

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: Richard J. Venerable**

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**Case No.: FEC 15-368**

**TO:** Richard J. Venerable  
255 Bry-Lynn Drive  
West Melbourne, FL 32904

Sue Frank  
2240 Minton Road  
West Melbourne, FL 32904

**NOTICE OF HEARING (INFORMAL HEARING)**

A hearing will be held in this case before the Florida Elections Commission on, **May 18, 2016 at 9:00 am**, *or as soon thereafter as the parties can be heard*, at the following location: **Senate Office Building, 404 South Monroe Street, Room 110-S, Tallahassee, Florida 32399**

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

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

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

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

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

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

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

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

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

*Amy McKeever Toman*  
Executive Director  
Florida Elections Commission  
May 3, 2016

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.

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STATE OF FLORIDA  
ELECTIONS COMMISSION

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,  
Petitioner,**

**Case No.: FEC 15-368**

v.

**Richard J. Venerable,  
Respondent.**

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**ORDER OF PROBABLE CAUSE**

**THIS MATTER** was heard by the Florida Elections Commission (Commission) at its regularly scheduled meeting on February 18, 2016, in Tallahassee, Florida.

Based on the Complaint, Report of Investigation, Staff's Recommendation, and oral statements made at the probable cause hearing, the Commission finds that there is **probable cause** to charge Respondent with the following violation:

**Count 1:**

On or about June 10, 2015, Respondent violated Section 106 19(1)(c), Florida Statutes, when he falsely reported or deliberately failed to include information required by Chapter 106, Florida Statutes, by failing to report campaign expenditures by filing a 2015 M5 Report.

**DONE AND ORDERED** by the Florida Elections Commission on February 18, 2016.



M. Scott Thomas, Chairman  
Florida Elections Commission

Copies furnished to:

Jaakan A. Williams, Assistant General Counsel

Richard J. Venerable, Respondent

Sue Frank, 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: Richard J. Venerable**

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**Case No.: FEC 15-368**

**TO:** Richard J. Venerable  
255 Bry-Lynn Drive  
West Melbourne, FL 32904

Sue Frank, City Clerk  
2240 Minton Road  
West Melbourne, FL 32904

**NOTICE OF HEARING (PROBABLE CAUSE DETERMINATION)**

A hearing will be held in this case before the Florida Elections Commission on, **February 18, 2016 at 8:30 am, or as soon thereafter as the parties can be heard**, at the following location: **Florida State Conference Center, 555 West Pensacola Street, Room #108, Tallahassee, Florida 32306.**

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.**

*Amy McKeever Toman*  
Executive Director  
Florida Elections Commission  
February 2, 2016

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

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

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

In Re: Richard J. Venerable /

Case No.: FEC 15-368

**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 **no probable cause** to charge Respondent with violating **Section 106.07(7), Florida Statutes**, and there is **probable cause** to charge Respondent with violating **Section 106.19(1)(c), Florida Statutes**. Based upon a thorough review of the Report of Investigation submitted on September 17, 2015, the following facts and law support this staff recommendation:

1. On June 18, 2015, the Florida Elections Commission ("Commission") received a sworn complaint from the City Clerk of West Melbourne, Florida, ("Complainant") alleging that Richard J. Venerable ("Respondent") violated Chapter 106, Florida Statutes

2. Respondent is a candidate for the office of Mayor of West Melbourne, Florida, in the 2016 election cycle. (ROI Exhibit 1)<sup>1</sup>

3. Complainant alleged that Respondent failed to file his 2015 M5 Report after receiving notice from his filing officer that the report had not been received

4. By letter dated July 21, 2015, the Executive Director notified Respondent that Commission staff would investigate the following statutory provisions:

**Section 106.07(7), Florida Statutes:** As alleged in the complaint, Respondent failed to notify the filing officer on the prescribed reporting date that no report would be filed on that date because it had not received funds, made contributions, or expended reportable funds during the following reporting period:

- 2015 M5 (May 1 – May 30)

**Section 106.19(1)(c), Florida Statutes:** As alleged in the complaint, Respondent may have falsely reported or deliberately failed to include information required by Chapter 106, Florida Statutes, when it failed to file a report on the prescribed reported date for the following reporting period:

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

- 2015 M5 (May 1 – May 30)

5 On March 2, 2015, Respondent filed an Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates form (“DS-DE 9”) and appointed himself as campaign treasurer. (ROI Exhibit 1)

**Alleged Violations: Sections 106.07(7), and 106.19(1)(c), Florida Statutes**

6 Respondent’s 2015 M5 Report was due by June 10, 2015; however, Respondent failed to file the report or notify the filing officer that no report would be filed. (ROI Exhibit 2)

7 By letter dated June 15, 2015, the West Melbourne City Clerk’s office informed Respondent that his 2015 M5 Report had not been received. The letter was sent via certified mail to the address Respondent listed on his DS-DE 9 form and was confirmed delivered on June 17, 2015 (ROI Exhibit 2)

8 Commission staff subpoenaed bank records from Respondent’s campaign depository as part of its investigation. The records indicate there was an “ACH DEBIT” in the amount of \$11.95 debited from Respondent’s campaign account on May 8, 2015 for checks. Because that expenditure occurred on May 8, 2015, during the 2015 M5 reporting cycle, Respondent was required to report that expenditure by filing a 2015 M5 Report. (ROI Exhibit 3)

