

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: Making a Better Tomorrow (PC)**

**Case No.: FEC 18-120**

**TO:** Jason Gonzalez, Esquire and Ben Gibson, Esquire  
Shutts & Bowen LLP  
215 South Monroe Street, Suite 804  
Tallahassee, FL 32301

Ronald G. Meyer, Esquire  
Meyer, Brooks, Blohm and Hearn, P.A.  
PO Box 1547  
Tallahassee, FL 32302

**NOTICE OF HEARING (INFORMAL HEARING)**

A hearing will be held in this case before the Florida Elections Commission **on August 26, 2020 at 8:30 am, EST**, or as soon thereafter as the parties can be heard.

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 GoToWebinar, 9-Digit Meeting ID 602-468-659, or via teleconference by dialing (866) 901-6455 and entering the meeting access code 515-462-864, when prompted. If you wish to speak before the Commission, you will need to appear by webcam and will be sworn in remotely. Please be advised that the Commission will consider multiple cases, so you will need to wait until your case is considered. If you have any questions, please contact Commission staff at (850) 922-4539.

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

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

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

**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 motions to dismiss 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. 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  
August 13, 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 **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.



# 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)



## **Commission Meeting August 26, 2020 at 8:30AM via GoToWebinar and OpenVoice**

In order to participate in the public portion of the August 26, 2020, Florida Elections Commission meeting, please follow the instructions below:

- A. GoToWebinar – Remote Video Conferencing
  1. Open your web browser and search GoToWebinar or enter [www.gotowebinar.com](http://www.gotowebinar.com)
  2. Select Join A Webinar in the upper right corner of the website
  3. Enter the 9-digit Webinar ID: 602-468-659  
And your email address
  4. Register your name and email address
  5. You will automatically join to the meeting as an attendee. Attendees are muted and can choose to their webcam.
  
- B. OpenVoice - Teleconference
  1. Call 1-866-901-6455
  2. Enter Audio Access Code 515-462-864
  3. You will automatically join the meeting as an attendee. Attendees are muted.

While this is a public 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.

You can call or email our office of your intent to participate or of any questions you may have regarding this meeting. Please provide the case number(s) when contacting our office.

Thank you,

Commission Staff

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: Making a Better Tomorrow (PC)**

**Case No.: FEC 18-120**

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**TO:** Jason Gonzalez, Esquire  
Shutts & Bowen LLP  
215 South Monroe Street, Suite 804  
Tallahassee, FL 32301

Ronald G. Meyer, Esquire  
Meyer, Brooks, Blohm and Hearn, P.A.  
PO Box 1547  
Tallahassee, FL 32302

**NOTICE OF HEARING (INFORMAL HEARING)**

A hearing will be held in this case before the Florida Elections Commission on August 26, 2020 at 8:30 am, EST, or as soon thereafter as the parties can be heard.

**Please note that because of COVID-19, this will be a virtual meeting conducted by remote video conference only. Prior to the meeting, the Commission office will send you a set of participant instructions, which will include login information for the meeting. Please be advised that the Commission will consider multiple cases that day, so you will need to wait until your case is considered. If you have questions, please contact Commission staff at (850) 922-4539.**

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

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

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

**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 motions to dismiss 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. 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  
July 28, 2020

cc: Ben Gibson, Esquire, Respondent's Co-Counsel



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 **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**

**In Re: Making a Better Tomorrow (PC)**

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**Case No.: FEC 18-120**

**TO:** Jason Gonzalez, Esquire  
Shutts & Bowen LLP  
215 South Monroe Street, Suite 804  
Tallahassee, FL 32301

Ronald G. Meyer, Esquire  
Meyer, Brooks, Blohm and Hearn, P.A.  
PO Box 1547  
Tallahassee, FL 32302

**NOTICE OF CANCELLATION OF HEARING (INFORMAL HEARING)**

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

cc: Ben Gibson, Co-Counsel for Respondent

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: Making a Better Tomorrow (PC)**

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**Case No.: FEC 18-120**

**TO:** Jason Gonzalez, Esquire  
Shutts & Bowen LLP  
215 South Monroe Street, Suite 804  
Tallahassee, FL 32301

Ronald G. Meyer, Esquire  
Meyer, Brooks, Blohm and Hearn, P.A.  
PO Box 1547  
Tallahassee, FL 32302

**NOTICE OF HEARING (INFORMAL HEARING)**

A hearing will be held in this case before the Florida Elections Commission on, **March 24, 2020 at 1:00 p.m., or as soon thereafter as the parties can be heard**, at the following location: **House Office Building, 404 South Monroe Street, Room 28-H, Tallahassee, Florida 32399**. Due to heightened security access requirements, please bring only essential items into the building and plan to arrive early to allow for delays coming through security.

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

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  
March 9, 2019

cc: Ben Gibson, Co-Counsel for Respondent

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

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

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

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

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

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

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



FEC v. Making a Better Tomorrow; Case No. FEC 18-120 Lia H. DeLeary to:  
'fec@myfloridalegal.com' 09/30/2019 10:12 AM  
Cc: "Daniel Hernandez"  
From: "Lia H. DeLeary" <LDeLeary@shutts.com>  
To: "'fec@myfloridalegal.com'" <fec@myfloridalegal.com>  
Cc: "Daniel Hernandez" <DHernandez@shutts.com>

1 Attachment



Making A Better Tomorrow - Petition for Informal Hearing.pdf

Dear Agency Clerk:

Please find attached a PDF copy of Making a Better Tomorrow's Petition for Informal Hearing.  
Should you have any questions or need additional information, please do not hesitate to contact this office.

Respectfully,

**Shutts**

**Lia H. DeLeary**  
*Legal Assistant*

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**Shutts & Bowen LLP**

4301 W. Boy Scout Boulevard, Suite 300 | Tampa, FL 33607

Direct: (813) 227-8148 | Fax: (813) 229-8901

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

**Please consider the environment before printing this email**

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

FLORIDA ELECTIONS COMMISSION,

Petitioner,

v.

Case No. FEC 18-120

MAKING A BETTER TOMORROW,

Respondent.

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**PETITION FOR INFORMAL HEARING**

Respondent Making A Better Tomorrow ("MBT") petitions the Florida Elections Commission ("Commission"), pursuant to Rule 28-106.301, Florida Administrative Code, for an informal hearing with respect to the Commission's Order of Probable Cause dated September 4, 2019 (the "Order").

**Affected Agency**

1. The affected agency is the Florida Elections Commission, 107 W. East Gaines Street, Suite 224, Tallahassee, Florida 32399-1050.
2. The agency case number for this matter is FEC 18-120.
3. A copy of the Order at issue in this matter is attached hereto as Exhibit A.

**MBT's Substantial Interests**

4. MBT is a political committee registered with the Florida Division of Elections.
5. MBT's address and contact information for purposes of this proceeding are that of its undersigned counsel.
6. MBT's substantial interests will be affected if, as it proposes to do in the Order, the Commission finds that MBT violated Section 104.091(1), Florida Statutes.

### Notice of Agency Decision

7. MBT received the Order on September 4, 2019, the same date on which the Order was filed with the Commission.

8. This Petition is filed within thirty days of the date on which the Order was filed with the Commission.

### Ultimate Facts

9. The ultimate facts alleged in the Commission Staff's Recommendation Following Investigation ("SR"), a copy of which is attached hereto as Exhibit B, are:

- a. MBT is a political committee registered with the Division of Elections (SR at ¶ 2);
- b. Eric Robinson is the chairperson and treasurer of MBT (SR at ¶ 2)
- c. Legal Reform Now Committee ("LRNC") is an electioneering communications organization formerly registered with the Division of Elections (SR at ¶ 11);
- d. Eric Robinson is the former chairperson and treasurer of LRNC (SR at ¶ 11);
- e. In 2017, Martin Hyde was running in a nonpartisan race for the Sarasota City Commission (SR at ¶ 5);
- f. On February 10, 2017, Mr. Hyde wrote a personal check in the amount of \$4,000 to MBT (SR at ¶ 8);
- g. According to a statement Mr. Hyde made during a radio talk show interview, Mr. Hyde's purpose in contributing the \$4,000 to MBT was to fund a mailer to be published by the Republican Party of Sarasota ("RPS") in support of Mr. Hyde's non-partisan campaign. At the time of the interview, Mr Hyde believed that his campaign was prohibited by Florida law from publishing the mailer and from

directly contributing the \$4,000 to the RPS in order to have RPS publish the mailer (SR at ¶ 6);

- h. Mr. Hyde stated that he made the \$4,000 contribution to MBT because that was what was suggested to him in order to have the RPS publish a partisan mailer Mr. Hyde believed he could not publish himself. There is no evidence that MBT or Eric Robinson made the suggestion to Mr. Hyde (SR at ¶ 13);
- i. On February 13, 2017, MBT received the \$4,000 contribution from Mr. Hyde (SR at ¶ 7);
- j. On February 13, 2017, LRNC made an expenditure in the amount of \$4,000 to the RPS (SR at ¶ 7);
- k. There is no evidence that the \$4,000 expenditure made by LRNC to the RPS originated with MBT (SR at ¶ 14-17);
- l. MBT has denied making a contribution to LRNC (SR at ¶ 16);
- m. On or about March 6, 2017, the RPS published a mailer (the "Mailer") supporting Mr. Hyde's campaign (SR at ¶ 9);
- n. On April 5, 2017, the RPS received a \$500 contribution from Martin Hyde (SR at ¶ 9);
- o. The Mailer states, in relevant part, that the RPS supports Mr. Hyde for Sarasota City Commission At-Large (the Mailer is incorporated by reference into the SR at ¶ 9 and is attached hereto as Exhibit C);
- p. The Mailer does not state Mr. Hyde's political party affiliation (*Id.*); and
- q. The Mailer does not campaign based on Martin Hyde's party affiliation (e.g. "Vote for Republican Martin Hyde") (*Id.*).



10. MBT does not dispute these facts.

**Ultimate Facts that Warrant Reversal of the Commission's Proposed Action**

11. The ultimate facts alleged in the SR that warrant reversal of the Commission's proposed conclusion that MBT violated section 104.091(1), Florida Statutes, are:

- a. There is no evidence that the \$4,000 expenditure made by LRNC to the RPS originated with MBT;
- b. The Mailer does not state Mr. Hyde's political party affiliation; and
- c. The Mailer does not indicate that Mr. Hyde is campaigning based on party affiliation.

**Statutes Requiring Reversal of the Commission's Proposed Action**

12. In the SR, Commission Staff recommended that the Commission find that MBT violated section 104.091(1), Florida Statutes, by knowingly aiding, abetting or advising the violation of section 106.143(3), Florida Statutes.

13. Section 104.091(1), Florida Statutes, provides that "[a]ny person who knowingly aids, abets, or advises the violation of this code shall be punished in like manner as the principal offender."

14. Section 106.143(3), Florida Statutes, provides that "[a]ny political advertisement of a candidate running for partisan office shall express the name of the political party of which the candidate is seeking nomination or is the nominee. If the candidate for partisan office is running as a candidate with no party affiliation, any political advertisement of the candidate must state that the candidate has no party affiliation. A political advertisement of a candidate running for nonpartisan office may not state the candidate's political party affiliation. This section does

not prohibit a political advertisement from stating the candidate's partisan-related experience. A candidate for nonpartisan office is prohibited from campaigning based on party affiliation."

15. In order to meet its burden of proof in this matter, the Commission must first prove that someone, presumably Mr. Hyde or RPS, violated the prohibitions contained in section 106.143(3). See *United States v. Walser*, 3 F.3d 380, 387 (11th Cir.1993) (citing *United States v. Jones*, 913 F.2d 1552, 1558 (11th Cir.1990)).

16. The only prohibitions set forth in section 106.143(3) that apply to political advertisements made by, or on behalf of, nonpartisan candidates are: (a) that the advertisement may not state the candidate's political party affiliation; and (b) that the advertisement cannot constitute campaigning based on party affiliation.

