respondent's campaign bank account records were received as a result of a subpoena to BankUnited. A review of these records reflects that at the beginning of the TR reporting period, August 21, 2017, Respondent had a negative balance of \$-8.00 in the account. A transfer deposit of \$8.00 was made on August 22, 2017¹. To review Respondent's campaign bank account records, refer to Exhibit 5.

9. Respondent completed an affidavit. Respondent indicated he possessed and read Chapters 104 and 106, Florida Statutes, as well as the *Candidate and Campaign Treasurer Handbook*. Respondent asserted he did not know the TR was due and thought he only needed to submit a letter of resignation or a letter of termination for his campaign. Refer to Exhibit 6, for Respondent's affidavit.

¹ Additional financial activity regarding bank fees continued into September 2017 before the account closed; bank fees were charged and then reversed, and the account was closed on September 12, 2017.

IV. FEC History:

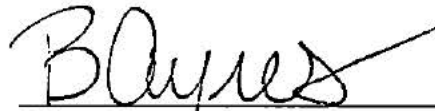
10. Respondent has had five previous complaints filed against him in the Commission:

- FEC 15-384 (consent order, Section 106.07(5), F.S., fined \$200.00);
- FEC 15-433 (consent order, Sections 106.07(2)(b)1; 106.07(7), F.S., fined \$250.00);
- FEC 15-516 (consent order, Section 106.07(7), F.S., fined \$50.00);
- FEC 17-299 (violation of Section 106.07(2)(b)1., F.S., no fine);
- FEC 17-309 (violation of Section 106.19(1)(c), F.S., no fine).

V. Conclusion:

11. I called Respondent to afford him an opportunity to respond to the results of the investigation. I discussed the findings of the case with Respondent. Respondent confirmed that he understood the findings of the investigation and again explained that he thought all he needed to do was file a withdrawal notice with the Division and did not have to file another report. Respondent stated his address had changed, which caused a delay receiving the notices from the Division and correspondence from the Commission. Refer to the investigation phone log under Exhibit 7.

Respectfully submitted on December 16, 2019.



Brian Ayres
Investigation Specialist

Current address of Respondent

Mr. Daniel Sohn
3001 Cove Drive
Fort Lauderdale, FL 33312

Current address of Complainant

Division of Elections
500 South Bronough Street, Room 316
Tallahassee, Florida 32399-0250

Name and Address of Filing Officer:

Ms. Kristi Reid Willis
Chief, Bureau of Election Records
Division of Elections
500 South Bronough Street
Tallahassee, Florida 32399-0250

Copy furnished to:

Mr. Cole Kekelis, Chief Regulatory Counsel

FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Daniel Sohn -- FEC 18-066

LIST OF EXHIBITS	
Exhibits #s	Description of Exhibits
Exhibit 1	April 19, 2017 DS-DE 9, DS-DE 84 & Acknowledgment Letter
Exhibit 2	July 21, 2017 Treasurer Resignation, DS-DE 9
Exhibit 3	Respondent Withdrawal & Division Acknowledgement Letter
Exhibit 4	Division Notification Letters
Exhibit 5	Campaign Depository
Exhibit 6	Affidavit of Respondent
Exhibit 7	Investigation Phone Log

**STATEMENT OF
CANDIDATE**

(Section 106.023, F.S.)

(Please print or type)

RECEIVED
DEPARTMENT OF STATE

2017 APR 19 AM 9:43

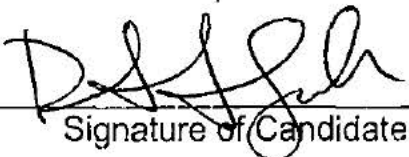
DEPARTMENT OF STATE
DIVISION OF ELECTIONS

I, Daniel Sohn,

candidate for the office of Commissioner of Agriculture;

have been provided access to read and understand the requirements of

Chapter 106, Florida Statutes.

X 
Signature of Candidate

4/17/17
Date

Each candidate must file a statement with the qualifying officer within 10 days after the Appointment of Campaign Treasurer and Designation of Campaign Depository is filed. Willful failure to file this form is a first degree misdemeanor and a civil violation of the Campaign Financing Act which may result in a fine of up to \$1,000. (ss. 106.19(1)(c), 106.265(1), Florida Statutes).