9 Respondent submitted a written response to the complaint on August 7, 2015. Respondent stated that he “[takes] full responsibility for neglecting to file the proper paperwork for the months of March, April, and May.” Respondent explained, “[T]he facts are that I have been extremely busy in a new job and I failed to follow up on whether the forms had been filled out and delivered to the West Melbourne City Clerk’s office.” (ROI Exhibit 4)

10 On June 25, 2015, Respondent filed a waiver-of-report for the 2015 M5 Report, indicating that he did not have any campaign activity during the 2015 M5 reporting period, which was false. (ROI Exhibit 5)

11 Because Respondent’s campaign incurred an expenditure during the 2015 M5 reporting period, Respondent was statutorily required to file a 2015 M5 Report and was not entitled to file a waiver-of-report. Therefore, Respondent has not committed a violation of Section 106.07(7), Florida Statutes. However, Respondent committed a violation of Section 106.19(1)(c), Florida Statutes, when he failed to include information required by Chapter 106, Florida Statutes, by failing to report campaign expenditures in his 2015 M5 Report

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 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. 1<sup>st</sup> DCA 1995).



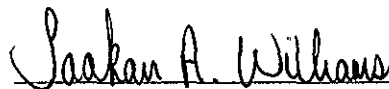
13. The facts set forth above show that Respondent is currently a candidate for the office of Mayor of West Melbourne for the 2016 election cycle, and he serves as his own campaign treasurer. Respondent failed to timely file his 2015 M5 Report on June 10, 2015, disclosing campaign activity. Instead, on June 25, 2015, Respondent filed a waiver-of-report for the 2015 M5 Report, indicating that he did not have any financial activity for the 2015 M5 reporting cycle, which was false.

Based upon these facts and circumstances, I recommend that the Commission find no probable cause to charge Respondent with violating Section 106.07(7), Florida Statutes. I further recommend the Commission find probable cause to charge Respondent with violating the following statutory provision:

**Count 1**

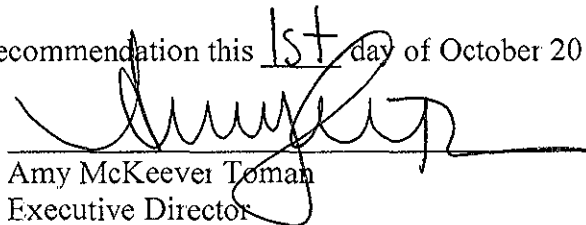
On or about June 10, 2015, Respondent violated Section 106.19(1)(c), Florida Statutes, when he falsely reported or deliberately failed to include information required by Chapter 106, Florida Statutes, by failing to report campaign expenditures by filing a 2015 M5 Report.

Respectfully submitted on October 1<sup>st</sup>, 2015.



Jaakan A. Williams  
Assistant General Counsel

I reviewed this Staff Recommendation this 1<sup>st</sup> day of October 2015.



Amy McKeever Toman  
Executive Director

**FLORIDA ELECTIONS COMMISSION**  
**REPORT OF INVESTIGATION**  
**Case No.: FEC 15-368**

**Respondent: Richard J. Venerable**  
Counsel for Respondent: n/a

**Complainant: Sue Frank**  
Counsel for Complainant: n/a

Pursuant to Section 106.25, Florida Statutes, on June 18, 2015, the Florida Elections Commission received a sworn complaint alleging that Respondent violated Chapter 106, Florida Statutes. The Commission staff 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; 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 is a candidate for the office of Mayor of West Melbourne, in the 2016 election. Respondent is a first-time candidate.
2. Complainant is the City Clerk for the city of West Melbourne, Florida.
3. Complainant serves as Respondent's filing officer.
4. On March 2, 2015, Respondent filed his Appointment of Campaign Treasurer and Designation of Campaign Depository (DS-DE 9) with his filing officer. Respondent appointed himself as his own campaign treasurer. Tracy Venerable was appointed as his deputy campaign treasurer. To view a copy of Respondent's DS-DE 9 form, refer to exhibit 1.
5. On June 15, 2015, Complainant mailed Respondent a failure-to-file letter via certified mail, informing him that the 2015 M5 Report had not been filed. This letter was sent to the address Respondent provided on his DS-DE 9 form (Exhibit 1). To view a copy of the June 15, 2015 failure-to-file letter with delivery receipt, refer to exhibit 2.
6. The allegations that Respondent failed to report campaign activity, or in the alternative, failed to notify the filing officer in writing, that no report would be filed for the 2015 M5 reporting period will be discussed in the following paragraphs.

## **II. Alleged Violation of Section 106.07(7), Florida Statutes:**

7 I investigated whether Respondent violated this section of the election laws by failing to timely notify the filing officer, in writing, that no report would be filed due to not receiving any contributions or making any expenditures during the 2015 M5 reporting period.

8. On August 4, 2015, I subpoenaed Respondent's campaign account records from TD Bank, the campaign depository listed on Respondent's DS-DE 9 form (Exhibit 1). These records reflect that on May 8, 2015, Respondent had an "ACH DEBIT" in the amount of \$11.95 from his depository<sup>1</sup>. To view a copy of the monthly bank statement that included this expenditure, refer to exhibit 3.

