

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

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STATE OF FLORIDA
ELECTIONS COMMISSION

In Re: Florida Police Benevolent Association
Justice PAC and Ernest W. George,
Chairman

Case No.: FEC 99-297
F.O. No.: DOSFEC 01-190 W

ORDER OF NO PROBABLE CAUSE

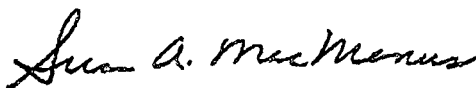
THIS CAUSE came on to be heard by the Florida Elections Commission at its regularly scheduled meeting held on May 9 and 10, 2001, in Orlando, Florida.

After considering the Statement of Findings and the recommendations of counsel, the Commission finds that there is:

No probable cause to believe that the Respondent violated Section 106.087(2), Florida Statutes, prohibiting a political committee that accepts the use of public resources from making independent expenditures to support or oppose candidates or public officials.

Therefore, it is **ORDERED** that this case is **DISMISSED**.

DONE AND ENTERED by the Florida Elections Commission and filed with the Clerk of the Commission on May 22, 2001, in Tallahassee, Florida.



Susan A. MacManus, Chairman
Florida Elections Commission
Room 2002, The Capitol
Tallahassee, FL 32399-1050

NOTICE OF RIGHT TO APPEAL

Pursuant to Section 120.68, Florida Statutes, the Respondent may appeal the Commission's final order to the appropriate district court of appeals by filing a notice of appeal both with the Clerk of the Florida Elections Commission and the Clerk of the district court of

appeals. The notice must be filed within 30 days of the date this final order was filed with the Clerk of the Commission and must be accompanied by the appropriate filing fee.

Copies furnished to:

Phyllis Hampton, General Counsel
G. "Hal" Johnson, Attorney for Respondent
Florida Police Benevolent Assoc., Justice PAC
Ernest W. George, Chairman Respondent
Dan O'Connell, Complainant
Department of State, Division of Elections, Filing Officer

Attachment: Statement of Findings

FLORIDA ELECTIONS COMMISSION
STATEMENT OF FINDINGS
Case Number: FEC 99-297

**Respondent: Florida Police Benevolent Association Justice PAC; and
Ernest W. George, Chairman**

Complainant: Dan O'Connell

On November 1, 1999, the Florida Elections Commission received a sworn complaint alleging that the Respondent violated Chapter 106, Florida Statutes. The Commission staff investigated the allegations and, based on the facts and conclusions of law contained in the Complaint, the Report of Investigation, and this Statement, the staff recommends that the Commission find that there is:

No probable cause to believe that the Respondent violated Section 106.087(2), Florida Statutes, prohibiting a political committee that accepts the use of public resources from making independent expenditures to support or oppose candidates or public officials.

Summary of Facts and Conclusions of Law

1. Respondent is a political committee that filed its statement of organization with the Division of Elections on July 31, 1997. According to its statement of organization, it is affiliated with the Florida Police Benevolent Association, Inc.; the Florida Police Benevolent Association PAC; and the Florida Police Benevolent Association Law and Order PAC. Ernest W. George has been the chairman of the Florida Police Benevolent Association Justice PAC since its inception.

2. Complainant is a former television and radio personality in Bradenton. Complainant supported the candidacy of the city's incumbent mayor, Bill Evers. Evers was defeated in a runoff election on November 23, 1999 and was opposed by the Respondent. The Complainant also filed the complaint in FEC 99-298 alleging that the Firefighters and Paramedics for Public Safety also violated Section 106.087(2), Florida Statutes, when it opposed Bill Evers.

3. Complainant alleged that the Respondent violated Section 106.087(2), Florida Statutes, by having it dues collected by the City of Bradenton and then making independent expenditures to oppose the candidacy of Bill Evers. According to the Complainant, the City of Bradenton forwarded the dues to the "PBA in Tallahassee." Section 106.087(2) prohibits a political committee that accepts the use of public resources from making independent expenditures to support or oppose candidates.

4. Commission staff contacted G. "Hal" Johnson, General Counsel for the PBA Justice PAC, who, in a November 23, 1999 letter, informed Commission staff that the PBA Justice PAC "is funded by dues from members who are individually billed by the Association

and pay their dues directly to the Association.”

5. Attached to the November 23, 1999, letter was an affidavit from Ken Kopczynski, a PBA employee charged with the administration of the PBA Justice PAC, attesting to the truth of the contents of Mr. Johnson’s letter.

6. Mr. Johnson provided Commission staff with : 1) a copy of a dues statement (sent directly to, and returned by, the member to whom it is addressed); 2) a screen print of the computer program used to generate the bills sent directly to the members; 3) a copy of a “late payment” letter sent directly to the members; and, 4) a copy of a letter sent directly to members who fail to pay their dues within the time allowed terminating membership.

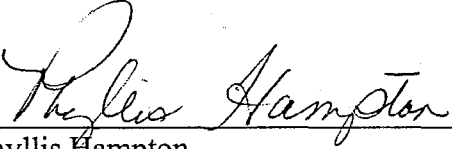
7. Under these circumstances, it does not appear that the Respondent violated Section 106.087(2), Florida Statutes, since the political committee does not use public resources to collect dues from its members.

8. During the course of the investigation, Commission staff learned that the Respondent’s state organization, the Florida Police Benevolent Association, Inc., collects dues from the association’s members. As stated in Paragraph 6, some of the dues are collected by the association directly from the members. When dues are collected by the association directly from the members, \$4.00 per member is contributed by the association to the Florida Police Benevolent Association Justice PAC in the name of the member.¹ This appears to violate Section 106.08(5), Florida Statutes, which prohibits a person from making a contribution through or in the name of another. Based upon the campaign treasurer’s reports filed with the Division of Elections, the Florida Police Benevolent Association, Inc., contributed \$90,648.38 from individual members for dues to the Florida Police Benevolent Association Justice PAC in calendar year 1999.

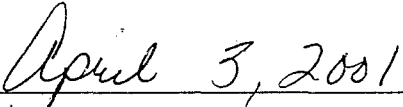
9. It appears that the Florida Police Benevolent Association, Inc., also violated Sections 106.08(1)(a) and 106.19(1)(d), Florida Statutes, which sections prohibit a person from making a contribution over \$500 to a political committee that supports candidates and prohibit anyone from making or authorizing any expenditures prohibited by Chapter 106, Florida Statutes, respectively. In addition, Section 106.19(1)(d), Florida Statutes, violations are subject to a civil penalty equal to three times the amount involved in the illegal act.

¹ Commission staff downloaded a copy of the Respondent’s 2nd quarter 1999 campaign contribution report from the Division of Elections web site. That report consisted of 99 pages with 5,908 \$4.00 contributions and one \$.72 contribution. Names of individuals were shown as the contributors and all the individuals had the same address, 300 East Brevard Street, Tallahassee, Florida, which is the address for the Florida Police Benevolent Association Building. According to the association’s General Counsel, G. “Hal” Johnson, the association was told by the Division of Elections that it could use its address as the individual contributors’ address since all of its members are law enforcement officers and exempt from showing their addresses under the Public Records Act, Chapter 119, Florida Statutes.

Respectfully submitted,



Phyllis Hampton
General Counsel



Date

Copy furnished to:

Barbara M. Linthicum, Executive Director
Keith Smith, Investigator Specialist