**APPOINTMENT OF CAMPAIGN TREASURER
AND DESIGNATION OF CAMPAIGN
DEPOSITORY FOR CANDIDATES**
(Section 106.021(1), F.S.)

(PLEASE PRINT OR TYPE)

RECEIVED
DEPARTMENT OF STATE
2017 APR 19 AM 9:42

DEPARTMENT OF STATE
DIVISION OF ELECTIONS

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

OFFICE USE ONLY

1. CHECK APPROPRIATE BOX(ES):

Initial Filing of Form Re-filing to Change: Treasurer/Deputy Depository Office Party

2 Name of Candidate (in this order, First, Middle, Last)

Daniel Sohn

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

7750 Okeechobee Blvd Ste
#4-616 West Palm Beach,
FL 33411

4 Telephone

5 E-mail address

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

Commissioner of Agriculture

7 If a candidate for a nonpartisan office, check if applicable:

My intent is to run as a Write-In candidate

8 If a candidate for a partisan office, check block and fill in name of party as applicable: My intent is to run as a

Write-In No Party Affiliation Democratic Party candidate

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

10 Name of Treasurer or Deputy Treasurer

William Wells

11 Mailing Address

76 4th St. N # 171

12 Telephone

(305) 898 0243

13 City

St. Petersburg

14 County

Hillsborough

15 State

FL

16 Zip Code

33704

17 E-mail address

WPWR@WilliamPenaWells.com

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

19 Name of Bank

Bank United

20 Address

2832 4th St. N.

21 City

St. Petersburg

22 County

Hillsborough

23 State

FL

24 Zip Code

33704

UNDER PENALTY OF PERJURY I DECLARE THAT I HAVE READ THE FOREGOING FORM OR APPROXIMATION OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY AND THAT THE FACTS STATED IN SAME ARE TRUE.

4/17/17

X *[Signature]*

Treasurer's Acceptance of Appointment

William Pena Wells

4/17/17

X *[Signature]*



FLORIDA DEPARTMENT OF STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

April 20, 2017

Daniel Sohn
7750 Okeechobee Boulevard, Suite #4-616
West Palm Beach, Florida 33411

Dear Mr. Sohn:

This will acknowledge receipt of the Appointment of Campaign Treasurer and Designation of Campaign Depository for the office of Commissioner of Agriculture, which was placed on file in our office on April 19, 2017. Your name has been placed on the 2018 active candidate list.

Campaign Treasurer's Reports

Your first campaign treasurer's report will be due on **May 10, 2017**. The report will cover the period of April 1-30, 2017 (M4). All candidates who file reports with the Division of Elections are required to file by means of the Division's Electronic Filing System (EFS).

Credentials and Sign-ons

Below is the web address to access the EFS and your user identification number. The enclosed sealed envelope contains your initial password. Once you have logged in using the initial password, you will be immediately prompted to change it to a confidential sign-on. You, your campaign treasurer, and deputy treasurers are responsible for protecting 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: 69766

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



EXHIBIT 1 page 3 of 5

Daniel Sohn
April 20, 2017
Page Two

Pin Numbers

Pin numbers are confidential secure credentials that allow you to submit reports and update personal information. The enclosed sealed envelope contains confidential pin numbers for you. By copy of this letter, a confidential pin number to access the EFS was sent to your treasurer.

Each candidate is required to provide the Division of Elections with confidential personal information that may be used to allow access in the event this password is forgotten or lost. When you enter the campaign account screen, there will be a drop down box where you pick a question (such as *What is your mother's maiden name?*) and supply an answer. All passwords and answers to questions are stored as encrypted data and cannot be viewed by Division staff and given out over the phone. Please notify the Division if your credentials have been compromised.

Timely Filing

All reports filed must be completed and filed through the EFS not later than midnight of the due date. Reports not filed by midnight of the due date are late filed and subject to the penalties in Section 106.07(8), Florida Statutes. In the event that the EFS is inoperable on the due date, the report will be accepted as timely filed if filed no later than midnight of the first business day the EFS becomes operable. No fine will be levied during the period the EFS was inoperable.

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

Electronic Receipts

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

Daniel Sohn
April 20, 2017
Page Three

Instructions and Assistance

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

All of the Division's publications and reporting forms are available on the Division of Elections' website at <http://dos.mvflorida.com/elections/>. It is your responsibility to read, understand, and follow the requirements of Florida's election laws. Therefore, please print a copy of the following documents: Chapters 104 and 106, Florida Statutes, *Candidate and Campaign Treasurer Handbook*, *Calendar of Reporting Dates*, and Rule 1S-2.017, Florida Administrative Code.

Please let me know if you need additional information.

Sincerely,



Kristi Reid Bronson, Chief
Bureau of Election Records

KRB/zjs

Enclosures

pc: William Wells, Treasurer

William Peña Wells
76 Fourth Street North #171
Saint Petersburg, FL 33731
(305) 898-0243

wpw@williampenawells.com

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

July 21, 2017


Re: Daniel Sohn campaign

To whom it may concern,

This letter is my official notification to the Division that I am resigning effective immediately as the Campaign Treasurer for the Daniel Sohn campaign. Mr. Sohn shall be appointing a new Treasurer and filing the proper forms with the Division promptly.

Should you have any questions or comments or require additional information, please do not hesitate to contact me.