9. Based upon a review of Respondent's campaign account records, it appears Respondent was not required to notify their filing officer in writing that no report would be filed for the 2015 M5 reporting period; there was activity during this period. It appears that Respondent was required to disclose this activity by filing a 2015 M5 Report. To view a copy of the bank statements covering the 2015 M5 reporting period, refer to exhibit 3

10 In an August 7, 2015 response letter, Respondent stated, "I would take full responsibility for neglecting to file the proper paperwork for the months of March, April, and May. As I would love to have a specific reason, the facts are that I have been extremely busy in a new job and I failed to follow up on whether the forms had been filled out and delivered to the West Melbourne City Clerk's office. I am new to the intricacies of Florida politics, but learning every day. I assure you that this lack of oversight on my part was a fluke and will not happen again in the future". To view a copy of the August 7, 2015 response letter, refer to exhibit 4

11. On June 25, 2015, Respondent filed a waiver for the 2015 M5 reporting period. This notice declared no activity occurred during the 2015 M5 reporting period. To view a copy of the waiver for the 2015 M5 reporting period, refer to exhibit 5

12. There is a record that Respondent has previously been investigated for violating this section of the election laws

## **III. Alleged Violation of Section 106.19(1)(c), Florida Statutes:**

13 I investigated whether Respondent violated this section of the election laws by falsely reporting or deliberately failing to include information required by Chapter 106, Florida Statutes, when he failed to file a treasurer's report, or written notice to the filing officer that no report would be filed due to lack of reportable activity during the 2015 M5 reporting period, on the prescribed reporting date.

14. Based upon Respondent's campaign account records, it appears that Respondent was required to file a 2015 M5 Report that reflected an expenditure of \$11.95 for a box of checks from his depository. To view a copy of the monthly bank statements that include this transaction, refer to exhibit 3.

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<sup>1</sup> The 2015 M5 reporting period covers the time period of May 1, 2015 through May 31, 2015

15. To review the circumstances regarding Respondent's expenditure activity, refer to paragraphs 7 through 11 of this report.

16. There is a record that Respondent has previously been investigated for violating this section of the election laws.

### **FEC History**

17. Respondent has been involved in a total of three FEC investigations. All of these cases will be presented to the Commission during the November 2015 meeting: 15-344, 15-354, and 15-368.

### **Conclusion:**


18. In a final interview, Respondent advised me that he is a first-time candidate that "screwed up by relying on someone else to do my reporting for me. I should've been going behind him but I was working out of state and I was rarely home. That's my own fault and I take full responsibility".

19. On March 2, 2015, Respondent signed a "2016 Announced Candidate Information Checklist" form acknowledging receipt of Chapter 106, Florida Statutes on Campaign Financing, Candidate and Campaign Treasurer Handbook, Reporting Dates for Campaign Treasurer Reports, as well as other various election materials. To view a copy of the "2016 Announced Candidate Information Checklist", refer to exhibit 6.

20. On March 2, 2015, Respondent filed his Statement of Candidate for Mayor acknowledging that he had been provided access to read and understand the requirements of Chapter 106, Florida Statutes. To view a copy of the Statement of Candidate, refer to exhibit 7.

21. In a July 27, 2015 telephone interview, Respondent advised me that he had read Chapter 106, Florida Statutes, and the Candidate and Campaign Treasurer Handbook. Respondent also stated that he had a copy of the Calendar of Reporting Dates.

Respectfully submitted on September 17, 2015.



Cedric Oliver  
Investigation Specialist

**Current address of Respondent**

Mr. Richard J Venerable  
255 Bry-Lynn Drive  
West Melbourne, F1 32904

**Current address of Complainant**

Ms. Sue Frank  
2240 Minton Road  
West Melbourne, F1 32904

**Name and Address of Filing Officer:**

Ms. Sue Frank  
City Clerk  
2240 Minton Road  
West Melbourne, F1 32904

Copy furnished to: Mr. David Flagg, Investigations Manager

**FLORIDA ELECTIONS COMMISSION**  
**REPORT OF INVESTIGATION**  
**Richard Venerable -- FEC 15-368**

<b>LIST OF EXHIBITS</b>	
<b>Exhibits #s</b>	<b>Description of Exhibits</b>
Exhibit 1	Respondent's DS-DE 9 form
Exhibit 2	June 15, 2015 failure-to-file letter with delivery confirmation
Exhibit 3	Monthly bank statements from Respondent's campaign depository
Exhibit 4	August 7, 2015 response letter
Exhibit 5	Waiver of Report for the 2015 M5 reporting period
Exhibit 6	2016 Announced Candidate Information Checklist
Exhibit 7	Statement of Candidate

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

(Section 106 021(1), F.S.)

(PLEASE PRINT OR TYPE)

SEP 11 '15 PM 12:23

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)

Richard J Venerable

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

255 Bry-Lynn Drive  
West Melbourne, FL 32904

**4 Telephone**

(321 ) 213-3558

**5 E-mail address**

RikV08@aol.com

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

Mayor

**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**

Richard J Venerable

**11 Mailing Address**

255 Bry-Lynn Drive

**12 Telephone**

( 321 ) 213-3558

**13 City**

West Melbourne

**14 County**

Brevard

**15 State**

FL

**16 Zip Code**

32904

**17 E-mail address**

RikV08@aol.com

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

**19 Name of Bank**

TD Bank

**20 Address**

**21 City**

**22 County**

**23 State**

**24 Zip Code**

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**

September 11, 2015

**26 Signature of Candidate**

X 

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

I, Richard J Venerable, do hereby accept the appointment  
(Please Print or Type Name)

designated above as:     Campaign Treasurer     Deputy Treasurer.