17. The Division of Elections has advised that under the Election Code, nonpartisan candidates may accept contributions from a political party and be endorsed by any or all political parties. Political parties may likewise endorse candidates for nonpartisan office and make 3-pack expenditures (including mailers) for candidates for nonpartisan office as long as the political advertisements do not state the candidate's political party affiliation or publicly represent the candidate is a member of any political party. See DE 03-02 and section 106.26(13) ("The Commission may not issue advisory opinions, and must, in all its deliberations and decisions, adhere to statutory law and advisory opinions of the division.").

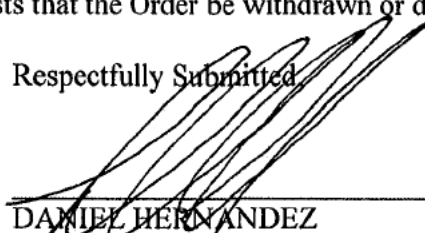
18. On its face, the Mailer does not state Mr. Hyde's party affiliation and cannot be construed as campaigning by, or for, Mr. Hyde based on party affiliation. As a result, the Commission cannot prove a violation of section 106.143(3).

19. Because the Commission cannot establish a violation of section 106.143(3), the Commission cannot meet its burden of proving that MBT violated section 104.091(1) by knowingly aiding, abetting or advising the violation of section 106.143(3).

**Relief Sought**

20. Petitioner respectfully requests that the Order be withdrawn or dismissed.

Respectfully Submitted

  
\_\_\_\_\_  
DANIEL HERNANDEZ

Florida Bar No. 176834

BENJAMIN J. GIBSON

Florida Bar No. 058661

Shutts & Bowen LLP

215 South Monroe Street, Suite 804

Tallahassee, Florida 32301

Phone: (850) 241-1720 / (850) 241-1718

E-Mail: [dhernandez@shutts.com](mailto:dhernandez@shutts.com)

[bgibson@shutts.com](mailto:bgibson@shutts.com)

[mpoppell@shutts.com](mailto:mpoppell@shutts.com)

*Counsel for Respondent Making a Better Tomorrow*

**CERTIFICATE OF SERVICE**

I hereby certify that this Petition was filed with the Agency Clerk, Florida Elections Commission, via electronic mail [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com) on September 30, 2019.

  
\_\_\_\_\_  
DANIEL HERNANDEZ

**EXHIBIT A**

FILED

19 SEP -4 AM 11:33

STATE OF FLORIDA  
ELECTIONS COMMISSION

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,  
Petitioner,**

**Case No.: FEC 18-120**

v.

**Making a Better Tomorrow,  
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 August 13, 2019, in Tallahassee, Florida.

On July 10, 2019, Staff recommended to the Commission that there was probable cause to believe that 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 that there is **probable cause** to charge Respondent with the following violation(s):

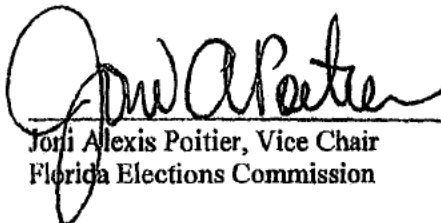
**Count 1:**

On or about February 10, 2017, Making a Better Tomorrow violated Section 104.091(1), Florida Statutes, when it knowingly aided, abetted, or advised the violation of Section 106.143(3), Florida Statutes.

**THIS SPACE INTENTIONALLY LEFT BLANK**

The Commission finds that there is **no probable cause** to charge Respondent with violating Sections 106.08(5)(a), and 106.19(1)(c), Florida Statutes.

**DONE AND ORDERED** by the Florida Elections Commission on August 13, 2019.



Jori Alexis Poitier, Vice Chair  
Florida Elections Commission

Copies furnished to:  
Stephanie J. Cunningham, Assistant General Counsel  
Jason Gonzalez, Esq., and Ben Gibson, Esq., Attorneys for Respondent  
Ronald G. Meyer, Esq., Attorney for 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.

**EXHIBIT B**



**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: Making a Better Tomorrow**

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**Case No.: FEC 18-120**

**STAFF RECOMMENDATION FOLLOWING INVESTIGATION**

Pursuant to Section 106.25(4)(c), Florida Statutes, undersigned staff counsel files this written recommendation for disposition of the sworn complaint in this case recommending that there is **probable cause** to charge Respondent with violating **Section 104.091(1), Florida Statutes**, and **no probable cause** to charge Respondent with violating **Sections 106.08(5)(a), and 106.19(1)(c), Florida Statutes**. Based upon a thorough review of the Report of Investigation submitted on March 25, 2019, the following facts and law support this staff recommendation:

1. On May 14, 2018, the Florida Elections Commission ("Commission") received a sworn complaint from Michael Belval ("Complainant"), alleging that Making a Better Tomorrow ("Respondent") violated Chapters 104 & 106, Florida Statutes.
2. Respondent is a political committee registered with the Division of Elections ("Division"). Eric Robinson is the committee's chairperson and treasurer. (ROI Exhibit 1)<sup>1</sup>
3. By letter dated August 30, 2018, the Executive Director notified Respondent that Commission staff would investigate the following statutory provisions:

**Section 104.091(1), Florida Statutes:** Respondent, a political committee registered with the Division of Elections, knowingly aided, abetted, or advised the violation of Section 106.143, Florida Statutes, as alleged in the complaint.

**Section 106.08(5)(a), Florida Statutes:** Respondent, a political committee registered with the Division of Elections, made one or more contributions in the name of another, as alleged in the complaint.

**Section 106.19(1)(c), Florida Statutes:** Respondent, a political committee registered with the Division of Elections, ~~falsely reported or deliberately failed to include information in one or more~~ campaign reports required by Chapter 106, Florida Statutes, as alleged in the complaint.

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

**Alleged Violation: Section 104.091(1), Florida Statutes**

4. Complainant alleged that Respondent knowingly aided, abetted, or advised the violation of Section 106.143(3), Florida Statutes.

5. Complainant alleged the following:<sup>2</sup> Martin Hyde, a 2017 candidate for Sarasota City Commission, was running in a nonpartisan race but wanted to publish a partisan mailer, which is prohibited by the Florida Election Code. Therefore, Mr. Hyde made an expenditure in the amount of \$4,000 which was earmarked to ultimately be given to the Republican Party of Sarasota, which would use the funds to publish a partisan mailer on behalf of the candidate. To effect the plan, Mr. Hyde gave a \$4,000 contribution to Making a Better Tomorrow, a political committee controlled by Eric Robinson. The \$4,000 contribution was then transferred from the committee to an electioneering communications organization, Legal Reform Now Committee, also controlled by Eric Robinson, and thereafter to the Republican Party of Sarasota. After receiving the funds, the Republican Party of Sarasota purchased partisan mailers supporting Mr. Hyde. *See Compl.*

6. Complainant provided a hyperlink to a video of Martin Hyde appearing on a radio talk show as well as a partial transcript of the interview. When Mr. Hyde was asked why he donated to Respondent he stated that "There is a very simple answer to that. I didn't want to take the money out of my campaign and give it to the Republican Party directly. . . . This moving stuff around and switching stuff from one PAC to another PAC . . . That \$4,000 went to a mailer that was sent from the GOP supporting me. Period." (ROI Exhibit 2, page 1) He stated that "It's a non-partisan race and as it relates to coming from my campaign, my campaign can't directly send something out notifying me as a Republican, so it was suggested that the Republican Party didn't have the resources to fund a city mailer so I sent the money to a PAC and it came to this, simple as that." (ROI Exhibit 2, page 1) Mr. Hyde stated that "[I]t was a mechanism to get money to the GOP. I didn't want to write a check direct out of my campaign to the GOP." (ROI Exhibit 2, page 2) He also stated that "[A]ll I'm telling you is that that was what suggested and that's what I did." (ROI Exhibit 2, page 2)

7. Respondent reported receiving a \$4,000 contribution from Martin Hyde on February 13, 2017. (ROI Exhibit 3, page 1) Legal Reform Now Committee reported making an expenditure in the amount of \$4,000 to the Republican Party of Sarasota on February 13, 2017. (ROI Exhibit 3, page 2) The Republican Party of Sarasota reported receiving a contribution in the amount of \$4,000 from Legal Reform Now Committee on February 14, 2017. (ROI Exhibit 3, page 4) The Republican Party of Sarasota reported making an expenditure to Andrick & Associates in the amount of \$3,320.07 for the purpose of mailers on March 22, 2017. (ROI Exhibit 3, page 6)

8. Bank records show that Martin Hyde wrote a personal check in the amount of \$4,000 dated February 10, 2017 to Respondent. (ROI Exhibit 4, page 1) Legal Reform Now Committee wrote a check to the Republican Party of Sarasota in the amount of \$4,000 dated February 13, 2017. (ROI Exhibit 4, page 2) The Republican Party of Sarasota wrote a check in the

---

<sup>2</sup> Complainant made allegations against multiple parties in his complaint. This Staff Recommendation is solely focused on the allegations against the political committee, Making a Better Tomorrow, however, Complainant's narrative alleging violations by other parties is provided for context.

amount of \$3,320.07 to Andrick & Associates dated March 22, 2017 for mailers. (ROI Exhibit 4, page 4; ROI Exhibit 5, page 2) It appears that the checks from Legal Reform Now Committee and the Republican Party of Sarasota were both signed by Eric Robinson. (ROI Exhibit 1, page 2; ROI Exhibit 4, pages 2 & 4)

9. On or about March 6, 2017, the Republican Party of Sarasota published a mailer supporting Martin Hyde. (ROI Exhibit 6) On April 5, 2017, the Republican Party of Sarasota reported receiving a \$500 contribution from Martin Hyde. (ROI Exhibit 7)

10. On or about March 6, 2017, the Republican Party of Sarasota also published a 3-page letter setting forth the goals of the party in 2018 and soliciting donations. The party paid \$982.19 for the letter. (ROI, p. 3, n.3; ROI Exhibit 4, page 3; ROI Exhibit 5, page 1) Twelve days before receiving the \$4,000 contribution from Legal Reform Now Committee, the Republican Party of Sarasota only had \$10,006.70 in its campaign depository. (ROI, p.3, n.2)

11. Eric Robinson is the chairperson and treasurer for Respondent. (ROI Exhibit 1) Mr. Robinson is also the former chairperson and treasurer for Legal Reform Now Committee, an electioneering communications organization formerly registered with the Division. (ROI, p. 7, ¶ 45) He is the treasurer for the Republican Party of Sarasota, and previously the party's chairperson. (ROI, p. 1, ¶2) Currently, Mr. Robinson is the chairperson for 26 active political committees. He also is the former chairperson for 37 political committees, electioneering communications organizations, and committees of continuous existence which were formerly registered with the Division of Elections. (Attachment A)

12. Eric Robinson stated that he works as a certified public accountant, has served as campaign treasurer for multiple candidates and political committees, and has also run for public office. (ROI Exhibit 9, page 1) He stated that Martin Hyde is an acquaintance and that once a contribution is received by Making a Better Tomorrow it is not earmarked for any specific purpose. (ROI Exhibit 9, pages 2 & 3) He stated that he had no knowledge of the intent behind Mr. Hyde's contribution. (ROI Exhibit 9, page 3) Mr. Robinson stated that expenditures, such as the \$4,000 expenditure to the Republican Party of Sarasota made by Legal Reform Now Committee are based on political strategy in consultation with political consultants and advisors to the organization. (ROI Exhibit 9, page 4)

13. It appears that Respondent knowingly aided, abetted, or advised the violation of Section 106.143(3), Florida Statutes, as shown below:

- Martin Hyde publicly admitted that he gave \$4,000 to Respondent so that the funds would ultimately be given to the Republican Party of Sarasota for the purpose of a partisan mailer supporting his candidacy.
- Martin Hyde stated that he did what was suggested to him as he could not himself publish a partisan mailer since he was running for a non-partisan office.

