

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: Omari Hardy**

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**Case No.: FEC 17-087**

**TO:** Omari Hardy  
2228 Lake Worth Road, # 308  
Lake Worth, FL 33461

Laurel Decker  
519 N D Street  
Lake Worth, FL 33460

**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 17-087**

**v.**

**Omari Hardy,  
Respondent.**

\_\_\_\_\_ /

**ORDER OF PROBABLE CAUSE**

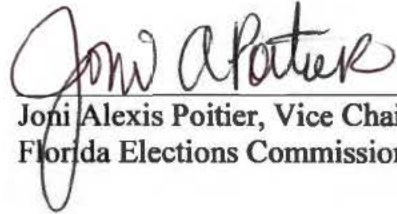
**THIS MATTER** was heard by the Florida Elections Commission (Commission) at its regularly scheduled meeting on August 25, 2020, in Tallahassee, Florida.

On December 20, 2019, 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 Complaint, 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 violation:

**Count 1:**

During his campaign, Respondent, a 2017 candidate for Lake Worth City Commission, District 2, failed to use the word "for" between his name and the office for which he was running on political advertisement yard signs when Respondent was not the incumbent.

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



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Joni Alexis Poitier, Vice Chair  
Florida Elections Commission

Copies furnished to:  
Eric M. Lipman, General Counsel  
Omari Hardy, Respondent  
Laurel Decker, 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: Omari Hardy**

**Case No.: FEC 17-087**

**TO:** Omari Hardy  
2228 Lake Worth Road, # 308  
Lake Worth, FL 33461

Laurel Decker  
519 N D Street  
Lake Worth, FL 33460

**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:

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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](mailto:FEC@myfloridalegal.com) · [www.fec.state.fl.us](http://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](http://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: Omari Hardy**

**Case No.: FEC 17-087**

**TO:** Omari Hardy  
2228 Lake Worth Road, # 308  
Lake Worth, FL 33461

Laurel Decker  
519 N D Street  
Lake Worth, FL 33460

**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](mailto: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.**

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**See further instructions on the reverse side.**

***Tim Vaccaro***

Executive Director  
Florida Elections Commission  
July 28, 2020

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**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: Omari Hardy**

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**Case No.: FEC 17-087**

**TO:** Omari Hardy  
2228 Lake Worth Road, # 308  
Lake Worth, FL 33461

Laurel Decker  
519 N D Street  
Lake Worth, FL 33460

**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: Omari Hardy**

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**Case No.: FEC 17-087**

**TO:** Omari Hardy  
2228 Lake Worth Road, # 308  
Lake Worth, FL 33461

Laurel Decker  
519 N D Street  
Lake Worth, FL 33460

**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.

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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: Omari Hardy**

**Case No.: FEC 17-087**

**STAFF RECOMMENDATION FOLLOWING INVESTIGATION**

Pursuant to Section 106.25(4)(c), Florida Statutes, undersigned staff counsel files this written recommendation for disposition of the complaint in this case recommending that there is **probable cause** to charge Respondent with violating **Section 106.143(6), Florida Statutes**. Based upon a thorough review of the Report of Investigation submitted on October 28, 2019, the following facts and law support this staff recommendation.

1. On February 22, 2017, the Florida Elections Commission (“Commission”) received a complaint from Laurel Decker (“Complainant”) alleging that Omari Hardy (“Respondent”) violated Chapter 106, Florida Statutes.

2. Respondent was a candidate for the Lake Worth City Commission, District 2, in the 2017 election. Respondent was not the incumbent. Respondent's Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates form was filed with the Lake Worth City Clerk's (“Clerk”) office on October 12, 2016.<sup>1</sup> (ROI Exhibit 1)<sup>2</sup>

3. On February 8, 2019, the Executive Director notified Respondent that Commission staff would investigate the following alleged violation:

**Section 106.143(6), Florida Statutes:** Respondent, a 2017 candidate for Lake Worth City Commission, District 2, improperly failed to use the word “for” between his name and the office for which he was running, on political advertisements, as alleged in the complaint. Respondent was not the incumbent.