September 11, 2015

Date

X 

Signature of Campaign Treasurer or Deputy Treasurer

**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.

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)

Richard J Venerable

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

255 Bry-Lynn Drive  
West Melbourne FL 32904

4. Telephone

(321) 213-3558

5. E-mail address

RikV@8@aol.com

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

Mayor

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

Tracy Venerable

11 Mailing Address

255 Bry-Lynn Drive

12. Telephone

(321) 480-5753

13 City

West Melbourne

14. County

Brevard

15. State

FL

16. Zip Code

32904

17 E-mail address

TBrisco572@aol.com

18 I have designated the following bank as my

Primary Depository

Secondary Depository

19 Name of Bank

T D Bank

20. Address

21 City

22. County

23. State

24. Zip Code

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

March 2, 2015

26. Signature of Candidate

X 

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

I, Tracy Venerable, do hereby accept the appointment  
(Please Print or Type Name)

designated above as:

Campaign Treasurer

Deputy Treasurer.

March 2, 2015

Date

X

Tracy Venerable  
Signature of Campaign Treasurer or Deputy Treasurer



MAYOR  
Hal J. Rose

DEPUTY MAYOR  
Bill Mettrick

COUNCIL MEMBERS  
Pat Bentley  
Stephany Eley  
Barbara A. Smith  
John "Coach" Tice  
Andrea Young



City Council/Clerk Department  
Sue Frank, City Clerk  
CITY HALL  
2240 Minton Road  
West Melbourne, FL 32904  
Phone: (321) 837-7774  
Fax: (321) 768-2390  
www.westmelbourne.org

June 15, 2015

Mr. Richard J. Venerable  
255 Bry-Lynn Drive  
West Melbourne, FL 32904

**CERTIFIED/RETURN RECEIPT REQUESTED**

Dear Mr. Venerable:

Your campaign treasurer's report, which was due on June 10, 2015, covering the period running from May 1, 2015 through May 30, 2015 has not been received. I still have not received your previous monthly reports that were due on April 10, 2015 and May 11, 2015. As a reminder, every month I must receive either the Campaign Treasurer's Report Summary, including the itemized contributions and itemized expenditures or a Waiver of Report.

Once your report has been received, this office will notify you of the specific amount of your fine as explained in Section 106.07(8)(b), *Florida Statutes*. All fines must be paid from the candidate's personal funds.

Failure to file a report is a violation of Section 106.19(1)(b) *Florida Statutes* and is guilty of a misdemeanor of the first degree, punishable as provided in Section 775.083 *Florida Statutes*, which includes a fine not to exceed \$1,000.00.

As the filing officer for the City of West Melbourne, per Section 106.0702(7)(d) *Florida Statutes*, I am required to notify the Florida Elections Commission of the late filing, or failure to file the required monthly Campaign Contribution Reports.

If you have any questions, please feel free to contact me at 321-837-7774.

Sincerely,

A handwritten signature in cursive script that reads "Sue Frank".

Sue Frank, CMC  
City Clerk

cc: Regular U.S. Mail; and email to: Rik08@aol.com

**EXHIBIT** 2(1 of 2)

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p><i>x Venerable</i></p>
<p>1. Article Addressed to:</p> <p>Mr. Richard J. Venerable 255 Bry-Lynn Drive West Melbourne, FL 32904</p>	<p>B. Received by (Printed Name) <i>Tracy Venerable</i></p> <p>C. Date of Delivery <i>6/17/15</i></p>
<p>2. Article Number (Transfer from service label)</p>	<p>D. Is delivery address different from Item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p>
<p>PS Form 3811, February 2004</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>7014 2120 0000 4448 7729</p>	
<p>Domestic Return Receipt 102555-02-M-1540</p>	

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

7014 2120 0000 4448 7729

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Sent To: Mr. Richard J Venerable  
Street & Apt. No., or PO Box No.: 255 Bry-Lynn Drive  
City, State, ZIP+4: West Melbourne, FL 32904

Postmark: WEST MELBOURNE FLORIDA 32904-9998 JUN 15 2015

PS Form 3800, July 2014 See Reverse for Instructions

EXHIBIT 2(2 of 2)



**Bank**

America's Most Convenient Bank®

T

STATEMENT OF ACCOUNT

RIK VENERABLE  
TRACY D VENERABLE  
CAMPAIGN ACCOUNT  
255 BRY LYNN DR  
WEST MELBOURNE FL 32904-3809

Page: 1 of 2  
Statement Period: Apr 24 2015-May 20 2015  
Cust Ref #: [REDACTED]  
Primary Account #: [REDACTED]

TD Simple Checking  
RIK VENERABLE  
TRACY D VENERABLE  
CAMPAIGN ACCOUNT

Account # [REDACTED]

ACCOUNT SUMMARY

Beginning Balance	0 00	Average Collected Balance	559.80
Deposits	610 00	Annual Percentage Yield Earned	0 00%
		Days in Period	27
Electronic Payments	11 95		
Ending Balance	598 05		

DAILY ACCOUNT ACTIVITY

Deposits			AMOUNT
POSTING DATE	DESCRIPTION		
4/24	DEPOSIT		610 00
Subtotal:			610.00

Electronic Payments			AMOUNT
POSTING DATE	DESCRIPTION		
5/8	ACH DEBIT HARLAND CLARKE CHK ORDERS *YGA***603741L 7		11 95
Subtotal:			11.95