- Eric Robinson currently controls 26 active political committees. He controls Making a Better Tomorrow, formerly controlled Legal Reform Now Committee, and is the treasurer for the Republican Party of Sarasota. He was the former chairperson for 37 political committees, electioneering communications organizations, and committees of continuous existence.
- Martin Hyde gave \$4,000 to a political committee controlled by Eric Robinson. Eric Robinson had one of the many political entities he controls give \$4,000 to the Republican Party of Sarasota.
- Eric Robinson signed the check from Legal Reform Now Committee to the Republican Party of Sarasota, and signed the check from the Republican Party of Sarasota to Andrick & Associates.
- Mr. Hyde's check to Respondent and Legal Reform Now Committee's check to the Republican Party of Sarasota were issued within days of each other.
- Immediately prior to the publishing of the mailer, the Republican Party of Sarasota only had \$10,006.70 in its campaign depository. After receiving \$4,000 from Legal Reform Now Committee, the Republican Party of Sarasota determined that it would spend \$3,320.07 in order to support one candidate in a local race, while only spending \$982.19 in order to reach out to the public to share its goals and solicit donations.

**Alleged Violation: Section 106.08(5)(a), Florida Statutes**

14. Complainant alleged that Respondent violated Florida's election laws by making a contribution in the name of another. More specifically, Complainant alleged that Respondent made a contribution in the name of another when the committee transferred \$4,000 in funds received from Martin Hyde to Legal Reform Now Committee.

15. A subpoena was issued to Respondent's designated campaign depository. Respondent's bank records do not show a check issued to Legal Reform Now Committee. (ROI, p. 7, n.4)

16. Respondent stated that it did not make a contribution to Legal Reform Now Committee in its own name or in the name of another. (ROI Exhibit 8, page 3)

17. It does not appear that Respondent made a contribution in the name of another.

~~**Alleged Violation: Section 106.19(1)(c), Florida Statutes**~~

18. Complainant alleged that Respondent violated Florida's election laws by falsely reporting or deliberately failing to include information required by Chapter 106, Florida Statutes. More specifically, Complaint alleged that Respondent deliberately failed to report a \$4,000 expenditure to Legal Reform Now Committee.

19. A subpoena was issued to Respondent's designated campaign depository. Respondent's bank records do not show a check issued to Legal Reform Now Committee. (ROI, p. 7, n.4)

20. Respondent stated that it did not fail to report an expenditure to Legal Reform Now Committee as no expenditure was ever made. (ROI Exhibit 8, page 2)

21. Chapter 106, Florida Statutes, requires candidates to report any contributions received and any expenditures made for the purpose of influencing the results of an election. It does not appear that Respondent deliberately failed to include information required by Chapter 106, Florida Statutes.

22. "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. 1st DCA 1995).

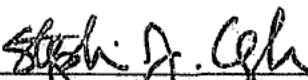
23. The facts set forth above show that Respondent is a political committee registered with the Division of Elections. Respondent knowingly aided, abetted, or advised the violation of Section 106.143(3), Florida Statutes. It does not appear that Respondent made a contribution in the name of another or deliberately failed to include information required by Chapter 106, Florida Statutes.

Based upon these facts and circumstances, I recommend that the Commission find **no probable cause** to charge Respondent with violating Sections 106.08(5)(a), and 106.19(1)(c), Florida Statutes, and find **probable cause** to charge Respondent with the following:

**Count 1:**

On or about February 10, 2017, Making a Better Tomorrow violated Section 104.091(1), Florida Statutes, when it knowingly aided, abetted, or advised the violation of Section 106.143(3), Florida Statutes.

Respectfully submitted on July 10, 2019.

  
Stephanie J. Cunningham  
Assistant General Counsel

I reviewed this Staff Recommendation this 10<sup>th</sup> day of July 2019.



Tim Vaccaro  
Executive Director

[Back](#)

### Committees

#### Search for Committee by Officer

[\[Committees\]](#)

Last Name: robinson

Officer:

Containing  Starting With  Sounding Like RUN QUERY

Chairperson	Officer	City	Committee	Type	Status
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Robinson ,	Tallahassee	Florida	Floridians for	CCE	
Craig	Tallahassee	Quality Health Care	Quality Health Care	Closed	

Robinson ,	West Palm Beach	Palm Beach	Palm Beach	PAC	
David T.	West Palm Beach	County PAC	County PAC	Closed	

Robinson ,	Venice	A Fresh Voice	A Fresh Voice	PAC	
Eric	Venice	for Florida	for Florida	Active	

Robinson ,	Venice	Buld	Buld	PAC	
Eric	Venice	Something That Lasts	Something That Lasts	Closed	

Robinson ,	Venice	Building Bridges	Building Bridges	PAC	
Eric	Venice	Bridges	Bridges	Active	

Robinson ,	Venice	Building On Your Dreams	Building On Your Dreams	PAC	
Eric	Venice	Political Committee	Political Committee	Active	

Robinson ,	Venice	Citizens Against Taxation Political Committee	Citizens Against Taxation Political Committee	PAC	
Eric	Venice	Against Taxation Political Committee	Against Taxation Political Committee	Closed	

Robinson ,	Venice	Citizens Demanding A Limited Government	Citizens Demanding A Limited Government	ECO	
Eric	Venice	Demanding A Limited Government	Demanding A Limited Government	Closed	

Robinson ,	Venice	Citizens for a Better	Citizens for a Better	PAC	
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*Attachment A*

Eric	Venice	<u>Community</u>	Closed
Robinson , Eric	Venice Venice	<u>Citizens For A Better Duval</u>	PAC Active
Robinson , Eric	Venice Venice	<u>Citizens For A Conservative Future</u>	PAC Active
Robinson , Eric	Venice Venice	<u>Citizens For A Limited Government</u>	PAC Closed
Robinson , Eric	Venice Venice	<u>Citizens For Building Florida's Future</u>	PAC Active
Robinson , Eric	Venice Venice	<u>Citizens for Conservative Leadership</u>	PAC Closed
Robinson , Eric	Venice Venice	<u>Citizens For Marlin County Values</u>	PAC Closed
Robinson , Eric	Venice Venice	<u>Citizens for Responsible Leadership</u>	PAC Active
Robinson , Eric	Venice Venice	<u>Citizens United For Future Leaders</u>	ECO Closed
Robinson , Eric	Venice Venice	<u>Citizens United for Less Taxes</u>	PAC Closed
Robinson , Eric	Venice Venice	<u>Coalition for Conservative Leadership CCE</u>	CCE Revoked
Robinson , Eric	Venice Venice	<u>Committee For Our Future</u>	PAC Closed
Robinson , Eric	Venice Venice	<u>Common Cents For Manatee</u>	ECO Closed
Robinson , Eric	Venice Venice	<u>Conservative Champion Leaders</u>	PAC Active
Robinson ,	Venice	<u>Conservative</u>	PAC



Eric	Venice	<u>Solutions for Jacksonville</u>	Active
Robinson , Eric	Venice Venice	<u>Creating A Prosperous Jacksonville</u>	PAC Active
Robinson , Eric	Venice Venice	<u>Educators For Our Future</u>	PAC Active
Robinson , Eric	Venice Venice	<u>Families for Safety and Prosperity</u>	PAC Closed
Robinson , Eric	Venice Venice	<u>First Coast Values</u>	PAC Closed
Robinson , Eric	Venice Venice	<u>Florida Leadership Fund</u>	PAC Closed
Robinson , Eric	Venice Venice	<u>Floridians for a Brighter Future</u>	ECO Closed
Robinson , Eric	Venice Venice	<u>Floridians for a Conservative Future</u>	PAC Closed
Robinson , Eric	Venice Venice	<u>Floridians For A Conservative Future Political Committee</u>	PAC Active
Robinson , Eric	Venice Venice	<u>Floridians for Justice</u>	PAC Closed
Robinson , Eric	Venice Venice	<u>Floridians for Leadership and Service</u>	PAC Closed
Robinson , Eric	Venice Venice	<u>Floridians for Liberty Political Committee</u>	PAC Closed
Robinson , Eric	Venice Venice	<u>For A Better Florida Political Committee</u>	PAC Active
Robinson , Eric	Venice Venice	<u>Friends of Sarasota</u>	PAC Active

Robinson , Eric	Venice Venice	<u>Governing Responsibly to Achieve a New Tomorrow</u>	PAC Active
Robinson , Eric	Venice Venice	<u>Gulf Coast Conservatives</u>	PAC Active
Robinson , Eric	Venice Venice	<u>Integrity Matters</u>	PAC Closed
Robinson , Eric	Venice Venice	<u>Keeping Florida Growing</u>	PAC Closed
Robinson , Eric	Venice Venice	<u>Legal Reform Now Committee</u>	ECO Closed
Robinson , Eric	Venice Venice	<u>Let's Work Together</u>	PAC Active
Robinson , Eric	Venice Venice	<u>Limited Government For A Stronger Florida CCE</u>	CCE Revoked
Robinson , Eric	Venice Venice	<u>Limited Govt for a Stronger Florida Political Committee</u>	PAC Active
Robinson , Eric	Venice Venice	<u>Make America Great Again</u>	PAC Active
Robinson , Eric	Venice Venice	<u>Waking A Better Tomorrow</u>	PAC Active
Robinson , Eric	Venice Venice	<u>Manatee Against Taxation</u>	PAC Closed
Robinson , Eric	Venice Venice	<u>Manatee for Common Cents</u>	PAC Closed
Robinson , Eric	Venice Venice	<u>Northeast Florida Conservative Values</u>	PAC Active

Robinson , Eric	Venice Venice	<u>Northside</u> <u>Conservatives</u>	PAC Active
Robinson , Eric	Venice Venice	<u>Northwest</u> <u>Florida</u> <u>Conservatives</u>	PAC Closed
Robinson , Eric	Venice Venice	<u>Protect</u> <u>Pinellas</u>	PAC Closed
Robinson , Eric	Jacksonville Jacksonville	<u>Safe and</u> <u>Prosperous</u> <u>Jacksonville</u>	PAC Active
Robinson , Eric	Venice Venice	<u>SAM PAC</u>	PAC Closed
Robinson , Eric	Venice Venice	<u>SSLP Political</u> <u>Committee</u>	PAC Closed
Robinson , Eric	Venice Venice	<u>Stand for</u> <u>Veterans</u>	PAC Closed
Robinson , Eric	Venice Venice	<u>The Gulf</u> <u>Coast</u> <u>Conservatives</u>	PAC Closed
Robinson , Eric	Venice Venice	<u>Transparency</u> <u>Matters</u>	PAC Active
Robinson , Eric	Venice Venice	<u>United We</u> <u>Stand</u>	PAC Active
Robinson , Eric	Venice Venice	<u>Volusia Good</u> <u>Governance</u> <u>PAC</u>	PAC Closed
Robinson , Eric	Venice Venice	<u>Working</u> <u>Together For</u> <u>Florida PAC</u>	PAC Active
Robinson , Eric W.	Venice Venice	<u>Citizens for</u> <u>Common</u> <u>Sense</u>	ECO Closed
Robinson , Eric W.	Venice Venice	<u>Citizens For</u> <u>Sarasota</u> <u>Leadership</u>	ECO Closed
Robinson , Eric W.	Venice Venice	<u>Committee To</u> <u>Protect</u> <u>Floridas</u> <u>Seniors, Inc.</u>	ECO Revoked
Robinson , Eric W.	Venice Venice	<u>Floridians For</u> <u>Equitable</u> <u>Government</u>	PAC Closed

Robinson,	Ft. <u>South Florida</u>	PAC
Harry K.	Lauderdale <u>Private Pac</u>	Closed
	Ft.	
	Lauderdale	

**EXHIBIT C**



REPUBLICAN PARTY  
OF SARASOTA COUNTY

# SUPPORTS MARTIN HYDE

For Sarasota City Commission At-Large



EXHIBIT (0-1002)

## EARLY VOTE

When: **March 6th - 11th** | 8:30 AM - 4:30 PM

Where: Sarasota Supervisor of Elections  
Terrace Building, 1st Floor  
2001 Adams Lane  
Sarasota, FL 34236

## ELECTION DAY

When: **March 14th** | 7:00 AM - 7:00 PM

Where: Your Local Precinct

\*\*V. [www.sarasotavotes.com](http://www.sarasotavotes.com) to find your precinct\*\*



Small Business  
Owner



Defender of Law  
Enforcement



Endorsed by Firefighters  
and Police



Join the Republican Party of Sarasota in Supporting  
**MARTIN HYDE**

PRESORTED  
STANDARD  
U.S. POSTAGE  
PAID  
PERMIT #1  
MANASOTTA, FL

- Lower your Taxes
- Support Law Enforcement
- Ensure Smart Growth
- VOTE FOR MARTIN HYDE

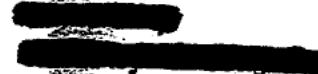


Republican Party of Sarasota  
1256 S Tamiami Trail  
Osprey, FL 34229

EXHIBIT 6 (2001)



\*\*\*\*\*ECRWSH\*\*C073



Sarasota FL 34236-1917

# VOTE

MARCH 6-11 @ 2001 Adams Lane  
Sarasota, FL 34236

March 14 @ Your Local Precinct  
\*\*[www.sarasotavotes.com](http://www.sarasotavotes.com) to find your Precinct\*\*

Political Advertisement Paid for and Approved by the Republican Party of Sarasota County.