4. In a May 31, 2019 affidavit, Melissa Ann Coyne, the Lake Worth City Deputy Clerk, stated that on October 12, 2016, the Clerk's office provided Respondent with a copy of Chapter 106, Florida Statutes, the *2016 Candidate and Campaign Treasurer Handbook* (“Handbook”) published by the Division of Elections, and other election related resources. (ROI Exhibit 3, Page 1; and ROI Exhibit 4)<sup>3</sup>

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<sup>1</sup> Respondent was re-elected to office in 2019.

<sup>2</sup> The Report of Investigation shall be referred to herein as “ROI.”

<sup>3</sup> The affidavit was completed and signed by Melissa Anne Coyne even though the City Clerk is named as the affiant at the beginning of the document.

5. On October 12, 2016, Respondent acknowledged receiving the Handbook, Chapters 97 through 106, Florida Statutes (2016), a document entitled “Political advertisements – FS 106.143,” a “Division of Elections and other resources contact information” list, and other election related resources. (ROI Exhibit 4)<sup>4</sup>

**Section 106.143(6), Florida Statutes.**

6. Complainant alleged that during Respondent’s campaign, Respondent displayed political advertisement yard signs that did not have the word “for” between Respondent’s name and the office for which Respondent was running.

7. Respondent’s political advertisement yard sign at issue stated:

Omari  
**Hardy**  
Lake Worth City Commission  
District 2

(ROI Exhibit 2)

8. On July 1, 2019, Investigator Smith spoke with Respondent on the telephone. Respondent apologized for not responding to an earlier email and stated he was in the middle of a re-election campaign. Respondent added that he was completely focused on his campaign and had not been checking his personal email. When asked, Respondent verified his telephone number, address, and personal email address for Investigator Smith. (Attachment A, Phone Log Entry 4)

9. On October 2, 2019, Investigator Smith attempted to call Respondent for a final interview. However, Investigator Smith reached Respondent’s voice mail. Investigator Smith left a message requesting Respondent to return the call, which Respondent failed to do. (Attachment A, Phone Log Entry 5)

10. On October 4, 2019, Investigator Smith attempted to call Respondent. Investigator Smith reached Respondent’s voice mail and left a message requesting Respondent to return the call, which Respondent failed to do. (Attachment A, Phone Log Entry 6)

11. Based on the above facts, it appears Respondent may have failed to include the word “for” between his name and the office for which he was running on political advertisement yard signs when Respondent was not the incumbent.

12. “Probable Cause” is defined as reasonable grounds of suspicion supported by circumstances sufficiently strong to warrant a cautious person in the belief that the person has committed the offense charged. *Schmitt v. State*, 590 So.2d 404, 409 (Fla. 1991). Probable

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<sup>4</sup> Chapter 12 of the Handbook includes detailed information and examples of proper political advertisement disclaimers to assist candidates to comply with the requirements of §106.143, Fla. Stat.

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).

13. The above facts show that Respondent was a candidate for the Lake Worth City Commission, District 2, in the 2017 election. Respondent was not the incumbent. Respondent's Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates form was filed with the Lake Worth City Clerk's office on October 12, 2016.

14. The above facts also show that on October 12, 2016, the Lake Worth City Clerk's office provided Respondent with, and Respondent acknowledged receiving, several election related resources including Chapters 97-106, Florida Statutes (2016), the *2016 Candidate and Campaign Treasurer Handbook* published by the Division of Elections, a document entitled "Political advertisements – FS 106.143," and a "Division of Elections and other resources contact information" list.

15. The above facts additionally show that during Respondent's campaign, Respondent displayed political advertisement yard signs that failed to include the word "for" between Respondent's name and the office for which he was running, when Respondent was not the incumbent.

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

**Count 1:**

During his campaign, Respondent, a 2017 candidate for Lake Worth City Commission, District 2, failed to use the word "for" between his name and the office for which he was running on political advertisement yard signs when Respondent was not the incumbent.