DAILY BALANCE SUMMARY

DATE	BALANCE	DATE	BALANCE
4/24	0 00	5/8	598 05
4/24	610 00		

Call 1-800-937-2000 for 24-hour Bank-by-Phone services or connect to [www.tdbank.com](http://www.tdbank.com)

Bank Deposits FDIC Insured | TD Bank N.A. | Equal Housing Lender



EXHIBIT 3(1 of 4)

# How to Balance your Account

Begin by adjusting your account register as follows:

- 1 Your ending balance shown on this statement is:
  - 2 List below the amount of deposits or credit transfers which do not appear on this statement Total the deposits and enter on Line 2
  - 3 Subtotal by adding lines 1 and 2
  - 4 List below the total amount of withdrawals that do not appear on this statement Total the withdrawals and enter on Line 4
  - 5 Subtract Line 4 from 3 This adjusted balance should equal your account balance
- ⓐ Subtract any services charges shown on this statement
  - ⓑ Subtract any automatic payments, transfers or other electronic withdrawals not previously recorded
  - ⓒ Add any interest earned if you have an interest-bearing account
  - ⓓ Add any automatic deposit or overdraft line of credit
  - ⓔ Review all withdrawals shown on this statement and check them off in your account register
  - ⓕ Follow instructions 2-5 to verify your ending account balance

1	Ending Balance	598.05
2	Total Deposits	
3	Sub Total	
4	Total Withdrawals	
5	Adjusted Balance	

2	DEPOSITS NOT ON STATEMENT	DOLLARS	CENTS
	Total Deposits		2

4	WITHDRAWALS NOT ON STATEMENT	DOLLARS	CENTS
	Total Withdrawals		4

	WITHDRAWALS NOT ON STATEMENT	DOLLARS	CENTS
	Total Withdrawals		4

**FOR CONSUMER ACCOUNTS ONLY IN CASE OF ERRORS OR QUESTIONS ABOUT YOUR ELECTRONIC FUNDS TRANSFERS:**

If you need information about an electronic fund transfer or if you believe there is an error on your bank statement or receipt relating to an electronic fund transfer, telephone the bank immediately at the phone number listed on the front of your statement or write to:

TD Bank N.A., Deposit Operations Dept P O Box 1377 Lewiston Maine 04243-1377

We must hear from you no later than sixty (60) calendar days after we sent you the first statement upon which the error or problem first appeared. When contacting the Bank please explain as clearly as you can why you believe there is an error or why more information is needed. Please include:

- ⓐ Your name and account number.
- ⓑ A description of the error or transaction you are unsure about
- ⓒ The dollar amount and date of the suspected error.

When making a verbal inquiry, the Bank may ask that you send us your complaint in writing within ten (10) business days after the first telephone call.

We will investigate your complaint and will correct any error promptly. If we take more than ten (10) business days to do this, we will credit your account for the amount you think is in error, so that you have the use of the money during the time it takes to complete our investigation.

**INTEREST NOTICE**

Total interest credited by the Bank to you this year will be reported by the Bank to the Internal Revenue Service and State tax authorities. The amount to be reported will be reported separately to you by the Bank.

**FOR CONSUMER LOAN ACCOUNTS ONLY BILLING RIGHTS SUMMARY**

In case of Errors or Questions About Your Bill:

If you think your bill is wrong or if you need more information about a transaction on your bill write us at P.O. Box 1377, Lewiston, Maine 04243-1377 as soon as possible. We must hear from you no later than sixty (60) days after we sent you the FIRST bill on which the error or problem appeared. You can telephone us, but doing so will not preserve your rights. In your letter give us the following information:

- ⓐ Your name and account number.
- ⓑ The dollar amount of the suspected error.
- ⓒ Describe the error and explain, if you can, why you believe there is an error. If you need more information, describe the item you are unsure about.

You do not have to pay any amount in question while we are investigating, but you are still obligated to pay the parts of your bill that are not in question. While we investigate your question, we cannot report you as delinquent or take any action to collect the amount you question.

**FINANCE CHARGES.** Although the Bank uses the Daily Balance method to calculate the finance charge on your Moneyline/Overdraft Protection account (the term "ODP" or "OD" refers to Overdraft Protection), the Bank discloses the Average Daily Balance on the periodic statement as an easier method for you to calculate the finance charge. The finance charge begins to accrue on the date advances and other debits are posted to your account and will continue until the balance has been paid in full. To compute the finance charge, multiply the Average Daily Balance times the Days in Period times the Daily Periodic Rate (as listed in the Account Summary section on the front of the statement). The Average Daily Balance is calculated by adding the balance for each day of the billing cycle, then dividing the total balance by the number of Days in the Billing Cycle. The daily balance is the balance for the day after advances have been added and payments or credits have been subtracted plus or minus any other adjustments that might have occurred that day. There is no grace period during which no finance charge accrues. Finance charge adjustments are included in your total finance charge.