FILED

19 SEP -4 AM 11:33

STATE OF FLORIDA  
ELECTIONS COMMISSION

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,  
Petitioner,**

**Case No.: FEC 18-120**

v.

**Making a Better Tomorrow,  
Respondent.**

**ORDER OF PROBABLE CAUSE**

**THIS MATTER** was heard by the Florida Elections Commission (Commission) at its regularly scheduled meeting on August 13, 2019, in Tallahassee, Florida.

On July 10, 2019, Staff recommended to the Commission that there was probable cause to believe that 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 that there is **probable cause** to charge Respondent with the following violation(s):

**Count 1:**

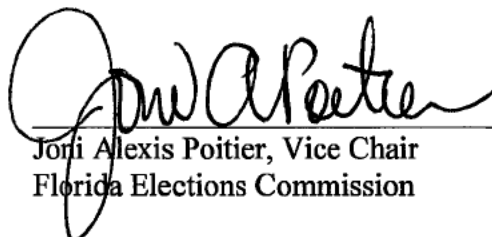
On or about February 10, 2017, Making a Better Tomorrow violated Section 104.091(1), Florida Statutes, when it knowingly aided, abetted, or advised the violation of Section 106.143(3), Florida Statutes.

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The Commission finds that there is **no probable cause** to charge Respondent with violating Sections 106.08(5)(a), and 106.19(1)(c), Florida Statutes.

**DONE AND ORDERED** by the Florida Elections Commission on August 13, 2019.



Jori Alexis Poitier, Vice Chair  
Florida Elections Commission

Copies furnished to:  
Stephanie J. Cunningham, Assistant General Counsel  
Jason Gonzalez, Esq., and Ben Gibson, Esq., Attorneys for Respondent  
Ronald G. Meyer, Esq., Attorney for 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.

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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.



Response to Staff Recommendation FEC 18-120 Benjamin J. Gibson to:  
'stephanie.cunningham@myfloridalegal.com' 07/31/2019 02:08 PM  
Cc: "'fec@myfloridalegal.com"  
From: "Benjamin J. Gibson" <BGibson@shutts.com>  
To: "'stephanie.cunningham@myfloridalegal.com"  
<stephanie.cunningham@myfloridalegal.com>  
Cc: "'fec@myfloridalegal.com"' <fec@myfloridalegal.com>

1 Attachment



Response to Staff Recommendation FEC 18-120.pdf

Ms. Cunningham,

Please find attached Respondent, Making a Better Tomorrow's Response to the Staff Recommendation for FEC 18-120.

Feel free to contact me if you have any questions.

Best,



**Benjamin J. Gibson**

*Partner*

---

**Shutts & Bowen LLP**

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

Direct: (850) 241-1723 | Fax: (850) 241-1718

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



BENJAMIN J. GIBSON  
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Shutts & Bowen LLP  
215 South Monroe Street  
Suite 804  
Tallahassee, Florida 32301  
DIRECT (850) 241-1723  
FAX (850) 241-1718  
EMAIL BGibson@shutts.com

July 31, 2019

**SENT VIA EMAIL AND U.S. MAIL**

Stephanie Cunningham, Esq.  
Florida Elections Commission  
107 W. Gaines Street, Suite 224  
Collins Building  
Tallahassee, Florida 32399-1050  
FEC@myfloridalegal.com

**Re: Case No.: FEC 18-120; Respondent: Making a Better Tomorrow's Response to Staff Recommendation**

Dear Ms. Cunningham:

Respondent, Making a Better Tomorrow ("MBT"), through undersigned counsel provides the Commission with this Response to the Staff Recommendation ("SR") for FEC 18-120 ("Complaint").

**I. MBT agrees with the Staff Recommendation to find no probable cause that it violated section 106.08(5)(a), (making a contribution in the name of another)**

It is clear that MBT did not make a contribution in the name of another. MBT received a \$4,000 legal contribution from Martin Hyde and reported the contribution as required by law. As shown from the subpoena of MBT's bank records, no funds of MBT were ever transferred to Legal Reform Now Committee or to the Republican Party of Sarasota. (SR, p. 4, n. 15; ROI p. 7, n. 4).

**II. MBT agrees with the Staff Recommendation to find no probable cause that it violated section 106.19(1)(c), Florida Statutes (failing to report expenditure)**

MBT did not fail to report a contribution to Legal Reform Now Committee, because no expenditure was ever made. As shown from the subpoena of MBT's bank records, no check was ever issued to Legal Reform Now Committee or the Republican Party of Sarasota. (SR, p. 5, n. 19; ROI, p. 7, n. 4).

**III. MBT respectfully disagrees with the Staff Recommendation to find probable cause that it violated section 104.091(1), by aiding, abetting, or advising in the violation of section 106.143(3)**

The Complaint alleges (based on a radio interview) that there was a coordinated effort by multiple political entities to violate the Florida Election Code so that Martin Hyde, a nonpartisan candidate, could send out a mailer (ROI Exh. 6) through the Republican Party of Sarasota that he could not send out as a nonpartisan candidate. However, the allegations in the Complaint and the Staff Recommendation to find probable cause are based on the presumption that the mailer sent by the Republican Party of Sarasota violated section 106.143(3), Florida Statutes. This is not the case.

***A. There was no violation of section 106.143(3) by Martin Hyde or the Republican Party of Sarasota, and therefore, MBT could not have violated section 104.091(1)***

Section 104.091(1), Florida Statutes provides:

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

The violation that MBT allegedly aided, abetted, or advised in was a violation of section 106.143(3), presumably committed by Martin Hyde or the Republican Party of Sarasota. Section 106.143(3), states in relevant part:

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

In order to find probable cause that MBT aided, abetted, or advised someone to violate the Election Code, there must first be an actual violation of the Election Code. Here, there is not. The same mailer sent out by the Republican Party of Sarasota could have legally been sent out directly by Martin Hyde's campaign with a simple change of disclaimer.

***B. Florida law restricts only some of the content of political advertisements distributed by nonpartisan candidates and the political parties that support them***

As a nonpartisan candidate, Martin Hyde's political advertisements were limited by Florida law, since he was prohibited from "campaigning based on party affiliation." In an advisory opinion to Orlando Mayor Buddy Dyer issued over 15 years ago, the Division of Elections provided clear examples regarding the interaction between a political party and a nonpartisan municipal candidate and what constitutes "campaigning based on party affiliation." From section 106.143(3) and DE 03-02, nonpartisan candidates and political parties have

operated for the past 15 years with clear guidelines regarding the restrictions on the content of nonpartisan political advertisements.

### **1. Nonpartisan Candidate Advertisements May NOT**

- State the candidate's political party affiliation (§ 106.143(3)).
  - “[I]nformation stating your political affiliation may not appear in your political advertising.” (DE 03-02, p. 2).
- Be construed as “campaigning based on party affiliation.” (§ 106.143(3))
  - “As a nonpartisan municipal candidate, you may not publicly represent or advertise yourself as a member of any political party.” (DE 03-02, p. 2, emphasis added).

### **2. Nonpartisan Candidate Advertisements MAY**

- State the candidate's partisan-related experience.
  - “This section does not prohibit a political advertisement from stating the candidate's partisan-related experience.” (§ 106.143(3));
  - “It is permissible, however, for you to list partisan related experience such as ‘executive committee of \_\_\_\_\_ party’ in campaign advertisements. In doing so, you would simply be providing information on past experiences as opposed to ‘campaigning based on party affiliation.’” (DE 03-02, p. 2).

### **3. Nonpartisan Candidates MAY**

- Accept a contribution from a political party (DE 03-02).
- “Be endorsed by any or all political parties.” (DE 03-02, p. 3).

### **4. Political Parties MAY**

- Make contributions to nonpartisan candidates (DE 03-02).
- Endorse nonpartisan candidates (DE 03-02, p. 3).
- Make 3-pack expenditures for nonpartisan candidates (DE 03-02, p. 3).
- Make independent expenditures regarding a candidate for a nonpartisan office (DE 03-02, p. 3).

*C. The mailer distributed by the Republican Party of Sarasota in support of Martin Hyde complies with section 106.143(3) and DE 03-02*

The Staff Recommendation of probable cause against MBT for violating section 104.091(1) is predicated on MBT aiding, abetting, or advising in a violation of section 106.143(3). However, a close look at the political advertisement released by the Republican Party of Sarasota demonstrates that it complies with both section 106.143(3) and DE 03-02.

The front of the mailer complies with section 106.143(3) and DE 03-02, because it:

- Does not state Martin Hyde’s party affiliation (e.g. “Martin Hyde is a Republican”);
- Does not campaign based on Martin Hyde’s party affiliation (e.g. “Vote for Republican Martin Hyde”);
- Permissibly touts the Republican Party of Sarasota’s support for Martin Hyde (“A nonpartisan [ ] candidate may be endorsed by any or all political parties.” (DE 03-02, p. 2)).
- Permissibly encourages voting for Martin Hyde for reasons other than his party affiliation (“Small Business Owner”, “Defender of Law Enforcement”);
- Permissibly highlights other nonpartisan organizations supporting Martin Hyde (“Endorsed by Firefighters and Police”);

**REPUBLICAN PARTY OF SARASOTA COUNTY**  
**SUPPORTS MARTIN HYDE**  
For Sarasota City Commission At-Large

**EARLY VOTE**  
When: **March 6th - 11th** | 8:30 AM - 4:30 PM  
Where: Sarasota Supervisor of Elections  
Terrace Building, 1st Floor  
2001 Adams Lane  
Sarasota, FL 34236

**ELECTION DAY**  
When: **March 14th** | 7:00 AM - 7:00 PM  
Where: Your Local Precinct  
\*\*[www.sarasotavotes.com](http://www.sarasotavotes.com) to find your precinct\*\*

Small Business Owner  
 Defender of Law Enforcement  
 Endorsed by Firefighters and Police

EXHIBIT (10c-2)



The back of the mailer complies with section 106.143(3) and DE 03-02, because it:

- Does not state Martin Hyde's party affiliation (e.g. "Martin Hyde is a Republican");
- Does not campaign based on Martin Hyde's party affiliation (e.g. "Vote for Republican Martin Hyde");
- Permissibly touts the Republican Party of Sarasota's support for Martin Hyde ("A nonpartisan [ ] candidate may be endorsed by any or all political parties." (DE 03-02, p. 2)).
- Includes reasons other than party affiliation to vote for Martin Hyde ("Lower your Taxes", "Support Law Enforcement", and "Ensure Smart Growth").