Respectfully submitted on December 20, 2019.



---

Eric M. Lipman  
General Counsel

I have reviewed this Staff Recommendation on the 20<sup>th</sup> day of December 2019.



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Tim Vaccaro  
Executive Director



**FLORIDA ELECTIONS COMMISSION**  
**PHONE LOG**  
**Case No.: FEC 17-087**

**Respondent:** Omari Hardy

**Complainant:** Laurel Decker

1. **Date and time:** 06/17/19 @ 10:48 a.m.  
**Name:** Respondent  
**Phone #:** 561-586-1732  
**Summary:** I tried calling Respondent at the telephone number listed for him on the city's website. I left a voice-mail message explaining the purpose of my call and asked that he return my telephone call at his earliest convenience. A recording states that it is the telephone number for "Hardy, Omari."  
**Memo to File?** No  
**Entered by:** KS
2. **Date and time:** 06/19/19 @ 9:18 a.m.  
**Name:** Respondent  
**Phone #:** 561-586-1732  
**Summary:** I tried calling Respondent to inquire as to the status of the questionnaire-affidavit that was mailed to him and due in our office by June 14<sup>th</sup>. I left a voice-mail message asking that he return my telephone call as soon as possible.  
**Memo to File?** No  
**Entered by:** KS
3. **Date and time:** 06/26/19 @ 1:43 p.m.  
**Name:** Respondent  
**Phone #:** 561-586-1732  
**Summary:** I tried calling Respondent to inquire as to the status of the questionnaire-affidavit that was mailed to him and due in our office by June 14<sup>th</sup>. I left a voice-mail message asking that he return my telephone call as soon as possible.  
**Memo to File?** No  
**Entered by:** KS
4. **Date and time:** 07/01/19 @ 9:38 a.m.  
**Name:** Respondent  
**Phone #:** 954-868-6208  
**Summary:** I called Respondent after he had called and left a voice-mail message for me this past Friday (06/27/19). Respondent apologized for not responding to the previous PPCO and added that he was in the middle of a re-election campaign and had not been checking his personal e-mail and was completely focused on his re-election. Respondent said that he still wants to settle the case via a consent-order. I informed him that I would have our attorney reach out to him. When asked, he confirmed that 954-868-6208 is his personal cell phone and his mailing address is, 2228 Lake Worth Road #308, Lake Worth, FL 33461 and his e-mail address is, omarihardy@gmail.com.  
**Memo to File?** No

**ATTACHMENT A, page 1**

**Entered by: KS**

5. **Date and time:** 10/02/19 @ 11:05 a.m.

**Name:** Respondent

**Phone #:** 954-868-6208

**Summary:** I tried calling Respondent for the purpose of a final interview given that he did not return a MVCO to our office. I left a message on his voice-mail explaining the purpose of my telephone call and asked that he return my call at his earliest convenience.

**Memo to File?** No

**Entered by:** KS

6. **Date and time:** 10/04/19 @ 10:16 a.m.

**Name:** Respondent

**Phone #:** 954-868-6208

**Summary:** I called and left a voice-mail message asking Respondent to return my call at his earliest convenience.

**Memo to File?** No

**Entered by:** KS

7. **Date and time:**

**Name:**

**Phone #:**

**Summary:**

**Memo to File?** No

**Entered by:**

8. **Date and time:**

**Name:**

**Phone #:**

**Summary:**

**Memo to File?** No

**Entered by:**

9. **Date and time:**

**Name:**

**Phone #:**

**Summary:**

**Memo to File?** No

**Entered by:**

10. **Date and time:**

**Name:**

**Phone #:**

**Summary:**

**Memo to File?** No

**Entered by:**

**ATTACHMENT A, page 2**

**FLORIDA ELECTIONS COMMISSION**  
**REPORT OF INVESTIGATION**  
**Case No.: FEC 17-087**

**Respondent:** Omari Hardy

**Complainant:** Laurel Decker

On February 22, 2017, the Florida Elections Commission (Commission) received a sworn complaint alleging that Respondent violated Chapter 106, Florida Statutes. Commission staff investigated whether Respondent violated the following statute:

Section 106.143(6), Florida Statutes, prohibiting a candidate from using the word “for” between his name and the office for which he is running, in political advertisements, when the candidate is not the incumbent.