EXHIBIT 3(2 of 4)



**Bank**

America's Most Convenient Bank®

T

STATEMENT OF ACCOUNT

RIK VENERABLE  
TRACY D VENERABLE  
CAMPAIGN ACCOUNT  
255 BRY LYNN DR  
WEST MEL BOURNE FL 32904-3809

Page: 1 of 2  
Statement Period: May 21 2015-Jun 20 2015  
Cust Ref #: [REDACTED]  
Primary Account #: [REDACTED]

TD Simple Checking  
RIK VENERABLE  
TRACY D VENERABLE  
CAMPAIGN ACCOUNT

Account # [REDACTED]

ACCOUNT SUMMARY

Beginning Balance	598 05	Average Collected Balance	598.05
Service Charges	6 99	Annual Percentage Yield Earned	0 00%
Ending Balance	591 06	Days in Period	31

DAILY ACCOUNT ACTIVITY

POSTING DATE	DESCRIPTION	AMOUNT
6/19	MAINTENANCE FEE	5 99
6/19	PAPER STATEMENT FEE	1 00
Subtotal:		6.99

DAILY BALANCE SUMMARY

DATE	BALANCE
5/20	598 05
6/19	591 06

Call 1-800-937-2000 for 24-hour Bank-by-Phone services or connect to [www.tdbank.com](http://www.tdbank.com)

Bank Deposits FDIC Insured | TD Bank N.A. | Equal Housing Lender



EXHIBIT 3(3 of 4)

# How to Balance your Account

Begin by adjusting your account register as follows:

- ⊗ Subtract any services charges shown on this statement
- ⊗ Subtract any automatic payments, transfers or other electronic withdrawals not previously recorded
- ⊗ Add any interest earned if you have an interest-bearing account
- ⊗ Add any automatic deposit or overdraft line of credit
- ⊗ Review all withdrawals shown on this statement and check them off in your account register.
- ⊗ Follow instructions 2-5 to verify your ending account balance

- 1 Your ending balance shown on this statement is:
- 2 List below the amount of deposits or credit transfers which do not appear on this statement Total the deposits and enter on Line 2
- 3 Subtotal by adding lines 1 and 2
- 4 List below the total amount of withdrawals that do not appear on this statement Total the withdrawals and enter on Line 4
- 5 Subtract Line 4 from 3 This adjusted balance should equal your account balance

1	Ending Balance	591.06
2	Total Deposits	
3	Sub Total	
4	Total Withdrawals	
5	Adjusted Balance	

2

DEPOSITS NOT ON STATEMENT	DOLLARS	CENTS
Total Deposits		2

4

WITHDRAWALS NOT ON STATEMENT	DOLLARS	CENTS
Total Withdrawals		4

WITHDRAWALS NOT ON STATEMENT	DOLLARS	CENTS
Total Withdrawals		4

**FOR CONSUMER ACCOUNTS ONLY IN CASE OF ERRORS OR QUESTIONS ABOUT YOUR ELECTRONIC FUNDS TRANSFERS:**

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When making a verbal inquiry, the Bank may ask that you send us your complaint in writing within ten (10) business days after the first telephone call.

We will investigate your complaint and will correct any error promptly. If we take more than ten (10) business days to do this, we will credit your account for the amount you think is in error, so that you have the use of the money during the time it takes to complete our investigation.

**INTEREST NOTICE**

Total interest credited by the Bank to you this year will be reported by the Bank to the Internal Revenue Service and State tax authorities. The amount to be reported will be reported separately to you by the Bank.

**FOR CONSUMER LOAN ACCOUNTS ONLY BILLING RIGHTS SUMMARY**

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- ⊗ Your name and account number.
- ⊗ The dollar amount of the suspected error.
- ⊗ Describe the error and explain, if you can, why you believe there is an error. If you need more information, describe the item you are unsure about.

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**FINANCE CHARGES.** Although the Bank uses the Daily Balance method to calculate the finance charge on your Money line/Overdraft Protection account (the term "ODP" or "OD" refers to Overdraft Protection), the Bank discloses the Average Daily Balance on the periodic statement as an easier method for you to calculate the finance charge. The finance charge begins to accrue on the date advances and other debits are posted to your account and will continue until the balance has been paid in full. To compute the finance charge, multiply the Average Daily Balance times the Days in Period times the Daily Periodic Rate (as listed in the Account Summary section on the front of the statement). The Average Daily Balance is calculated by adding the balance for each day of the billing cycle then dividing the total balance by the number of Days in the Billing Cycle. The daily balance is the balance for the day after advances have been added and payments or credits have been subtracted plus or minus any other adjustments that might have occurred that day. There is no grace period during which no finance charge accrues. Finance charge adjustments are included in your total finance charge.

EXHIBIT 3(4 of 4)

15-368 ✓



Dear Florida Election Commission

This letter is in response to your letter received on July 24<sup>th</sup>.

I would take full responsibility for neglecting to file the proper paperwork for the months of March, April and May. As I would love to have a specific reason, the facts are that I have been extremely busy in a new job and I failed to follow up on whether the forms had been filled out and delivered to the West Melbourne City Clerk's office.

I am new to the intricacies of Florida politics, but learning every day. I assure you that this lack of oversight on my part was a fluke and will not happen again in the future. I have spoken to Mr. Cedric Oliver and have stated to him the same.

I again give my apologizes and my hopes are to continue my endeavor to become involved in my city's greatness.

Sincerely

Richard Venerable  
255 Bry Lynn Drive  
West Melbourne, FL 32904  
321-213-3558  
[Rikv08@aol.com](mailto:Rikv08@aol.com)

RECEIVED  
JUL 27 10 46 AM  
2015

EXHIBIT 4

From:

# WAIVER OF REPORT

(Section 106.07(7), F.S.)