Join the Republican Party of Sarasota in Supporting  
**MARTIN HYDE**

- Lower your Taxes
- Support Law Enforcement
- Ensure Smart Growth
- VOTE FOR MARTIN HYDE**



**VOTE**

MARCH 6-11 @ 2001 Adams Lane  
Sarasota, FL 34236

March 14 @ Your Local Precinct  
**\*\*www.sarasotavotes.com to find your Precinct\*\***

Political Advertisement Paid for and Approved by the Republican Party of Sarasota County.

PRESORTED  
STANDARD  
U.S. POSTAGE  
PAID  
PERMIT #1  
MANASOTTA

EXHIBIT

\*\*\*\*\*ECRWSH\*\*C073

Sarasota FL 34236-1917

T2 P1



***D. The Commission Should Not Use Martin Hyde's Flawed Interpretation of Section 106.143(3) to Find Probable Cause that MBT Violated Section 104.091***

The Staff Recommendation states at page 3, paragraph 13:

13. It appears that Respondent knowingly aided, abetted, or advised the violation of section 106.143(3), Florida Statutes, as shown below:

- Martin Hyde publicly admitted that he gave \$4,000 to Respondent so that the funds would ultimately be given to the Republican Party of Sarasota for the purpose of a partisan mailer supporting his candidacy.
- Martin Hyde stated that he did what was suggested to him as he could not himself publish a partisan mailer since he was running for a non-partisan office. . . .

First, the Staff Recommendation suggests that there is probable cause that MBT aided, abetted, or advised the violation of section 106.143(3) based in part on Martin Hyde stating in a radio interview his intent to violate section 106.143(3). But saying so, does not make it so.

Violating section 106.143(3) requires either: 1) “stating your political party affiliation” in a political advertisement; or 2) “campaigning based on party affiliation.” DE 03-02 has interpreted “campaigning based on party affiliation” as meaning to “publicly represent or advertise yourself as a member of any political party.” (DE 03-02, p. 2). As explained earlier, despite Martin Hyde’s best efforts, neither was done by him or the Republican Party of Sarasota.

Second, Martin Hyde is mistaken when he states that political parties have different requirements for nonpartisan candidate advertisements than the nonpartisan candidates themselves. Nobody has claimed that the Republican Party of Sarasota mailer was an independent expenditure, and so, therefore, the same requirements in section 106.143(3) that would apply to Martin Hyde would also apply to the Republican Party of Sarasota when distributing a mailer supporting Martin Hyde. (*See* DE 03-02 “Political advertisements done by others in consultation with [the nonpartisan candidate] would have to meet the same requirements.”).

***E. The Commission Should Not Infer Coordination between Separate Political Entities Based on their Affiliation with a Common Individual***

Eric Robinson, who is not a Respondent to this Complaint, serves as the Chairperson and Treasurer for MBT and served in the same role for the former ECO Legal Reform Now Committee. He has also served in various roles with the Republican Party of Sarasota. From the beginning, this Complaint has been premised on the affiliation of Mr. Robinson with the entities involved and the presumption that because of this, activities taken by one must have been coordinated by all. As stated previously in MBT’s filings, there is no prohibition in Florida law for political committees, political parties, and campaigns to all employ the same treasurers, consultants, or vendors. The only time that this is legally relevant is when analyzing an

independent expenditure.<sup>1</sup> It would be a dangerous precedent for the Commission to infer liability on one political committee or party for the actions of another based on their usage of a common treasurer, consultant, or vendor.

***F. Interpreting section 106.143(3), Florida Statutes to prohibit the Republican Party of Sarasota from distributing a political advertisement supporting a nonpartisan candidate would be an unconstitutional infringement on the political party's First Amendment rights of freedom of speech and freedom of association***

For the Commission to find a violation of section 106.143(3) against either Martin Hyde or the Republican Party of Sarasota would in effect be interpreting the statute to outright prohibit political parties from endorsing, supporting, or opposing candidates for nonpartisan offices. Political parties routinely endorse nonpartisan candidates and include those endorsements and support on slate cards that are distributed every election in Florida. The Division of Elections has found that this activity does not violate the prohibition on “campaigning based on party affiliation” even if coordinated. *See* DE 03-02.

A political party's ability to endorse, support, or oppose a nonpartisan candidate is protected by the First Amendment. A political party has both a freedom of speech and a freedom of association interest. In *California Democratic Party v. Lungren*, a federal district court found a California constitutional amendment that prohibited political parties from endorsing, supporting, or opposing nonpartisan candidates to be unconstitutional. 919 F. Supp. 1397, 1404 (N.D. Cal. 1996). The court determined that the amendment violated the First Amendment speech rights of political parties. *Id.* at 1400.

Additionally, the *Lungren* court made clear that a provision that prohibits a political party from endorsing, supporting, or opposing a nonpartisan candidate must pass strict scrutiny. *Id.* The court explained that opponents' concerns about maintaining the integrity of nonpartisan elections is not a compelling enough reason to prevent political parties from endorsing, supporting, or opposing nonpartisan candidates. *Id.* at 1402-03.

Further, although section 105.09, Florida Statutes, which prohibits a political party or partisan political organization from endorsing, supporting, or assisting any candidate in a judicial campaign is still on the books in Florida, at least one federal court has stated that even this prohibition interferes with a political party's desire to choose and endorse their preferred candidate. *Concerned Democrats of Fla. v. Reno*, 458 F. Supp. 60 (S.D. Fla. 1978). The court in *Concerned Democrats of Florida* found that “conduct which involves scrutinizing and endorsing of political candidates is within the core of the First Amendment” and is protected by the Constitution. *Id.* at 64.

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<sup>1</sup> *See* § 106.011(12)(a), Fla. Stat. defining “independent expenditure” to mean “an expenditure by a person for the purpose of expressly advocating the election or defeat of a candidate or the approval or rejection of an issue, which expenditure is not controlled by, coordinated with, or made upon consultation with, any candidate, political committee, or agent of such candidate or committee. An expenditure for such purpose by a person having a contract with the candidate, political committee, or agent of such candidate or committee in a given election period is not an independent expenditure.”

More recently, in *Sanders County Republican Cent. Committee v. Bullock*, the 9th Circuit confirmed that political parties have a constitutional right to endorse, support, or oppose nonpartisan candidates. 698 F.3d 741 (9th Cir. 2012). In *Sanders County*, a Montana statute that criminalized a political party's endorsement of nonpartisan judicial candidates was found facially unconstitutional because the statute violated parties' rights to freedom of speech of association under the First Amendment. *Id.* at 745.

The Commission should refrain from an interpretation of section 106.143(3) that is not supported by the text of the statute or binding Advisory Opinions from the Division of Elections and that would unconstitutionally infringe on the First Amendment rights of political parties in Florida.

#### **IV. Conclusion**

The Commission should adopt the Staff Recommendation and find no probable cause that MBT violated sections 106.08(5)(a) and 106.19(1)(c). The Commission should decline to follow the Staff Recommendation and also find no probable cause that MBT violated section 104.091(1).

For the Commission to follow the Staff Recommendation and find probable cause of a violation against MBT for aiding, abetting, or advising in a violation of section 106.143(3), the Commission would in effect have to do the following:

1) Find that the mailer sent by the Republican Party of Sarasota violated section 106.143(3), as the Staff Recommendation suggests;

2) Recede from the long-standing guidelines laid out for nonpartisan political advertisements in 106.143(3) and the Division's binding advisory opinion in DE 03-02;<sup>2</sup>

3) Adopt a completely new interpretation on the advertising restrictions of nonpartisan candidates and the political parties that support them, suggesting that any political advertisement from a political party in support of a nonpartisan candidate would violate the Code;

4) Hold one political committee responsible for the actions of another political committee and political party based on their use of a common registered agent and treasurer; and

5) Interpret section 106.143(3) to prohibit a political party from endorsing, supporting, or opposing nonpartisan candidates and thereby unconstitutionally burden a political party's first amendment rights of freedom of speech and association.

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<sup>2</sup> See § 106.26(13), Fla. Stat. ("The commission may not issue advisory opinions, and must, in all its deliberations and decisions, adhere to statutory law and advisory opinions of the division.").

Stephanie Cunningham, Esq.

**July 31, 2019**

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "B. Gibson". The signature is fluid and cursive, with the first letter of each name being capitalized and prominent.

Benjamin J. Gibson

*Counsel for Making a Better Tomorrow*

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: Making A Better Tomorrow**

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**Case No.: FEC 18-120**

**TO:** Jason Gonzalez, Esquire and  
Ben Gibson, Esquire  
Shutts & Bowen LLP  
215 South Monroe Street, Suite 804  
Tallahassee, FL 32301

Ronald G. Meyer, Esquire  
Meyer, Brooks, Demma and Blohm, P.A.  
PO Box 1547  
Tallahassee, FL 32302

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

A hearing will be held in this case before the Florida Elections Commission on, **August 13, 2019 at 9:30 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  
July 29, 2019

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**

**In Re: Making a Better Tomorrow**

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**Case No.: FEC 18-120**

**STAFF RECOMMENDATION FOLLOWING INVESTIGATION**

Pursuant to Section 106.25(4)(c), Florida Statutes, undersigned staff counsel files this written recommendation for disposition of the sworn complaint in this case recommending that there is **probable cause** to charge Respondent with violating **Section 104.091(1), Florida Statutes**, and **no probable cause** to charge Respondent with violating **Sections 106.08(5)(a), and 106.19(1)(c), Florida Statutes**. Based upon a thorough review of the Report of Investigation submitted on March 25, 2019, the following facts and law support this staff recommendation:

1. On May 14, 2018, the Florida Elections Commission (“Commission”) received a sworn complaint from Michael Belval (“Complainant”), alleging that Making a Better Tomorrow (“Respondent”) violated Chapters 104 & 106, Florida Statutes.

2. Respondent is a political committee registered with the Division of Elections (“Division”). Eric Robinson is the committee’s chairperson and treasurer. (ROI Exhibit 1)<sup>1</sup>

3. By letter dated August 30, 2018, the Executive Director notified Respondent that Commission staff would investigate the following statutory provisions:

**Section 104.091(1), Florida Statutes:** Respondent, a political committee registered with the Division of Elections, knowingly aided, abetted, or advised the violation of Section 106.143, Florida Statutes, as alleged in the complaint.

**Section 106.08(5)(a), Florida Statutes:** Respondent, a political committee registered with the Division of Elections, made one or more contributions in the name of another, as alleged in the complaint.

**Section 106.19(1)(c), Florida Statutes:** Respondent, a political committee registered with the Division of Elections, falsely reported or deliberately failed to include information in one or more campaign reports required by Chapter 106, Florida Statutes, as alleged in the complaint.

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<sup>1</sup> The Report of Investigation is referred to herein as “ROI.”



## **Alleged Violation: Section 104.091(1), Florida Statutes**

4. Complainant alleged that Respondent knowingly aided, abetted, or advised the violation of Section 106.143(3), Florida Statutes.