**I. Preliminary Information:**

1. Respondent, Omari Hardy, was a 2017 candidate for the Lake Worth City Commission, District 2; he was elected to office on March 14, 2017<sup>1</sup>. Respondent was a first-time candidate.

2. On October 12, 2016, Respondent’s “APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY FOR CANDIDATES” form (DS-DE 9) was filed with the Lake Worth City Clerk’s office. Respondent appointed himself as campaign treasurer<sup>2</sup>. To review the DS-DE 9 form, refer to Exhibit 1.

3. Complainant, Laurel Decker, is a resident of Lake Worth, Florida; she is a certified public accountant.

**II. Alleged Violation of Section 106.143(6), Florida Statutes:**

4. I investigated whether Respondent violated this section of the election laws when he improperly failed to use the word “for” between his name and the office sought in a political advertisement.

5. Complainant alleged that Respondent’s campaign yard signs did not use the word “for” between his name and the office he was seeking. As part of her complaint, Complainant

---

<sup>1</sup> Since the filing of this complaint, Respondent was re-elected to office during an election held on March 12, 2019.

<sup>2</sup> On February 10, 2017, Respondent filed another DS-DE 9 with the Lake Worth City Clerk’s office. In it, he named Alice O. Mann as the deputy treasurer.

offered photographs of Respondent's campaign yard signs. The signs read, "Omari Hardy Lake Worth City Commission District 2." To review copies of the campaign signs, refer to Exhibit 2.

6. Respondent was one of three candidates for District 2 on the Lake Worth Commission along with Christopher W. McVoy and William Joseph; Mr. McVoy was the incumbent candidate.

7. Respondent did not provide a response to the complaint.

8. On May 29, 2019, a questionnaire-affidavit was mailed to Respondent for the purpose of having him explain why the campaign signs included the word "for" between his name and the office sought. Respondent did not respond; the questionnaire-affidavit was not returned as being undeliverable.

9. No record was found to indicate that Respondent has previously violated this section of the election laws.

### **III. FEC History:**

10. Respondent has no prior history with the Florida Elections Commission.

### **Conclusion:**

11. On October 2 and October 4, 2019, I attempted to contact Respondent for the purpose of providing him with an overview of the case and to afford him an opportunity for questions or comments; Respondent did not return my telephone calls.

12. In an affidavit, Melissa Ann Coyne, Deputy City Clerk, attested that Respondent was provided with a copy of Chapter 106, Florida Statutes, as well as the *Candidate and Campaign Treasurer Handbook*. Ms. Coyne noted that Respondent had not been a candidate for public office prior to his 2017 campaign. To review the affidavit of filing officer, refer to Exhibit 3.

13. In addition to providing the affidavit of filing officer, Ms. Coyne submitted an "Acknowledgment" form signed by Respondent. By signing the form, Respondent acknowledged receipt of a number of documents, including the Candidate and Campaign Treasurer Handbook, Chapters 97 – 106, Florida Statutes, "Compilation of The Election Laws," as well as, "Political advertisements – FS 106.143 and Ch. 12 *Political Advertising* from the 2016 Candidate and Campaign Treasurer Handbook." The form is dated as having been signed October 12, 2016. To review the "Acknowledgment" form, refer to Exhibit 4.

14. Respondent executed a Statement of Candidate form indicating that he had been provided with access to read and understand the requirements of Chapter 106, Florida Statutes; the form is dated as having been signed October 12, 2016. To review the Statement of Candidate form, refer to Exhibit 5.

15. The complaint was filed with the Commission staff on February 22, 2017 relative to Respondent's 2017 campaign. However, due to service issues, it appears that the complaint was not served on Respondent until October 27, 2018.

Respectfully submitted on October 28, 2019.