Regards


William Pena Wells

RECEIVED
DEPARTMENT OF STATE
2017 JUL 21 PM 4:37
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DIVISION OF ELECTIONS

EXHIBIT 2 page 1 of 2

**APPOINTMENT OF CAMPAIGN TREASURER
AND DESIGNATION OF CAMPAIGN
DEPOSITORY FOR CANDIDATES**
(Section 106.021(1), F.S.)

(PLEASE PRINT OR TYPE)

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

RECEIVED
DEPARTMENT OF STATE
17 AUG 22 AM 10:14
DIVISION OF ELECTIONS
TALLAHASSEE, FL

OFFICE USE ONLY

1. CHECK APPROPRIATE BOX(ES):

Initial Filing of Form Re-filing to Change: Treasurer/Deputy Depository Office Party

2. Name of Candidate (in this order: First, Middle, Last) 3. Address (include post office box or street, city, state, zip code)
Daniel Sohn 7750 Okeechobee Blvd.
Suite #4-616
West Palm Beach, FL 33411

4. Telephone () 5. E-mail address
daniel@danielforflorida.com

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

7. If a candidate for a nonpartisan office, check if applicable:
 My intent is to run as a Write-In candidate.

8. If a candidate for a partisan office, check block and fill in name of party as applicable: My intent is to run as a
 Write-In No Party Affiliation Democratic Party candidate.

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

10. Name of Treasurer or Deputy Treasurer
Daniel Sohn

11. Mailing Address 12. Telephone
7750 Okeechobee Blvd. Suite #4-616 ()

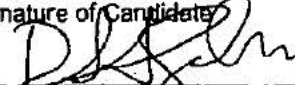
13. City 14. County 15. State 16. Zip Code 17. E-mail address
West Palm Beach Palm Beach FL 33411 daniel@danielforflorida.com

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

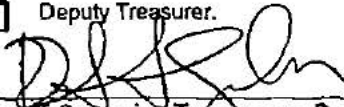
19. Name of Bank 20. Address
Bank United 2832 4th St. N.

21. City 22. County 23. State 24. Zip Code
St. Petersburg Hillsborough Florida 33704

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING FORM FOR APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY AND THAT THE FACTS STATED IN IT ARE TRUE.

25. Date 26. Signature of Candidate
8/13/2017 

27. **Treasurer's Acceptance of Appointment** (fill in the blanks and check the appropriate block)
I, Daniel Sohn, do hereby accept the appointment
(Please Print or Type Name)

designated above as: Campaign Treasurer Deputy Treasurer.
8/13/17 
Date Signature of Campaign Treasurer or Deputy Treasurer

RECEIVED
DEPARTMENT OF STATE

8/13/17

17 AUG 22 AM 10:14



Daniel Sohn Campaign
DIVISION OF ELECTIONS
TALLAHASSEE, FL
Okeechobee Blvd.
Suite #4-616
West Palm Beach, FL 33411

Florida Department of State
Attention: Florida Division of Elections
500 South Bronough Street
Tallahassee, FL 32399

Dear Secretary Detzner:

In May, I publicly announced that I would no longer be seeking the 2018 Democratic nomination for Florida Commissioner of Agriculture due to unforeseen personal health issues. This is the official withdrawal of my candidacy for Florida Commissioner of Agriculture, 2018.

To expedite the closure of the campaign, I am submitting all required documents for termination. Should the Division of Elections require my attention in the future, contact me using the information on the included treasurer's designation form.

I wish all candidates seeking the Office of Commissioner of Agriculture and Consumer Services my best wishes and trust that the individual elected will serve the people of this great state by taking a strong stance towards the protection of Florida's consumers and environment.

Warmest Regards,

Daniel H. Sohn



FLORIDA DEPARTMENT OF STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

August 22, 2017

Daniel Sohn (69766)
7750 Okeechobee Boulevard
Suite #4-616
West Palm Beach, Florida 33411

Dear Mr. Sohn:

This will acknowledge receipt of the letter informing us of your withdrawal as a 2018 candidate for the office of Commissioner of Agriculture. This information was placed on file in our office on August 22, 2017.

Pursuant to Section 106.141, Florida Statutes, all candidates must, within 90 days of withdrawing their candidacy, dispose of all funds on deposit in the campaign account. You are required to file a 90-day termination report no later than **November 20, 2017**. You are not required to close the campaign prior to the due date; however, you must have written checks disposing of all surplus funds by this date.

You may file your report in the Electronic Filing System (EFS) at any time prior to the deadline once you have disposed of all funds. In order to file your termination report prior to the due date, you will need to change the cover period, which has been defaulted to an ending period of November 20, 2017, in the EFS (see attached example).

If you have any questions, please contact this office at (850) 245-6280.

Sincerely,

Kristi Reid Willis, Chief
Bureau of Election Records

KRW/ejr

Attachment

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

FLORIDA
DIVISION OF
ELECTIONS

EXHIBIT 3 page 2 of 3

If you file your Termination Report **PRIOR** to November 20, 2017, change the cover period end date in the EFS system to the date you are filing your report.