5. Complainant alleged the following:<sup>2</sup> Martin Hyde, a 2017 candidate for Sarasota City Commission, was running in a nonpartisan race but wanted to publish a partisan mailer, which is prohibited by the Florida Election Code. Therefore, Mr. Hyde made an expenditure in the amount of \$4,000 which was earmarked to ultimately be given to the Republican Party of Sarasota, which would use the funds to publish a partisan mailer on behalf of the candidate. To effect the plan, Mr. Hyde gave a \$4,000 contribution to Making a Better Tomorrow, a political committee controlled by Eric Robinson. The \$4,000 contribution was then transferred from the committee to an electioneering communications organization, Legal Reform Now Committee, also controlled by Eric Robinson, and thereafter to the Republican Party of Sarasota. After receiving the funds, the Republican Party of Sarasota purchased partisan mailers supporting Mr. Hyde. *See Compl.*

6. Complainant provided a hyperlink to a video of Martin Hyde appearing on a radio talk show as well as a partial transcript of the interview. When Mr. Hyde was asked why he donated to Respondent he stated that “There is a very simple answer to that. I didn’t want to take the money out of my campaign and give it to the Republican Party directly. . . . This moving stuff around and switching stuff from one PAC to another PAC . . . That \$4,000 went to a mailer that was sent from the GOP supporting me. Period.” (ROI Exhibit 2, page 1) He stated that “It’s a non-partisan race and as it relates to coming from my campaign, my campaign can’t directly send something out notifying me as a Republican, so it was suggested that the Republican Party didn’t have the resources to fund a city mailer so I sent the money to a PAC and it came to this, simple as that.” (ROI Exhibit 2, page 1) Mr. Hyde stated that “[I]t was a mechanism to get money to the GOP. I didn’t want to write a check direct out of my campaign to the GOP.” (ROI Exhibit 2, page 2) He also stated that “[A]ll I’m telling you is that that was what suggested and that’s what I did.” (ROI Exhibit 2, page 2)

7. Respondent reported receiving a \$4,000 contribution from Martin Hyde on February 13, 2017. (ROI Exhibit 3, page 1) Legal Reform Now Committee reported making an expenditure in the amount of \$4,000 to the Republican Party of Sarasota on February 13, 2017. (ROI Exhibit 3, page 2) The Republican Party of Sarasota reported receiving a contribution in the amount of \$4,000 from Legal Reform Now Committee on February 14, 2017. (ROI Exhibit 3, page 4) The Republican Party of Sarasota reported making an expenditure to Andrick & Associates in the amount of \$3,320.07 for the purpose of mailers on March 22, 2017. (ROI Exhibit 3, page 6)

8. Bank records show that Martin Hyde wrote a personal check in the amount of \$4,000 dated February 10, 2017 to Respondent. (ROI Exhibit 4, page 1) Legal Reform Now Committee wrote a check to the Republican Party of Sarasota in the amount of \$4,000 dated February 13, 2017. (ROI Exhibit 4, page 2) The Republican Party of Sarasota wrote a check in the

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<sup>2</sup> Complainant made allegations against multiple parties in his complaint. This Staff Recommendation is solely focused on the allegations against the political committee, Making a Better Tomorrow, however, Complainant’s narrative alleging violations by other parties is provided for context.



amount of \$3,320.07 to Andrick & Associates dated March 22, 2017 for mailers. (ROI Exhibit 4, page 4; ROI Exhibit 5, page 2) It appears that the checks from Legal Reform Now Committee and the Republican Party of Sarasota were both signed by Eric Robinson. (ROI Exhibit 1, page 2; ROI Exhibit 4, pages 2 & 4)

9. On or about March 6, 2017, the Republican Party of Sarasota published a mailer supporting Martin Hyde. (ROI Exhibit 6) On April 5, 2017, the Republican Party of Sarasota reported receiving a \$500 contribution from Martin Hyde. (ROI Exhibit 7)

10. On or about March 6, 2017, the Republican Party of Sarasota also published a 3-page letter setting forth the goals of the party in 2018 and soliciting donations. The party paid \$982.19 for the letter. (ROI, p. 3, n.3; ROI Exhibit 4, page 3; ROI Exhibit 5, page 1) Twelve days before receiving the \$4,000 contribution from Legal Reform Now Committee, the Republican Party of Sarasota only had \$10,006.70 in its campaign depository. (ROI, p.3, n.2)

11. Eric Robinson is the chairperson and treasurer for Respondent. (ROI Exhibit 1) Mr. Robinson is also the former chairperson and treasurer for Legal Reform Now Committee, an electioneering communications organization formerly registered with the Division. (ROI, p. 7, ¶ 45) He is the treasurer for the Republican Party of Sarasota, and previously the party's chairperson. (ROI, p. 1, ¶2) Currently, Mr. Robinson is the chairperson for 26 active political committees. He also is the former chairperson for 37 political committees, electioneering communications organizations, and committees of continuous existence which were formerly registered with the Division of Elections. (Attachment A)

12. Eric Robinson stated that he works as a certified public accountant, has served as campaign treasurer for multiple candidates and political committees, and has also run for public office. (ROI Exhibit 9, page 1) He stated that Martin Hyde is an acquaintance and that once a contribution is received by Making a Better Tomorrow it is not earmarked for any specific purpose. (ROI Exhibit 9, pages 2 & 3) He stated that he had no knowledge of the intent behind Mr. Hyde's contribution. (ROI Exhibit 9, page 3) Mr. Robinson stated that expenditures, such as the \$4,000 expenditure to the Republican Party of Sarasota made by Legal Reform Now Committee are based on political strategy in consultation with political consultants and advisors to the organization. (ROI Exhibit 9, page 4)

13. It appears that Respondent knowingly aided, abetted, or advised the violation of Section 106.143(3), Florida Statutes, as shown below:

- Martin Hyde publicly admitted that he gave \$4,000 to Respondent so that the funds would ultimately be given to the Republican Party of Sarasota for the purpose of a partisan mailer supporting his candidacy.
- Martin Hyde stated that he did what was suggested to him as he could not himself publish a partisan mailer since he was running for a non-partisan office.

- Eric Robinson currently controls 26 active political committees. He controls Making a Better Tomorrow, formerly controlled Legal Reform Now Committee, and is the treasurer for the Republican Party of Sarasota. He was the former chairperson for 37 political committees, electioneering communications organizations, and committees of continuous existence.
- Martin Hyde gave \$4,000 to a political committee controlled by Eric Robinson. Eric Robinson had one of the many political entities he controls give \$4,000 to the Republican Party of Sarasota.
- Eric Robinson signed the check from Legal Reform Now Committee to the Republican Party of Sarasota, and signed the check from the Republican Party of Sarasota to Andrick & Associates.
- Mr. Hyde's check to Respondent and Legal Reform Now Committee's check to the Republican Party of Sarasota were issued within days of each other.
- Immediately prior to the publishing of the mailer, the Republican Party of Sarasota only had \$10,006.70 in its campaign depository. After receiving \$4,000 from Legal Reform Now Committee, the Republican Party of Sarasota determined that it would spend \$3,320.07 in order to support one candidate in a local race, while only spending \$982.19 in order to reach out to the public to share its goals and solicit donations.

**Alleged Violation: Section 106.08(5)(a), Florida Statutes**

14. Complainant alleged that Respondent violated Florida's election laws by making a contribution in the name of another. More specifically, Complainant alleged that Respondent made a contribution in the name of another when the committee transferred \$4,000 in funds received from Martin Hyde to Legal Reform Now Committee.

15. A subpoena was issued to Respondent's designated campaign depository. Respondent's bank records do not show a check issued to Legal Reform Now Committee. (ROI, p. 7, n.4)

16. Respondent stated that it did not make a contribution to Legal Reform Now Committee in its own name or in the name of another. (ROI Exhibit 8, page 3)

17. It does not appear that Respondent made a contribution in the name of another.

**Alleged Violation: Section 106.19(1)(c), Florida Statutes**

18. Complainant alleged that Respondent violated Florida's election laws by falsely reporting or deliberately failing to include information required by Chapter 106, Florida Statutes. More specifically, Complaint alleged that Respondent deliberately failed to report a \$4,000 expenditure to Legal Reform Now Committee.

19. A subpoena was issued to Respondent's designated campaign depository. Respondent's bank records do not show a check issued to Legal Reform Now Committee. (ROI, p. 7, n.4)

20. Respondent stated that it did not fail to report an expenditure to Legal Reform Now Committee as no expenditure was ever made. (ROI Exhibit 8, page 2)

21. Chapter 106, Florida Statutes, requires candidates to report any contributions received and any expenditures made for the purpose of influencing the results of an election. It does not appear that Respondent deliberately failed to include information required by Chapter 106, Florida Statutes.

22. "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. 1st DCA 1995).

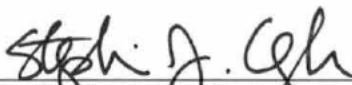
23. The facts set forth above show that Respondent is a political committee registered with the Division of Elections. Respondent knowingly aided, abetted, or advised the violation of Section 106.143(3), Florida Statutes. It does not appear that Respondent made a contribution in the name of another or deliberately failed to include information required by Chapter 106, Florida Statutes.

Based upon these facts and circumstances, I recommend that the Commission find **no probable cause** to charge Respondent with violating **Sections 106.08(5)(a), and 106.19(1)(c), Florida Statutes**, and find **probable cause** to charge Respondent with the following:

**Count 1:**

On or about February 10, 2017, Making a Better Tomorrow violated Section 104.091(1), Florida Statutes, when it knowingly aided, abetted, or advised the violation of Section 106.143(3), Florida Statutes.

Respectfully submitted on July 10, 2019.

  
\_\_\_\_\_  
Stephanie J. Cunningham  
Assistant General Counsel

I reviewed this Staff Recommendation this 10<sup>th</sup> day of July 2019.

A handwritten signature in black ink that reads "Tim Vaccaro". The signature is written in a cursive style with a horizontal line underneath it.

Tim Vaccaro  
Executive Director

[Back](#)

## Committees

### Search for Committee by Officer

[Committees]

Last Name: robinson

Officer:

Containing  Starting With  Sounding Like

Chairperson	Officer	City	Committee	Type	Status
Robinson , Craig	Tallahassee	Tallahassee	<a href="#">Floridians for Quality Health Care</a>	CCE	Closed
Robinson , David T.	West Palm Beach	West Palm Beach	<a href="#">Palm Beach County PAC</a>	PAC	Closed
Robinson , Eric	Venice	Venice	<a href="#">A Fresh Voice for Florida</a>	PAC	Active
Robinson , Eric	Venice	Venice	<a href="#">Build Something That Lasts</a>	PAC	Closed
Robinson , Eric	Venice	Venice	<a href="#">Building Bridges</a>	PAC	Active
Robinson , Eric	Venice	Venice	<a href="#">Building On Your Dreams Political Committee</a>	PAC	Active
Robinson , Eric	Venice	Venice	<a href="#">Citizens Against Taxation Political Committee</a>	PAC	Closed
Robinson , Eric	Venice	Venice	<a href="#">Citizens Demanding A Limited Government</a>	ECO	Closed
Robinson ,	Venice	Venice	<a href="#">Citizens for a Better</a>	PAC	

**Attachment A**

Eric	Venice	<u>Community</u>	Closed
Robinson , Eric	Venice Venice	<u>Citizens For A Better Duval</u>	PAC Active
Robinson , Eric	Venice Venice	<u>Citizens For A Conservative Future</u>	PAC Active
Robinson , Eric	Venice Venice	<u>Citizens For A Limited Government</u>	PAC Closed
Robinson , Eric	Venice Venice	<u>Citizens For Building Florida's Future</u>	PAC Active
Robinson , Eric	Venice Venice	<u>Citizens for Conservative Leadership</u>	PAC Closed
Robinson , Eric	Venice Venice	<u>Citizens For Martin County Values</u>	PAC Closed
Robinson , Eric	Venice Venice	<u>Citizens for Responsible Leadership</u>	PAC Active
Robinson , Eric	Venice Venice	<u>Citizens United For Future Leaders</u>	ECO Closed
Robinson , Eric	Venice Venice	<u>Citizens United for Less Taxes</u>	PAC Closed
Robinson , Eric	Venice Venice	<u>Coalition for Conservative Leadership CCE</u>	CCE Revoked
Robinson , Eric	Venice Venice	<u>Committee For Our Future</u>	PAC Closed
Robinson , Eric	Venice Venice	<u>Common Cents For Manatee</u>	ECO Closed
Robinson , Eric	Venice Venice	<u>Conservative Champion Leaders</u>	PAC Active
Robinson ,	Venice	<u>Conservative</u>	PAC