Keith Smith  
Investigation Specialist

**Current address of Respondent**

The Honorable Omari Hardy  
2228 Lake Worth Road #308  
Lake Worth, Florida 33461

**Current address of Complainant**

Laurel Decker  
519 N D Street  
Lake Worth, Florida 33460

**Name and Address of Filing Officer:**

Deborah M. Andrea  
City of Lake Worth Beach  
7 North Dixie Highway  
Lake Worth Beach, Florida 33460-3725

Copy furnished to: Cole Kekelis, Chief Regulatory Counsel

**FLORIDA ELECTIONS COMMISSION**  
**REPORT OF INVESTIGATION**  
**Omari Hardy -- FEC 17-087**

<b>LIST OF EXHIBITS</b>	
<b>Exhibits #s</b>	<b>Description of Exhibits</b>
Exhibit 1	DS-DE 9 form
Exhibit 2	Copies of R's campaign signs
Exhibit 3	Filing officer Q/A
Exhibit 4	Acknowledgment form
Exhibit 5	Statement of Candidate

**APPOINTMENT OF CAMPAIGN TREASURER  
AND DESIGNATION OF CAMPAIGN  
DEPOSITORY FOR CANDIDATES**

(Section 106.021(1), F.S.)

(PLEASE PRINT OR TYPE)

RECEIVED  
OCT 12 2016  
BY: \_\_\_\_\_

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)

Omar Hardy

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

1736 Lake Worth Rd #401  
Lake Worth, FL, 33460

4. Telephone

(954) 868-6208

5. E-mail address

omarhardy@gmail.com

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

District 2

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     \_\_\_\_\_ Party candidate.

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

10. Name of Treasurer or Deputy Treasurer

Omar Hardy

11. Mailing Address

1736 Lake Worth Rd. #401

12. Telephone

(954) 868-6208

13. City

Lake Worth

14. County

PBC

15. State

FL

16. Zip Code

33460

17. E-mail address

omarhardy@gmail.com

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

19. Name of Bank

Bank of America

20. Address

14 North Federal Highway

21. City

Lake Worth

22. County

PBC ~~United States~~

23. State

FL

24. Zip Code

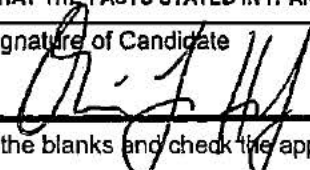
33460

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

10/12/16

26. Signature of Candidate

X 

27. Treasurer's Acceptance of Appointment (fill in the blanks and check the appropriate block)

I, Omar Hardy, do hereby accept the appointment  
(Please Print or Type Name)

designated above as:

Campaign Treasurer     Deputy Treasurer

10/12/16

Date

EXHIBIT X

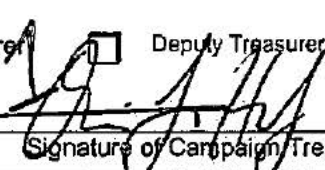
  
Signature of Campaign Treasurer or Deputy Treasurer



EXHIBIT 2 (1 of 3)



EXHIBIT

2  
(243)



EXHIBIT 2  
(343)



**AFFIDAVIT OF FILING OFFICER**  
**Case Number: FEC 17-087**

**STATE OF FLORIDA**  
**County of Palm Beach**

**Deborah Andrea, a, 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 City of Lake Worth Beach as Deputy City Clerk.
3. Please provide copies of the listed items from the following candidate's campaign file: **Omari Hardy.**

Check	ITEM
✓	The Statement of Candidate form for <b>2017</b> campaign.
✓	Appointments of Treasurers and Designation of Campaign Depository form for <b>2017</b> campaign.

4. Please check each item provided to the candidate and list the date that the item was provided.

Check	ITEM	DATE
✓	Chapter 106, <i>Florida Statutes</i>	10/12/16
✓	<i>Candidate and Campaign Treasurer Handbook</i> Please indicate Year. <u>2016</u>	10/12/16
✓	Other: <sup>1</sup> <u>see attached list</u>	

5. Relative to Chapter 106, *Florida Statutes* and the *Candidate and Campaign Treasurer Handbook*, how are these publications provided to the candidate?