Use this form to submit an original report. To submit an amendment to a previously filed report, first select the report from the 'Filed Reports' listing and then choose the 'Amend Report' option from the 'Filings' menu item.

Coverage Periods
Campaign finance reports itemize financial activity occurring during a specific reporting period. The reporting period is declared by first selecting the election cycle then the report type & year. The filing due date of the report are automatically associated with the selected

Election Cycle: 2012 General Election
Report Type & Year: TR 2012
Coverage Period: 11/2/2012 Due Date: 02/04/2013

Waiver

CHANGE THE END DATE HERE TO THE DATE YOU ARE FILING YOUR TR REPORT



FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

December 20, 2017

Daniel Sohn
Candidate for Commissioner of Agriculture
7750 Okeechobee Boulevard
Suite #4-616
West Palm Beach, FL 33411-3411

CAN 69766

Dear Mr. Sohn:

Our records indicate that you have not filed either your termination report or notification that no reportable activity occurred, whichever is applicable. The filing date was November 20, 2017.

The law (s. 106.07(8)(b), Fla. Stat.) requires the filing officer to immediately notify you about the missed filing date and the automatic fines that will be assessed for late filing of a report, if a report was due.

- If reportable activity occurred and you have not filed a report, statutory fines are automatically assessed as \$50 per day until you file your report. The total fine for the untimely report cannot exceed 25% of the total receipts or expenditures, whichever is greater, for the cover period. Even if you end up filing your report late, we cannot waive the statutory fines. We will notify you of the specific amount of fines owed once you file your report. You have 20 days from the day you receive the notice to pay the fine or to appeal the fine to the Florida Elections Commission.
- If no reportable activity occurred for the report date(s), you are still required to notify us in writing, via the Division's Electronic Filing System, that no reportable activity occurred. No automatic fines are statutorily assessed.

However, in all cases, failure to file and/or untimely filing of a report of reportable activity, or if applicable, a notice that no reportable activity occurred, may constitute an apparent violation of chapter 106, Fla. Stat. If we refer such matter to the Florida Elections Commission, the Commission may subsequently impose a civil penalty for each violation under chapter 106.265(1), Fla. Stat.

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

Sincerely,

A handwritten signature in black ink that reads "Kristi Reid Willis".

Kristi Reid Willis, Chief
Bureau of Election Records



FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

Second Notice

January 9, 2018

Daniel Sohn
Candidate for Commissioner of Agriculture
7750 Okeechobee Boulevard
Suite #4-616
West Palm Beach, FL 33411-3411

CAN 69766

Dear Mr. Sohn:

Our records indicate that you have not filed either your termination report or notification that no reportable activity occurred, whichever is applicable. The filing date was November 20, 2017.

We mailed, via regular mail, the first notice of the failure to file the above-mentioned report or notification to the address on file with our office on December 20, 2017.

The first notice which we provided to you specifically explained the automatic fine provisions in the law (s. 106.07(8)(b), Fla. Stat.) for failure to file a required report. Such fines are continuing to accrue for a late-filed report. Also, that notice explained that if no reportable activity occurred for the report date(s), you are still required to provide notification in writing that no reportable activity occurred. Our initial notice further indicated that, in all cases, failure to file and/or untimely filing of a report of reportable activity, or if applicable, a notice that no reportable activity occurred, may constitute an apparent violation of chapter 106, Fla. Stat. If we refer such matter to the Florida Elections Commission, the Commission may subsequently impose a civil penalty for each violation under chapter 106.265(1), Fla. Stat.

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

Sincerely,

Kristi Reid Willis, Chief
Bureau of Election Records



FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

Final Notice
Delivery Confirmation:

USPS TRACKING # **9114 9014 9645 1102 5573 56**
& CUSTOMER RECEIPT For Tracking or inquiries go to USPS.com
or call 1-800-222-1811

January 31, 2018

Daniel Sohn
Candidate for Commissioner of Agriculture
7750 Okeechobee Boulevard
Suite #4-616
West Palm Beach, FL 33411-3411

CAN 69766

Dear Mr. Sohn:

A recent review of the Division's records show that the Division has not yet received your termination report or the required notification that no reportable activity occurred, whichever is applicable.

The Division has previously notified you of the unfiled report or notification. Please file your report or notification. If the report or notification is not filed within 7 days of receipt of this letter, the Division will refer this matter to the Florida Elections Commission, which may impose civil penalties of up to \$1000 per violation, apart from that automatic fine provisions of s. 106.07(8)(b), Fla. Stat.) that are applicable only to campaign finance reports.

As we stated in the prior notices, even if you now file the report or notification, the untimely filing of a report of reportable activity, or if applicable, a notice that no reportable activity occurred, may constitute an apparent violation of chapter 106, Fla. Stat. If we refer such matter to the Florida Elections Commission, the Commission may subsequently impose a civil penalty for each violation under chapter 106.265(1), Fla. Stat.