(PLEASE TYPE)

JUN 25 '15 AM 10:59

OFFICE USE ONLY

Richard Venerable

West Melbourne Mayor

Name

Office Sought

255 Bry Lynn Drive

West Melbourne FL 32904

Address

City

State

Zip Code

Candidate

Political Committee

Party Executive Committee

NOTE: This form does not apply to an electioneering communications organization (ECO). An ECO must file a report (not a waiver) that no reportable contributions or expenditures were made during the reporting period (s. 106.0703(6), F.S.)

Check here if address has changed since last report

Check here if PC has DISBANDED and will no longer file reports

### TYPE OF REPORT (Check Appropriate Box and Complete Applicable Line beneath Box)

MONTHLY REPORT

PRIMARY ELECTION

GENERAL ELECTION

OTHER REPORT TYPE

Indicate report #

M 5

Indicate report #

P \_\_\_\_\_

Indicate report #

G \_\_\_\_\_

Indicate report type and # as applicable:

TERMINATION REPORT

SPECIAL ELECTION

### NOTIFICATION OF NO ACTIVITY IN CAMPAIGN ACCOUNT FOR THE REPORTING PERIOD OF

05/01/2015

THROUGH 05/31/2015

X

Signature

Date

X

Signature

Date

### REQUIRED SIGNATURES FOR

Candidates:

Candidate and Campaign Treasurer or Deputy Treasurer (s. 106.07(5) F.S.)

Political Committees:

Chairman and Campaign Treasurer or Deputy Treasurer (s. 106.07(5) F.S.)

Party Executive Committees:

Treasurer and Chairman (s. 106.29(2) F.S.)

Except as noted above for an ECO in any reporting period when there has been no activity in the account (no funds expended or received) the filing of the required report is waived. However, the filing officer must be notified in writing on the prescribed reporting date that no report is being filed.





**2016 Announced Candidate Information Checklist**

1. Richard J Venerable, candidate for the Office of

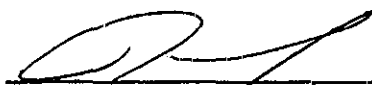
(Circle one of the following)

**Mayor**

**City Council Member**

acknowledge receipt of the following:

1. City of West Melbourne Election Information Handout
2. Chapter 106, Florida Statutes, on Campaign Financing
3. Candidate and Campaign Treasurer Handbook
4. Reporting Dates for Campaign Treasurer Reports and copies of forms
5. City of West Melbourne Charter and Code of Ordinances relating to elections
6. Nominating Petition forms
7. City of West Melbourne Political Sign Regulations
8. Polling Place Activities on Election Day
9. Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees
10. Voter Registration List for West Melbourne will be available from the City Clerk at the end of July 2016. Prior to July 2016, a copy may be obtained from the Brevard County Supervisor of Elections.

  
\_\_\_\_\_  
Signature of Candidate

<sup>RV</sup>  
2-3-15  
\_\_\_\_\_  
Date

2/5/2015

EXHIBIT 6

**STATEMENT OF  
CANDIDATE**

(Section 106.023, F.S.)

(Please print or type)

OFFICE USE ONLY

I, Richard J Venerable,

candidate for the office of Mayor;

have been provided access to read and understand the requirements of  
Chapter 106, Florida Statutes.

X   
Signature of Candidate

March 2, 2015  
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).

15-368 ✓ ER  
15-354  
15-344

Dear Florida Election Commission

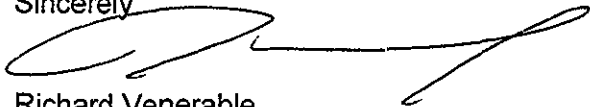
This letter is in response to your letter received on July 24<sup>th</sup>.

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I again give my apologizes and my hopes are to continue my endeavor to become involved in my city's greatness.

Sincerely



Richard Venerable  
255 Bry Lynn Drive  
West Melbourne, FL 32904  
321-213-3558  
[Rikv08@aol.com](mailto:Rikv08@aol.com)

RECEIVED  
2015 AUG -7 A 9 54  
FLORIDA ELECTION COMMISSION

EXHIBIT \_\_\_\_\_



**FLORIDA ELECTIONS COMMISSION**

**107 W. Gaines Street,  
Suite 224 Collins Building  
Tallahassee, Florida 32399-1050  
Telephone: (850) 922-4539  
Fax: (850) 921-0783**

July 21, 2015

Richard J. Venerable  
255 Bry-Lynn Drive  
West Melbourne, FL 32904

**RE: Case No.: FEC 15-368; Respondent: Richard J. Venerable**

Dear Mr. Venerable:

On June 18, 2015, 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 failed to notify the filing officer on the prescribed reporting date that no report would be filed on that date because it had not received funds, made contributions, or expended reportable funds during the following reporting period:

- 2015 M5 (May 1-May 30)

**Section 106.19(1)(c), Florida Statutes:** As alleged in the complaint, Respondent may have falsely reported or deliberately failed to include information required by Chapter 106, Florida Statutes, when it failed to file a report on the prescribed reporting date for the following reporting period:

- 2015 M5 (May 1-May 30)

You may respond to the allegations above by filing a notarized statement providing any information regarding the facts and circumstances surrounding the allegations. Your response will be included as an attachment to the investigator's report.