- Publications are given directly to the candidate.
- Publications are available in the office, candidates are advised to pick-up the publications for themselves.

<sup>1</sup> Any local publications relative to the Election laws that may have been provided in lieu of the *Candidate and Campaign Treasurer Handbook* published by the Division of Elections. If your office published the item(s), please send a copy of the item(s) with the affidavit.

EXHIBIT 3 (of 3)

- o Candidates are advised to download copies of the publications from our website or the Division of Elections' website.
- o Other, please explain. \_\_\_\_\_

6. Did your office offer any candidate workshops or training seminars prior to the March 2017 election?  Yes or  No. If yes, please list all workshops/training seminars that were attended by the candidate, along with the date of attendance. If a staff member attended for the candidate, list his/her name and position. If available, please attach a copy of any attendance sheets from the workshops/training seminars and if available, please provide a copy of the syllabus and outline for the workshops/seminars.

*Met Pam Lopez, City Clerk & I met with Mr. Hardy on Nov. 9, 2016, from 3:30-5pm*

7. Does your office have any record of Mr. Hardy having sought elective office within your jurisdiction prior to the 2017 election?  Yes or  No. If yes, please list the previous office(s) he ran for, the date(s) of the election(s), and the result(s) of the election(s).

8. Does your office have any record of Mr. Hardy having been named as a chairperson or campaign treasurer of a political committee or electioneering communication organization within your jurisdiction?  Yes or  No. If yes, please list the name(s) of the committees.

9. Did you or any member from your staff have any conversations with Mr. Hardy concerning a provision of Chapter 106, Florida Statutes, at any time during his 2017 campaign?  Yes or  No. If yes, please indicate whether the conversation was in person, in writing, or by telephone and the subject matter of the conversation. If applicable, please provide copies documenting the discussion.

*We went over Chapter 106 extensively during the orientation. I have included the letters went sent when his reports were late on 2 occasions. We would remind Mr. Hardy or his treasurer about due dates, especially the 6 reports. 2 calendars listing due dates were also provided.*

**I SWEAR OR AFFIRM THAT THE INFORMATION CONTAINED IN THIS DOCUMENT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.**

EXHIBIT

3 (2 of 3)

*[Handwritten Signature]*

**Signature of Affiant**

Sworn to (or affirmed) and subscribed before me this 31<sup>st</sup> day of May, 2019.

*[Handwritten Signature: Deborah M. Andrea]*

Signature of Notary Public - State of Florida

Print, Type, or Stamp



Personally Known  or Produced Identification

Type of Identification Produced: \_\_\_\_\_

Case investigator: KS

EXHIBIT 3 (3 of 3)

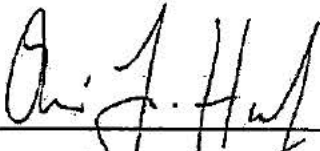
## ACKNOWLEDGEMENT

I hereby acknowledge receipt of the below documents:

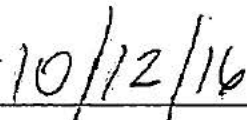
1. State of Florida Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates form – DS-DE 9 and on CD
  - 1a. How to Apply for an EIN (Employer Identification Number) for campaign depository
2. Statement of Candidate form – DS-DE 84 and on CD
3. Oath of Candidate form and on CD
4. Logic and Accuracy Test Acknowledgement and Notice
5. Form 1 Statement of Financial Interests 2015 and on CD
6. Candidate and Campaign Treasurer Handbook dated 2016 CD
7. FS Chapters 97 – 106 "Compilation of The Election Laws" dated 2016 CD
8. City Charter CD
9. Dates to Remember Candidate and Political Committee 2017 Election
10. Campaign account name and fund raiser
11. Federal Tax Regulations and IRS filing requirements
12. Contribution limitation for candidates
13. Common treasurer report errors
14. Definition of Loans
15. FAQs regarding online, in-kind, and reporting contributions
16. Disposition of surplus funds
17. Political advertisements – FS 106.143 and Ch. 12 *Political Advertising* from the 2016 Candidate and Campaign Treasurer Handbook
18. Political Signs – Section 23.5-1(h)3. Lake Worth Code of Ordinances
19. Political Signs – FS 106.1435 usage and removal of political campaign advertisement
20. Political Signs – FDOT's policy on signs in State ROW
21. Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees 2016