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

Sincerely,

Kristi Reid Willis, Chief
Bureau of Election Records

USPS Tracking®

FAQs > (<http://faq.usps.com/?articleId=220900>)

Track Another Package +

Tracking Number: 9114901496451102557356

Remove X

Expected Delivery on

SATURDAY

3 FEBRUARY 2018 ⓘ by **8:00pm** ⓘ

 **Delivered**

February 3, 2018 at 10:01 am
Delivered, Left with Individual
WEST PALM BEACH, FL 33411

Get Updates ▾

See More ▾

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs (<http://faq.usps.com/?articleId=220900>)

How can I help you?

EXHIBIT 4 page 4 of 4



P.O. Box 521599 Miami, FL 33152-1599



>017559 7877518 0001 008229 10Z
DANIEL SOHN FOR FLORIDA
CAMPAIGN ACCOUNT
WILLIAM P WELLS TREASURER
7750 OKEECHOBEE BLVD STE #4-616
WEST PALM BEACH FL 33411



Statement Date: August 31, 2017
Account Number: [REDACTED]


Customer Service Information

Client Care: 877-779-BANK (2265)

Web Site: www.bankunited.com

Bank Address: BankUnited
P.O. Box 521599
Miami, FL 33152-1599

Customer Message Center



Introducing Visa® Purchase Alerts. Learn more about Visa® Purchase Alert by visiting www.bankunited.com.

PRIMARY BUSINESS CHECKING Account [REDACTED]

Account Summary

Statement Balance as of 07/31/2017			\$0.00
Plus	4	Deposits and Other Credits	\$67.50
Less	1	Withdrawals, Checks, and Other Debits	\$35.50
Less		Service Charge	\$32.00
Plus		Interest Paid	\$0.00
Statement Balance as of 08/31/2017			\$0.00

Activity By Date

Date	Description	Withdrawals	Deposits	Balance
08/09/2017	Vantiv eCommerce Funds Disb [REDACTED] Daniel For Florida	\$0.50		\$-0.50
08/09/2017	Overdraft/NSF Charge Insufficient funds	\$35.00		\$-35.50
08/10/2017	Vantiv eCommerce Funds Disb [REDACTED] Daniel For Florida		\$0.50	\$-35.00
08/10/2017	Daily OD Fee Charge	\$4.00		\$-39.00
08/11/2017	Daily OD Fee Charge	\$4.00		\$-43.00

BankUnited, N.A.

EXHIBIT 5 page 2 of 5

Statement Date: August 31, 2017
 Account Number: [REDACTED]

Activity By Date


Date	Description	Withdrawals	Deposits	Balance
08/14/2017	Daily OD Fee Charge	\$4.00		\$-47.00
08/15/2017	Daily OD Fee Charge	\$4.00		\$-51.00
08/16/2017	Daily OD Fee Charge	\$4.00		\$-55.00
08/17/2017	Daily OD Fee Charge	\$4.00		\$-59.00
08/18/2017	TFR 162308006650 DDA SERVICE FEE BUSINESS		\$58.50	\$-0.50
08/18/2017	Daily OD Fee Charge	\$4.00		\$-4.50
08/21/2017	Vantiv eCommerce Funds Disb [REDACTED] Daniel For Florida		\$0.50	\$-4.00
08/21/2017	Daily OD Fee Charge	\$4.00		\$-8.00
08/22/2017	[REDACTED] DDA SERVICE FEE BUSINESS		\$8.00	\$0.00

Balances by Date

Date	Balance	Date	Balance	Date	Balance	Date	Balance
07/31	\$0.00	08/11	\$-43.00	08/16	\$-55.00	08/21	\$-8.00
08/09	\$-35.50	08/14	\$-47.00	08/17	\$-59.00	08/22	\$0.00
08/10	\$-39.00	08/15	\$-51.00	08/18	\$-4.50		

Other Balances

Minimum Balance this Statement Period	\$-59.00
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Let's work together to keep your account secure with Visa® Purchase Alerts. Visit www.bankunited.com.



P.O. Box 521599 Miami, FL 33152-1599



>011123 7966024 0001 008229 10Z
DANIEL SOHN FOR FLORIDA
CAMPAIGN ACCOUNT
WILLIAM P WELLS TREASURER
7750 OKEECHOBEE BLVD STE #4-616
WEST PALM BEACH FL 33411




Statement Date: September 30, 2017
Account Number: [REDACTED]

Customer Service Information

- Client Care: 877-779-BANK (2265)
- Web Site: www.bankunited.com
- Bank Address: BankUnited
P.O. Box 521599
Miami, FL 33152-1599

Customer Message Center



Speed: Your BankUnited Visa® Debit Card is one of the most convenient ways to pay. It helps speed you through checkout and there's no need to carry cash, write a check or stop at the ATM.