Eric	Venice	<u>Solutions for Jacksonville</u>	Active
Robinson , Eric	Venice Venice	<u>Creating A Prosperous Jacksonville</u>	PAC Active
Robinson , Eric	Venice Venice	<u>Educators For Our Future</u>	PAC Active
Robinson , Eric	Venice Venice	<u>Families for Safety and Prosperity</u>	PAC Closed
Robinson , Eric	Venice Venice	<u>First Coast Values</u>	PAC Closed
Robinson , Eric	Venice Venice	<u>Florida Leadership Fund</u>	PAC Closed
Robinson , Eric	Venice Venice	<u>Floridians for a Brighter Future</u>	ECO Closed
Robinson , Eric	Venice Venice	<u>Floridians for a Conservative Future</u>	PAC Closed
Robinson , Eric	Venice Venice	<u>Floridians For A Conservative Future Political Committee</u>	PAC Active
Robinson , Eric	Venice Venice	<u>Floridians for Justice</u>	PAC Closed
Robinson , Eric	Venice Venice	<u>Floridians for Leadership and Service</u>	PAC Closed
Robinson , Eric	Venice Venice	<u>Floridians for Liberty Political Committee</u>	PAC Closed
Robinson , Eric	Venice Venice	<u>For A Better Florida Political Committee</u>	PAC Active
Robinson , Eric	Venice Venice	<u>Friends of Sarasota</u>	PAC Active

Robinson , Eric	Venice Venice	<u>Governing</u> <u>Responsibly</u> <u>to Achieve a</u> <u>New</u> <u>Tomorrow</u>	PAC Active
Robinson , Eric	Venice Venice	<u>Gulf Coast</u> <u>Conservatives</u>	PAC Active
Robinson , Eric	Venice Venice	<u>Integrity</u> <u>Matters</u>	PAC Closed
Robinson , Eric	Venice Venice	<u>Keeping</u> <u>Florida</u> <u>Growing</u>	PAC Closed
Robinson , Eric	Venice Venice	<u>Legal Reform</u> <u>Now</u> <u>Committee</u>	ECO Closed
Robinson , Eric	Venice Venice	<u>Let's Work</u> <u>Together</u>	PAC Active
Robinson , Eric	Venice Venice	<u>Limited</u> <u>Government</u> <u>For A</u> <u>Stronger</u> <u>Florida CCE</u>	CCE Revoked
Robinson , Eric	Venice Venice	<u>Limited Govt</u> <u>for a Stronger</u> <u>Florida</u> <u>Political</u> <u>Committee</u>	PAC Active
Robinson , Eric	Venice Venice	<u>Make</u> <u>America</u> <u>Great Again</u>	PAC Active
Robinson , Eric	Venice Venice	<u>Making A</u> <u>Better</u> <u>Tomorrow</u>	PAC Active
Robinson , Eric	Venice Venice	<u>Manatee</u> <u>Against</u> <u>Taxation</u>	PAC Closed
Robinson , Eric	Venice Venice	<u>Manatee for</u> <u>Common</u> <u>Cents</u>	PAC Closed
Robinson , Eric	Venice Venice	<u>Northeast</u> <u>Florida</u> <u>Conservative</u> <u>Values</u>	PAC Active



Robinson , Eric	Venice Venice	<u>Northside</u> <u>Conservatives</u>	PAC Active
Robinson , Eric	Venice Venice	<u>Northwest</u> <u>Florida</u> <u>Conservatives</u>	PAC Closed
Robinson , Eric	Venice Venice	<u>Protect</u> <u>Pinellas</u>	PAC Closed
Robinson , Eric	Jacksonville Jacksonville	<u>Safe and</u> <u>Prosperous</u> <u>Jacksonville</u>	PAC Active
Robinson , Eric	Venice Venice	<u>SAM PAC</u>	PAC Closed
Robinson , Eric	Venice Venice	<u>SSLP Political</u> <u>Committee</u>	PAC Closed
Robinson , Eric	Venice Venice	<u>Stand for</u> <u>Veterans</u>	PAC Closed
Robinson , Eric	Venice Venice	<u>The Gulf</u> <u>Coast</u> <u>Conservatives</u>	PAC Closed
Robinson , Eric	Venice Venice	<u>Transparency</u> <u>Matters</u>	PAC Active
Robinson , Eric	Venice Venice	<u>United We</u> <u>Stand</u>	PAC Active
Robinson , Eric	Venice Venice	<u>Volusia Good</u> <u>Governance</u> <u>PAC</u>	PAC Closed
Robinson , Eric	Venice Venice	<u>Working</u> <u>Together For</u> <u>Florida PAC</u>	PAC Active
Robinson , Eric W.	Venice Venice	<u>Citizens for</u> <u>Common</u> <u>Sense</u>	ECO Closed
Robinson , Eric W.	Venice Venice	<u>Citizens For</u> <u>Sarasota</u> <u>Leadership</u>	ECO Closed
Robinson , Eric W.	Venice Venice	<u>Committee To</u> <u>Protect</u> <u>Floridas</u> <u>Seniors, Inc.</u>	ECO Revoked
Robinson , Eric W.	Venice Venice	<u>Floridians For</u> <u>Equitable</u> <u>Government</u>	PAC Closed

Robinson ,	Ft.	<u>South Florida</u>	PAC
Harry K.	Lauderdale	<u>Private Pac</u>	Closed
	Ft.		
	Lauderdale		



Response ROI FEC 18-120 Benjamin J. Gibson to: 'fec@myfloridalegal.com' 04/30/2019  
03:04 PM  
Cc: "Cole Kekelis"  
From: "Benjamin J. Gibson" <BGibson@shutts.com>  
To: "fec@myfloridalegal.com" <fec@myfloridalegal.com>  
Cc: "Cole Kekelis" <Cole.Kekelis@myfloridalegal.com>

1 Attachment



Response to ROI FEC 18\_120.pdf

Please see attached Respondent, Making a Better Tomorrow's Response to the Report of Investigation in FEC 18-120.

Feel free to contact me with any questions you may have.

Best,

**Shutts**

**Benjamin J. Gibson**

*Partner*

---

**Shutts & Bowen LLP**

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

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April 30, 2019

**SENT VIA EMAIL**

Cole Kekelis, Esq.  
Florida Elections Commission  
107 W. Gaines Street, Suite 224  
Collins Building  
Tallahassee, Florida 32399-1050  
[FEC@myfloridalegal.com](mailto:FEC@myfloridalegal.com)

**Re: Case No.: FEC 18-120; Respondent: Making a Better Tomorrow's Response to Report of Investigation**

Dear Mr. Kekelis:

Respondent, Making a Better Tomorrow (MBT), through undersigned counsel provides this response to the Report of Investigation (ROI) in FEC 18-120 ("Complaint").

1. There is only one Respondent named in this Complaint, which is the Florida political committee, MBT.
  2. MBT does not dispute that it accepted a \$4,000 contribution from the personal funds of Martin Hyde, a former candidate for Sarasota City Commission, and that this contribution was legal and accurately reported pursuant to chapter 106 on its 2017 M2 Report. ROI Exh. 3.
  3. All other allegations raised in the Complaint involve entities or individuals that are not named in this Complaint.
  4. FEC Form 1, states clearly, "Each complaint can only be filed against **ONE PERSON** or **ENTITY**. If you wish to file against multiple parties you **MUST** submit a complaint form **for each party** you wish to file against."
  5. Review of this Complaint should be limited to whether MBT violated one or more of the provisions of chapters 104 and 106 identified in the Complaint.
- I. The evidence in the ROI does not support the allegation that MBT was involved in "aiding, abetting, or advising another person to violate a provision of the Florida Election Code" in violation of section 104.091(1).**

6. MBT's Chairman and Treasurer, Eric Robinson, in his affidavit stated that neither MBT, nor himself on MBT's behalf, ever spoke to Martin Hyde about the contribution he made or Mr. Hyde's intention behind making it. ROI Exh. 9. The Complaint or ROI does not make any allegation or provide any evidence to the contrary.
7. Section 106.25(2) of the Florida Statutes, provides that election complaints "must be based upon personal information or information other than hearsay."
8. The Complaint is not based on personal information and is based entirely on hearsay statements made in a radio interview by former local candidate, Martin Hyde.
9. In addition, the ROI provides no evidence or testimony from Martin Hyde to prove the truth of the matters he asserts in the radio interview.
10. The premise of the Complaint is that Martin Hyde had to skirt the election laws to fund a mail piece indirectly through the Republican Party of Sarasota (RPOS) because he could not have funded the mailer directly from his own non-partisan campaign.
11. This premise is wrong. The mail piece at Exhibit 6 reads "REPUBLICAN PARTY OF SARASOTA COUNTY SUPPORTS MARTIN HYDE FOR SARASOTA CITY COMMISSION AT-LARGE." It does not state Martin Hyde's political affiliation, and therefore, could have been sent directly by his non-partisan campaign pursuant to DE 03-02. There was no need to "skirt" the Election Code as has been alleged. *See* Division of Elections Opinion 03-02, ("a nonpartisan mayoral candidate may be endorsed by any or all political parties"; "information stating your political affiliation may not appear in your political advertising. It is permissible, however, for you to list partisan related experience such as 'executive committee of \_\_\_\_ party' in campaign advertisements.").
12. The ROI correctly indicates that MBT did not produce the mail piece sent by the RPOS. *See* ROI Exh. 5.
13. The ROI correctly indicates that MBT did not pay for the mail piece sent by the RPOS. *See* ROI Exh. 5.
14. MBT, did not have any conversations with Martin Hyde or RPOS regarding the mail piece. *See* ROI Exh. 9.
15. Alleged actions or inactions by candidate Martin Hyde cannot be imputed upon MBT simply because Mr. Hyde contributed to MBT. Further, based on his statements in his radio interview, Martin Hyde has demonstrated an unfamiliarity with Florida's election laws:

Interviewer: Well why not write it directly to the GOP?

Martin Hyde: I'm not even sure I was allowed to. They could write one directly to them... I, I...

Interviewer: Oh . . .

Martin Hyde: ... that was the information ... I don't know, look, I'm not an attorney...

...

Martin Hyde: I don't know anything about PACs. I don't know anything about that sort of stuff.

**II. The evidence in the Complaint and ROI does not support the allegation that MBT was involved in "making a contribution through or in the name of another in any election" in violation of section 106.08(5)(a).**

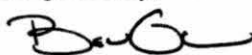
16. MBT has never made any contribution through or in the name of another in any election.
17. MBT has never made a contribution to the ECO, Legal Reform Now Committee (LRNC) or RPOS, and there is no evidence in the ROI to suggest otherwise.
18. Since receiving Martin Hyde's \$4,000 contribution, MBT has made over \$675,000 worth of contributions/expenditures none of which were to LRNC or RPOS. MBT has made contributions to other political committees and MBT has incurred expenditures for direct mail, consulting, legal services, polling, and advertising, none of which were related to Martin Hyde's candidacy.
19. The ROI correctly indicates that RPOS paid for the mailer in support of Martin Hyde and that RPOS accepted 26 contributions, from entities other than MBT, during 2017 Q1 (1/1/17-3/31/17) totaling \$49,445.00, including a \$500 contribution directly from Martin Hyde. *See* ROI Exh. 3.
20. Complainant asks the Commission to examine the political strategies and reasoning behind MBT's acceptance of political contributions and making of expenditures. When contributions and expenditures are accurately reported as required by law, as is the case here, chapter 106 has not tasked the Commission with examining the strategies behind the decisions and activities of political entities.

**III. The evidence in the Complaint and ROI does not support the allegation that MBT was involved in “falsely reporting or deliberately failing to report information required by Chapter 106, Florida Statutes” in violation of section 106.19(1)(c).**

21. All of MBT’s contributions and expenditures have been reported correctly pursuant to chapter 106, and there is no evidence provided in the Complaint or ROI to suggest otherwise.
22. The Complaint’s allegations are based on Martin Hyde’s hearsay statements made during a radio interview. The Complainant, as well as Martin Hyde are not and have never been affiliated with MBT, do not speak on its behalf, and have no knowledge regarding MBT, its political strategy or the basis for contributions or expenditures made by MBT.
23. MBT Chairman and Treasurer, Eric Robinson, is a certified public accountant and political consultant. He serves as Chairman and Treasurer for multiple campaigns and Florida political committees in addition to MBT. It is common in the world of political campaigns for professionals such as consultants, attorneys, compliance officers, mail vendors, and media consultants to have numerous clients and work independently and collaboratively on behalf of multiple political entities at any one time. There is nothing in the Florida Election Code that prohibits this.
24. Absent clear and convincing evidence, of which there is none, it would be unprecedented and outside the bounds of Florida’s Election Code for the Commission to presume as the Complaint does, that actions by independent political entities are linked based on their use of common vendors or professionals.