EXHIBIT 4 (1 of 2)

22. Poll Watcher – Guidelines for Poll Watchers and FS 101.131  
22a. Designation of Poll Watchers – DS-DE 125 and on CD
23. Telephone Solicitation Registered Agent - FS 106.1475  
23a. Telephone Solicitation Registered Agent – DS-DE 100 and on CD
24. Division of Elections and other resources contact information
25. Voter Registration Tallies – web direction
26. List of Precincts and Polling Locations
27. Affidavit of Undue Burden for Municipal Candidates
28. Campaign Treasurer's Report Summary – DS-DE 12 and on CD
29. Campaign Treasurer's Report – Itemized Contributions – DS-DE 13 and on CD  
29a. Contributions Returned – DS-DE 2 and on CD  
29b. Request For Return of Contribution – DS-DE 86 and on CD
30. Campaign Treasurer's Report – Itemized Expenditures – DS-DE 14 and on CD
31. Campaign Treasurer's Report – Itemized Distribution – DS-DE 14a and on CD
32. Campaign Loan Report – DS-DE 73 and on CD  
32a. Campaign Loans Report Itemized – DS-DE 73a and on CD
33. Commission on Ethics Complaint – CE Form 50 and on CD
34. FL Elections Commission Confidential Complaint – FEC Form 002 and on CD
35. Waiver of Report -- DS-DE 87 and on CD



Signature of Candidate



Date

EXHIBIT 4 (2 of 2)

**STATEMENT OF  
CANDIDATE**

(Section 106.023, F.S.)  
(Please print or type)

OFFICE USE ONLY

RECEIVED  
OCT 12 2016  
BY: \_\_\_\_\_

I, Omar Hardy  
candidate for the office of City Commissioner, District #2  
have been provided access to read and understand the requirements of  
Chapter 106, Florida Statutes.

X   
Signature of Candidate

10/12/16  
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).





**FLORIDA ELECTIONS COMMISSION**

107 W. Gaines Street

Collins Building, Suite 224

Tallahassee, Florida 32399-1050

(850) 922-4539

[www.fec.state.fl.us](http://www.fec.state.fl.us); [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com)

February 8, 2019

Omari Hardy  
2228 Lake Worth Road, #308  
Lake Worth, FL 33461

**RE: Case No.: FEC 17-087: Respondent: Omari Hardy**

Dear Mr. Hardy:

On February 22, 2017, 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 violation:

**Section 106.143(6), Florida Statutes:** Respondent, a 2017 candidate for Lake Worth City Commission, District 2, improperly failed to use the word "for" between his name and the office for which he was running, in political advertisements, as alleged in the complaint. Respondent was not incumbent.

However, prior to an investigation, you have the option to **resolve your case now by** signing a minor violation consent order and **paying a fine of \$100**, per Rule 2B-1.003, Florida Administrative Code, **rather than the potential \$1,000 per violation** provided for in Section 106.265, Florida Statutes.

If you sign the consent order, **you would not be required to admit or deny the allegation(s)** in the complaint, but you would be required to immediately correct the violation, if feasible.

The signed consent order would then be considered by the Commission at its next available meeting, and would constitute final action by the Commission once it is accepted and approved by the Commission.

**Please contact Wilson Brantley at 850-922-4539 at extension 113**, or at the address listed above, to accept this minor violation consent order offer.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Vaccaro", with a long horizontal flourish extending to the right.