PRIMARY BUSINESS CHECKING Account [REDACTED]

Account Summary

Statement Balance as of 08/31/2017		\$0.00
Plus	2 Deposits and Other Credits	\$35.50
Less	1 Withdrawals, Checks, and Other Debits	\$35.50
Less	Service Charge	\$0.00
Plus	Interest Paid	\$0.00
Statement Balance as of 09/30/2017		\$0.00

Activity By Date

Date	Description	Withdrawals	Deposits	Balance
09/11/2017	Vantiv eCommerce Funds Disb [REDACTED] Daniel For Florida	\$0.50		\$-0.50
09/11/2017	Overdraft/NSF Charge Insufficient funds	\$35.00		\$-35.50
09/12/2017	Vantiv eCommerce Funds Disb [REDACTED] Daniel For Florida		\$0.50	\$-35.00
09/12/2017	Rev-OD/NSF Chg (C) Insufficient funds		\$35.00	\$0.00

BankUnited, N.A.

EXHIBIT 5 page 4 of 5


Statement Date: September 30, 2017
Account Number: [REDACTED]

Balances by Date

Date	Balance	Date	Balance	Date	Balance
08/31	\$0.00	09/11	\$-35.50	09/12	\$0.00

Other Balances

Minimum Balance this Statement Period	\$-35.50
---------------------------------------	----------



Your BankUnited Visa® Debit Card is accepted at millions of locations worldwide – at places like department stores, grocery stores, restaurants and gas stations. You can even use your BankUnited Visa® Debit Card for online shopping and to pay your bills.

AFFIDAVIT OF BACKGROUND INFORMATION
Case Number: FEC 18-066

STATE OF FLORIDA
County of Palm Beach

Daniel Sohn, being duly sworn, says:

1. This affidavit is made upon my personal knowledge.
2. I am of legal age and competent to testify to the matters stated herein. I am currently employed by North American Vet. Heart as Director of Development.
Foundation
3. Have you ever run for public office? If so, please name the office(s) you ran for and the date(s) of the election(s) you ran in.

Dania Beach Commission, Florida AG Commissioner,
Haverhill Town Council

4. Have you ever been appointed to act as a campaign treasurer for a candidate? If so, please name the candidate(s) you served as treasurer, the office(s) the candidate ran for, and the dates of the election(s).

I appointed myself to act as a
deputy treasurer on my own campaign
and have been appointed at different times as treasurer.

5. Have you ever held the office of chairperson, treasurer, board member, or other similar position for a political committee? If so, please list the names and addresses of the committees and dates when you held the position.

No.

6. Have you ever prepared or signed a campaign treasurer's report? If so, please list the name of the candidate or committee whose report you prepared or signed.

Yes. Candidate was myself and I signed
it when I took over my campaign
treasury.

7. What action have you taken to determine your responsibilities under Florida's election laws?

I done my best with the understanding
of the laws to complete reports on time.
I have paid fees when an error was
made on my part

8. Do you possess a copy of Chapter 106, Florida Statutes? Yes No

9. If so, when did you first obtain it? Not sure

10. Have you read Chapter 106, Florida Statutes? Yes No

11. Do you possess a copy of Chapter 104, Florida Statutes? Yes No

12. If so, when did you first obtain it? Not sure

13. Have you read Chapter 104, Florida Statutes? Yes No

14. Do you possess a copy of the *Candidate and Campaign Treasurer Handbook*? Yes No

15. If so, when did you first obtain it? When I filed to run.

16. Have you read the *Candidate and Campaign Treasurer Handbook*? Yes No

17. List any additional materials you received from the Supervisor of Elections.

Reporting dates

18. Your campaign was required to file a termination report 90-days after you withdrew your candidacy for the office of Commissioner of Agriculture. The Division of Elections ("Division") mailed a notification letter on August 22, 2017, notifying you that the termination report was due on November 20, 2017. Why did your campaign fail to file a 2017 termination report with the Division?

I did not know that a TR report was due. Only a letter of resignation or a letter terminating my campaign.

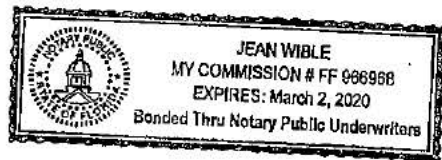
HEREBY SWEAR OR AFFIRM THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

[Signature]
Signature of Affiant

Sworn to (or affirmed) and subscribed before me this 7 day of May, 2018.

[Signature] 5/7/19
Signature of Notary Public - State of Florida

Print, Type, or Stamp Commissioned Name of Notary Public



Personally Known or Produced Identification
Type of Identification Produced: _____

Case Investigator: S.S.