When we conclude the investigation, a copy of the Report of Investigation will be mailed to you at the above address. You may file a response to the report within 14 days from the date the report is mailed to you. Based on the results of the investigation, legal staff will make a written

recommendation to the Commission on whether there is probable cause to believe you have violated Chapter 104 or 106, Florida Statutes. A copy of the Staff Recommendation will be mailed to you and you may file a response within 14 days from the date the recommendation is mailed to you. Your timely filed response(s) will be considered by the Commission when determining probable cause.

The Commission will then hold a hearing to determine whether there is probable cause to believe you have violated Chapters 104 or 106, Florida Statutes. You and the complainant will receive a notice of hearing at least 14 days before the hearing. The notice of hearing will indicate the location, date, and time of your hearing. You will have the opportunity to make a brief oral statement to the Commission, but you will not be permitted to testify or call others to testify, or introduce any documentary or other evidence.

At any time before a probable cause finding, you may notify us in writing that you want to enter into negotiations directed towards reaching a settlement via consent agreement.

**The Report of Investigation, Staff Recommendation, and Notice of Hearing will be mailed to the above address as this letter. Therefore, if your address changes, you must notify this office of your new address. Otherwise, you may not receive these important documents. Failure to receive the documents will not delay the probable cause hearing.**

Under section 106.25, Florida Statutes, complaints, Commission investigations, investigative reports, and other documents relating to an alleged violation of Chapters 104 and 106, Florida Statutes, are confidential until the Commission finds probable cause or no probable cause. The confidentiality provision does not apply to the person filing the complaint. However, it does apply to you unless you waive confidentiality in writing. The confidentiality provision does not preclude you from seeking legal counsel. However, if you retain counsel, your attorney must file a notice of appearance with the Commission before any member of the Commission staff can discuss this case with him or her.

If you have any questions or need additional information, please contact **Cedric Oliver**, the investigator assigned to this case.

Sincerely,

  
Amy McKeever Toman  
Executive Director

AMI/enr

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

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

RECEIVED

2015 JUN 18 10:12

CONFIDENTIAL COMPLAINT FORM

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: Sue Frank Work Phone: (321) 837-7774  
Address: 2240 Minton Road Home Phone: (321) 837-7774  
City: West Melbourne County: Brevard State: FL Zip Code: 32904

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: Richard J. Venerable  
Address: 255 Bry-Lynn Drive Phone: (321) 213-3558  
City: West Melbourne County: Brevard State: FL Zip Code: 32904

If individual is a candidate, list the office or position sought: Mayor of West Melbourne

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

3. ALLEGED VIOLATION(S):

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

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

Pursuant to Florida Statutes 106.07 (8)(d) Mr. Venerable has not submitted a Campaign Finance contribution/expenditure report, or a Waiver of Report for the period covering May 1 - May 31, 2015. He still has not submitted his previous reports that were due on April 10 and May 11, 2015.

I have sent him a letter (copy attached) by regular U.S. mail, certified/return receipt requested mail and email.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Additional materials attached (check one)?  Yes  No

**4. OATH**

**STATE OF FLORIDA**  
**COUNTY OF** Brevard

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

RECEIVED  
2015 JUN 18 10:33  
CLERK OF COUNTY COURT  
BREVARD COUNTY, FLORIDA

Sue Frank

**Original Signature of Person Bringing Complaint**

Sworn to and subscribed before me this 15th day of  
June, 20 15



Christine D. Pennington  
Signature of Officer Authorized to Administer Oaths or Notary public

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

Personally known X 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

MAYOR  
Hal J Rose

DEPUTY MAYOR  
Bill Mettrick

COUNCIL MEMBERS  
Pat Bentley  
Stephany Eley  
Barbara A. Smith  
John "Coach" Tice  
Andrea Young



City Council/Clerk Department  
Sue Frank, City Clerk  
CITY HALL  
2240 Minton Road  
West Melbourne, FL 32904  
Phone: (321) 837-7774  
Fax: (321) 768-2390  
www.westmelbourne.org

June 15, 2015

Mr. Richard J. Venerable  
255 Bry-Lynn Drive  
West Melbourne, FL 32904

**CERTIFIED/RETURN RECEIPT REQUESTED**

Dear Mr. Venerable:

Your campaign treasurer's report, which was due on June 10, 2015, covering the period running from May 1, 2015 through May 30, 2015 has not been received. I still have not received your previous monthly reports that were due on April 10, 2015 and May 11, 2015. As a reminder, every month I must receive either the Campaign Treasurer's Report Summary, including the itemized contributions and itemized expenditures or a Waiver of Report.

Once your report has been received, this office will notify you of the specific amount of your fine as explained in Section 106.07(8)(b), *Florida Statutes*. All fines must be paid from the candidate's personal funds.

Failure to file a report is a violation of Section 106.19(1)(b) *Florida Statutes* and is guilty of a misdemeanor of the first degree, punishable as provided in Section 775.083 *Florida Statutes*, which includes a fine not to exceed \$1,000.00.

As the filing officer for the City of West Melbourne, per Section 106.0702(7)(d) *Florida Statutes*, I am required to notify the Florida Elections Commission of the late filing, or failure to file the required monthly Campaign Contribution Reports.

If you have any questions, please feel free to contact me at 321-837-7774.

Sincerely,

A handwritten signature in cursive script that reads "Sue Frank".

Sue Frank, CMC  
City Clerk

cc: Regular U.S. Mail; and email to: Rik08@aol.com