Tim Vaccaro  
Executive Director

TV/enr

CONFIDENTIAL COMPLAINT FORM

RECEIVED

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: LAUREL DECKER Work Phone: (801) 305-6259  
Address: 519 N D ST Home Phone: ( )  
City: LAKE WORTH County: PALM BEACH State: FL Zip Code: 33460

STATE OF FLORIDA  
ELECTIONS COMMISSION

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: OMART HARDY  
Address: 1736 LAKE WORTH RD #401 Phone: ( )  
City: LAKE WORTH County: PALM BEACH State: FL Zip Code: 33460

If individual is a candidate, list the office or position sought: CITY COMMISSION DIST. 2

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 investigate 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.

Non-incumbent candidate's political signs do not include the word "for" between the candidate's name and the office, in violation of Chapter 106.143(6).

Photo attached.

Additional materials attached (check one)?  Yes  No

4. OATH

STATE OF FLORIDA  
COUNTY OF Palm Beach

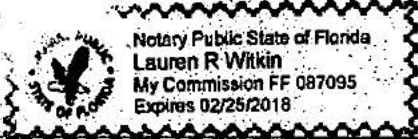
I swear or affirm, that the above information is true and correct to the best of my knowledge.

Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this 16 day of  
February, 2017

Signature of Officer Authorized to Administer Oaths or Notary public.

RECEIVED  
2017 FEB 22 P 3:13  
STATE OF FLORIDA  
ELECTIONS COMMISSION



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

Personally known  Or Produced Identification

Type of Identification Produced \_\_\_\_\_

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.





Omari  
**HARD**  
Lake Worth City Commission  
District 2

Herman  
**ROBINSON**  
District 4  
CITY COMMISSION



Omari  
**HARDY**  
Lake Worth City Commission  
District 2

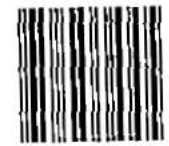
D St  
North, FL 33460



7016 0910 0001 8071 5037



1000



32399

U.S. POSTAGE  
PAID  
LAKE WORTH, FL  
33460  
FEB 17, 17  
AMOUNT  
**\$4.75**  
R23035104034-09

2017 FEB 22 P 3: 13

STATE OF FLORIDA  
ELECTIONS COMMISSION

Florida Elections Commission  
107 West Gaines St Suite 224  
Tallahassee, FL  
32399-1050

FE



Weglected to  
include this  
picture with  
this complaint  
already filed.

Lowell Decker

CONFIDENTIAL COMPLAINT FORM

RECEIVED

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.

FEB 22 P 3

STATE OF FLORIDA  
ELECTIONS COMMISSION

1. PERSON BRINGING COMPLAINT:

Name: LAUREL DECKER Work Phone: (561) 305-6259  
Address: 519 N D ST Home Phone: ( )  
City: LAKE WORTH County: PALM BEACH State: FL Zip Code: 33460

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: OMART HARDY  
Address: 1736 LAKE WORTH RD #401 Phone: ( )  
City: LAKE WORTH County: PALM BEACH State: FL Zip Code: 33460

If individual is a candidate, list the office or position sought: CITY COMMISSION DIST. 2

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 investigate 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.

Non-incumbent candidate's political signs do not include the word "for" between the candidate's name and the office, in violation of Chapter 106.143(6).

Photo attached.

Additional materials attached (check one)?  Yes  No

**4. OATH**

**STATE OF FLORIDA**

**COUNTY OF \_\_\_\_\_**

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

\_\_\_\_\_  
**Original Signature of Person Bringing Complaint**

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Signature of Officer Authorized to Administer Oaths or Notary public.

\_\_\_\_\_  
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally known \_\_\_\_\_ Or Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_

**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.**



Omari  
**HARDY**

Lake Worth City Commission  
District 2

Political Advertisement 2022 by and on behalf of Omari Hardy for Lake Worth City Commission District 2

L. Becker  
519 N. 1st  
Lake Worth FL  
33460

RECEIVED  
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STATE OF FLORIDA  
ELECTIONS COMMISSION

Florida Elections Commission  
107 West Games St Suite 224  
Tallahassee FL  
32399-1050