**FLORIDA ELECTIONS COMMISSION
PHONE LOG
Case No.: FEC 18-066**

Respondent: Daniel Sohn

Complainant: Division of Elections

1. **Date and time:** 4/11/19- 9:04 AM
Name: Respondent
Phone #: 954-243-4705
Summary: I called and reached a voicemail box immediately, as if the cell phone was turned off. I left a message, asking for a return call.
Memo to File? No
Entered by: S. Spore

2. **Date and time:** 12/11/2019 10:35am
Name: Daniel Sohn
Phone #: 954-243-4705
Summary: I called number above and reached a voicemail with Respondent stating his name. I left a voicemail asking for Respondent to call me back and provided my contact information.
Memo to File? No
Entered by: Brian Ayres

3. **Date and time:** 12/11/2019 11:00am
Name: Daniel Sohn
Phone #: 954-243-4705
Summary: Respondent called back after receiving voicemail. I was able to explain the facts of the findings from the investigation. Respondent confirmed the events of the case and stated that he thought that all he needed to do was file a withdrawal notice with the Division and did not need to file additional reports. Respondent's address, 7750 Okeechobee Boulevard, had changed from his original address at the time the notification letters were being mailed to him, causing him to not receive the letters timely or his landlord receiving the correspondence.

Respondent stated that he had gotten sick at the beginning of his campaign and that was what resulted in him deciding to withdraw from the campaign and caused his treasurer to resign. He confirmed all dates of the investigation and stated he added money into the campaign depository to balance out his account in order to close it. Respondent continued in saying his address changed multiple times and provided the most current, updated address. This resulted in him having to be served at City hall, his current place of employment.

Respondent understood the next step in the investigation process and stated he will review the ROI once it is provided to him.

Memo to File? No

Entered by: Brian Ayres



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

March 29, 2019

Daniel Sohn
3001 Cove Drive
Ft. Lauderdale, FL 33312

RE: Case No.: FEC 18-066; Respondent: Daniel Sohn

Dear Mr. Sohn:

On March 7, 2018, the Florida Elections Commission received a complaint alleging that you violated Florida's election laws. I have reviewed the complaint and find that it contains one or more **legally sufficient allegations**. The Commission staff will investigate the following alleged violations:

Section 106.07(7), Florida Statutes: As alleged in the complaint, Respondent, a 2018 candidate for the office of Commissioner of Agriculture, may have failed to notify the filing officer on the prescribed reporting date that no report would be filed on that date because he had not received funds, made contributions, or expended reportable funds during the 2018 TR reporting period.

Section 106.141(1), Florida Statutes: As alleged in the complaint, Respondent, a 2018 candidate for the office of Commissioner of Agriculture, failed to timely file his 2018 Termination Report reflecting the disposition of all remaining campaign funds.

Section 106.19(1)(c), Florida Statutes: As alleged in the complaint, Respondent, a 2018 candidate for the office of Commissioner of Agriculture, may have falsely reported or deliberately failed to include information for the 2018 TR reporting period, as required by Chapter 106.

When we conclude the investigation, a copy of the Report of Investigation (ROI) will be mailed to you at the above address. Based on the results of the investigation, a staff attorney will make a written recommendation (Staff Recommendation or SR) to the Commission as to whether there is probable cause to charge respondent with violating Chapters 104 or 106, Florida Statutes. You will have an opportunity to respond to both the ROI and the SR. The Commission will then hold

Daniel Sohn
March 29, 2019
Page 2
FEC 18-066

one or more hearings to determine whether the alleged violations occurred and, if so, the amount of the fine to be imposed. You and the complainant will receive notice at least 14 days before any hearing at which your case is to be considered.

Please note that all documents related to this matter will be mailed to the above address unless you **notify us of a new address**. Also, please remember that complaints, Commission investigations, investigative reports, and other documents relating to an alleged violation of Chapters 104 or 106, Florida Statutes, are **confidential** until the Commission finds probable cause or no probable cause.

For additional information, please refer to the "Frequently Asked Questions" section of the Commission's website (www.fec.state.fl.us).

If you have additional questions, please contact **Samantha Spore**, the investigator assigned to this case.

Sincerely,

A handwritten signature in black ink that reads "Tim Vaccaro". The signature is written in a cursive, flowing style.

Tim Vaccaro
Executive Director

TV/med

**DIVISION OF ELECTIONS
FEC NOTICE FORM**

To FEC from Division of Elections

Name: Daniel Sohn
Account Number: 69766
Treasurer: Daniel Sohn

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, Florida Statutes. An apparent violation of Chapter 106, F.S., has occurred based upon the candidate's alleged failure to file a report after notice as required by section 106.07(8)(d), Florida Statutes, or failure to notify the filing officer on the prescribed reporting date that no report was to be filed as required by Section 106.07(7), Florida Statutes.

The following report or notice is outstanding after notification:

2018 TR

Sent By: Kristi Reid Willis
Date: March 5, 2018

KRW

ejr

AFFIDAVIT

STATE OF FLORIDA

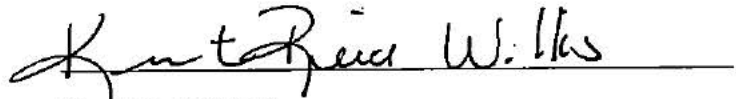
County of Leon

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.
2. This affidavit is made upon my personal knowledge, including information obtained from review of the attached records, of which I am the custodian.
3. I am of legal age and competent to testify to the matters stated herein.
4. Daniel Sohn (69766) was a 2018 candidate for the office of Commissioner of Agriculture.
5. On April 19, 2017, Mr. Sohn filed the Appointment of Campaign Treasurer and Designation of Campaign Depository with the Division. He appointed William Wells as treasurer.
6. On August 22, 2017, Mr. Sohn appointed himself as his own treasurer.
7. The 2018 TR campaign treasurer's report was due on November 20, 2017. On December 20, 2017, the Division mailed Mr. Sohn notification that the 2018 TR treasurer's report had not been filed.
8. On January 9, 2018, the Division mailed Mr. Sohn notification that the 2018 TR treasurer's report had not been filed.
9. On January 31, 2018, the Division mailed Mr. Sohn final notification with delivery confirmation that the 2018 TR treasurer's report had not been filed. (See attached letter and delivery confirmation.)
10. Mr. Sohn did not notify the Division of Elections prior to or on the prescribed reporting date for the 2018 TR report that no report was to be filed.

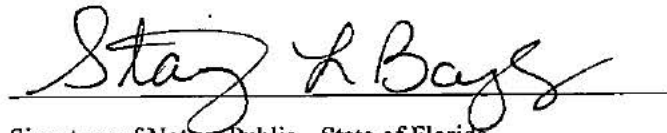
11. As of March 5, 2018, Mr. Sohn has not filed the 2018 TR report.

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 5th day of
March, 2018.



Signature of Notary Public - State of Florida

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known





FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

Final Notice
Delivery Confirmation:

USPS TRACKING # **9114 9014 9645 1102 5573 56**
& CUSTOMER RECEIPT For Tracking or inquiries go to USPS.com
or call 1-800-222-1811

January 31, 2018

Daniel Sohn
Candidate for Commissioner of Agriculture
7750 Okeechobee Boulevard
Suite #4-616
West Palm Beach, FL 33411-3411

CAN 69766

Dear Mr. Sohn:

A recent review of the Division's records show that the Division has not yet received your termination report or the required notification that no reportable activity occurred, whichever is applicable.

The Division has previously notified you of the unfiled report or notification. Please file your report or notification. If the report or notification is not filed within 7 days of receipt of this letter, the Division will refer this matter to the Florida Elections Commission, which may impose civil penalties of up to \$1000 per violation, apart from that automatic fine provisions of s. 106.07(8)(b), Fla. Stat.) that are applicable only to campaign finance reports.

As we stated in the prior notices, even if you now file the report or notification, the untimely filing of a report of reportable activity, or if applicable, a notice that no reportable activity occurred, may constitute an apparent violation of chapter 106, Fla. Stat. If we refer such matter to the Florida Elections Commission, the Commission may subsequently impose a civil penalty for each violation under chapter 106.265(1), Fla. Stat.

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

Sincerely,

Kristi Reid Willis, Chief
Bureau of Election Records

USPS Tracking®

FAQs > (<http://faq.usps.com/?articleId=220900>)

Track Another Package +

Tracking Number: 9114901496451102557356

Remove X

Expected Delivery on

SATURDAY

3 FEBRUARY
2018 ⓘ

by
8:00pm ⓘ

 **Delivered**

February 3, 2018 at 10:01 am
Delivered, Left with Individual
WEST PALM BEACH, FL 33411

Get Updates ∨

See More ∨

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs (<http://faq.usps.com/?articleId=220900>)

How can I help you?

HISTORY NOTES
Daniel Sohn - 69766

Unique ID	Date Recorded	Last Edited Date	Originally Recorded By
54675	7/7/2017 2:46:00 PM	7/11/2017 12:14:25 PM	mcchellman
<p>Re CRFs, called and left message for T to call me 2:40 pm. I called him back 3:30. He was in a car and needed me to call him back at 4:30. I did and gave him the new PWD and the T and Can PINs.</p> <p>7/11/17, 12:15 pm - Mr. Wells called back saying the paper he had written the credentials down on had gotten wet and requested the info again. After confirming his identity, I gave him the above-listed credentials again.</p>			
54046	5/11/2017 3:46:00 PM		dsbrown
<p>RE: Credential Request Form</p> <p>Spoke to William Wells; gave him the candidate's PIN. He said they never received their credentials. He said the candidate was withdrawing from the race and is currently in the hospital.</p>			
54010	5/10/2017 12:44:00 PM		STBaker
<p>RE: Credential Request</p> <p>Received credential request form from Treasurer, William Wells, requesting User ID, Password, and Pin. I called and gave Mr. Wells his Treasurer's pin and the other requested information. I advised him that I could not give him the Candidate's Pin, without authorization from the Candidate via the Credential request form. He stated that he would try to get in touch with the Candidate.</p>			