Based on the lack of evidence supporting the allegations against Respondent, MBT, it should be recommended that the Commission find no probable cause that MBT committed any violation of chapters 104 or 106, Florida Statutes and that the Complaint be dismissed.

Respectfully,



Benjamin J. Gibson  
*Counsel for Respondent,  
Making a Better Tomorrow*

**FLORIDA ELECTIONS COMMISSION**  
**REPORT OF INVESTIGATION**  
**Case No.: FEC 18-120**

**Respondent:** Making A Better Tomorrow

**Counsel for Respondent:** Benjamin J. Gibson

**Complainant:** Michael Belval

**Counsel for Complainant:** Ronald G. Meyer

On May 14, 2018, the Florida Elections Commission (Commission) received a sworn complaint alleging that Respondent violated Chapter 104 or 106, Florida Statutes. Commission staff investigated whether Respondent violated the following statutes:

Section 104.091(1), Florida Statutes, prohibiting a person from aiding, abetting, or advising another person to violate a provision of the Florida Election Code;

Section 106.08(5)(a), Florida Statutes, prohibiting a person from making a contribution through or in the name of another in any election; 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, Making A Better Tomorrow (MBT), is a political committee registered with the Division of Elections (Division). A Statement of Organization of Political Committee form was filed with the Division on June 30, 2014. Respondent's area, scope and jurisdiction is, "Statewide political committee to support or oppose candidates for statewide, multi-county legislative, county & municipal office and other activities not prohibited by Chapter 106 F.S." To review the Statement of Organization, refer to Exhibit 1.

2. Respondent's chairman and treasurer is Eric Robinson. Mr. Robinson is a certified public accountant and is affiliated with the firm, Robinson, Gruters and Roberts, CPA. In addition, he is the acting treasurer for the Republican Party of Sarasota and he had previously served as the party's chairman from 2006 – 2008. Mr. Robinson serves as the party's accountant.

3. Respondent is represented by Benjamin J. Gibson, Esquire.

4. Complainant, Michael Belval, has been a registered voter in Sarasota County since December 2007.



5. Complainant is represented by Ronald G. Meyer, Esquire.

6. Other persons or entities alluded to in this report of investigation include: Martin Hyde, a 2017 candidate for the Sarasota City Commission; Legal Reform Now Committee (LRNC), an electioneering communications organization controlled by Eric Robinson, and the Republican Party of Sarasota (RPS).

**II. Alleged Violation of Section 104.091(1), Florida Statutes:**

7. I investigated whether Respondent violated this section of the election laws by aiding, abetting, or advising another person to violate a provision of the Florida Election Code. Essentially, Complainant alleged that Respondent aided and abetted a local candidate by knowingly accepting \$4,000 in funds from the candidate in order to directly or indirectly transfer the funds to the RPS, who in turn, published a mailer in support of the candidate.

8. Complainant noted the following activity: Martin Hyde made a \$4,000 contribution to Respondent; LRNC made an expenditure for a \$4,000 contribution to the RPS; RPS disclosed two expenditures to Andrick & Associates for mailers totaling \$4,302.26 and later, RPS received a separate \$500 contribution from Martin Hyde.

**Martin Hyde interview**

9. In support of his complaint, Complainant alluded to a video recording of Martin Hyde's interview with Cathy Antunes<sup>1</sup> during her radio-talk show on April 20, 2017. In the interview, Ms. Antunes noted Mr. Hyde's \$4,000 contribution to Respondent and advises him that she has never known a candidate to contribute to a political committee and that she is wondering why he made the contribution.

10. Mr. Hyde replied to Ms. Antunes question as follows: "There is a very simple answer to that. I didn't want to take money out of my campaign and give it to the Republican Party directly... That \$4,000 went to a mailer that was sent from the GOP supporting me. Period." Ms. Antunes followed up by asking Mr. Hyde why he would do that when he already has a well-funded campaign.

11. Mr. Hyde responded, "It's very simple. It's a non-partisan race and as it relates to coming from my campaign, my campaign can't directly send something out notifying me as a Republican, so it was suggested that the Republican Party didn't have the resources to fund a city mailer so I sent the money to a PAC and it came to this, simple as that." Mr. Hyde later said that "it was a mechanism to get money to the GOP." To review a partial transcript of the radio interview, refer to Exhibit 2.

**Campaign reports of various entries**

12. Respondent reported receiving a \$4,000 contribution from Martin Hyde on

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<sup>1</sup> Ms. Antunes operates a blog covering Sarasota politics and has her own radio-talk show, "The Details with Cathy Antunes," which is aired on 96.5 WSLR community radio on Thursdays.

February 13, 2017; the contribution was reported in its 2017 M2 campaign report. LRNC reported an expenditure to RPS in the amount of \$4,000 on February 13, 2017; the expenditure was reported in its 2017 M2 campaign report. RPS reported a \$4,000 contribution from LRNC on February 14, 2017; the contribution was reported in its 2017 Q1 campaign report. RPS reported two expenditures to Andrick & Associates on March 22, 2017; the expenditures were reported in its 2017 Q1 campaign report. To review the relevant campaign reports of Respondent, LRNC and RPS, refer to Exhibit 3.

### **Bank records**

13. Bank records reveal that Martin Hyde issued a personal check to Respondent in the amount of \$4,000; the check was dated as February 10, 2017. Additionally, LRNC issued a check to "RPOS" in the amount of \$4,000 for the purpose of "contribution." The check was dated as February 13, 2017<sup>2</sup>. Further, RPS issued two checks to "Andrick & Associates" in the amount of \$982.19 and \$3320.07, respectively; both checks were dated as March 22, 2017. The check from LRNC to "RPOS" and the checks from RPS to Andrick & Associates were signed by Eric Robinson. To review copies of the checks, refer to Exhibit 4.

### **Invoices**

14. Invoices were secured from the printing vendor, Andrick & Associates. Invoice #48105 was issued relative to the expenditure in the amount of \$982.19 and was for the printing and mailing of a 3-page letter<sup>3</sup>, not associated with the mailer. Invoice #48002 was issued relative to the expenditure in the amount of \$3320.07 and was for the design/printing and mailing of the mailer at issue. To review a copy of the invoices, refer to Exhibit 5.

### **Mailer supporting Martin Hyde**

15. A two-sided mailer reads, in part, "REPUBLICAN PARTY OF SARASOTA COUNTY SUPPORTS MARTIN HYDE For Sarasota City Commission At-Large." A political disclaimer reads, "Political Advertisement Paid for and Approved by the Republican Party of Sarasota County." To review a copy of the mailer, refer to Exhibit 6.

### **Timeline**

16. The table below is a summary of the timeline of events based on a review of various campaign treasurer's reports filed by Respondent, LRNC and RPS. Eric Robinson served as chairman and treasurer for both Respondent and LRNC. Mr. Robinson was not the treasurer for RPS in 2017 but he was listed as the acting treasurer in 2018. In addition, he previously served as RPS chairman and serves as the RPS accountant.

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<sup>2</sup> According to a bank statement covering 02/01 – 02/28/17, RPS had a balance of \$10,006.70 on February 9, 2017, twelve days before the next deposit in to the account, which included, in part, the \$4,000 contribution from LRNC.

<sup>3</sup> The letter was headed, "The Beginning of American Restoration," and addressed the goals of the Republican Party of Sarasota in 2018 and sought donations in enabling the RPS to implement a plan for victory in 2018.

<b>TABLE 1: TIME LINE OF EVENTS</b>		
<b>Date</b>	<b>Event</b>	<b>Comment</b>
02/13/17	Candidate Martin Hyde contributes \$4,000 to Respondent, a political committee.	Exhibit 3
02/13/17	LRNC, an ECO, makes an expenditure for a \$4,000 contribution to RPS.	Exhibit 3
02/14/17	RPS reports receipt of the \$4,000 from LRNC in its 2017 Q1 campaign report.	Exhibit 3
03/22/17	RPS discloses two expenditures to Andrick & Associates for mailers totaling \$4,302.26 in its 2017 Q1 campaign report.	Exhibit 3
04/05/17	RPS discloses receipt of a \$500 contribution from Martin Hyde in its 2017 Q2 campaign report.	Exhibit 7

**Response from counsel**

17. Respondent’s counsel, Benjamin J. Gibson, provided a written response to the complaint. Counsel stated that Respondent strongly denies all of the allegations made in the complaint and that Complainant offered no evidence or personal information to support his allegations. Counsel further stated, “The entire Complaint is based on his own belief and speculation.”

18. Counsel added that Complainant’s allegations against Respondent are unsupported by any evidence and are based on “pure speculation and conjecture.” Counsel further added that the allegations of a “scheme” and “earmarked contributions” made in the complaint “involve entities and individuals other than Respondent. Yet, none of these other entities and individuals are named in this Complainant and Respondent is not responsible for actions of other entities or individuals it is affiliated with.” Counsel stated, “Even if the allegations of earmarked funds being received by the Sarasota Republican Party were true, they do not involve the Respondent.”

19. In his response, counsel also addressed Complainant’s concern linking Respondent, LRNC and the RPS together. Counsel stated, “The Complaint also tries to tie Respondent, Legal Reform Now Committee, and the Republican Party of Sarasota together based on two of the entities using the same individual, Eric Robinson, as Chairman and Treasurer.” Counsel added that there is nothing in the election code that prohibits an individual from serving as the chairman and treasurer of multiple political entities. Counsel further stated,

“Simply because a treasurer or a consultant or a media firm is involved with multiple political committees or candidates, the Commission cannot automatically infer, as the Complainant does, that these individual entities or candidates are all acting in concert with one another and an act by one is an act by all.” To review Counsel’s response to the complaint, refer to Exhibit 8.

**Questionnaire-affidavit of Respondent’s chairman and treasurer**

20. In a questionnaire-affidavit, Eric Robinson, Respondent’s chairman and treasurer, was asked about his duties and responsibilities as chairman and treasurer. Mr. Robinson reported that he was responsible for handling any and all correspondence from the Division of Elections and other duties as required by law. He added, “As treasurer of MBT, I am responsible for keeping detailed accounts of all contributions received and expenditures made by or on behalf of the political committee, submitting reports on a timely basis, and other duties required by law.” Mr. Robinson stipulated that as Respondent’s treasurer, he is solely responsible for making deposits in to the committee’s account and that he is solely responsible for entering the contribution and expenditure activity in campaign reports for Respondent.

21. Mr. Robinson was asked about his relationship with Martin Hyde. Mr. Robinson attested that Martin Hyde is known to him but added, “I rarely see him or interact with him.” Mr. Robinson further attested he would describe Martin Hyde as an acquaintance but added, “I could go years without speaking to him.”

22. Mr. Robinson was asked about any conversation he had with candidate Martin Hyde concerning his contribution to Respondent. He stated, “I never talked to Martin Hyde about the contribution.” Mr. Robinson also stated that in Mr. Hyde’s interview with Cathy Antunes, Hyde never stated that he ever talked to him. Mr. Robinson attested that he had no knowledge of Mr. Hyde’s intent behind his contribution or any contributor’s intent. He further attested, “As the chairman and treasurer of the political committee, I do not solicit funds from anyone including Mr. Hyde.”

23. In the questionnaire-affidavit, Mr. Robinson was asked about Mr. Hyde’s contribution and for what purpose did Respondent eventually use the \$4,000 contribution. He stated, “Once a contribution is made those funds are deposited into the account and are not earmarked for any specific purpose.” When asked, Mr. Robinson stated that Mr. Hyde had not previously contributed to Respondent prior to his \$4,000 contribution on February 13, 2017.

24. Mr. Robinson was asked as chairman and treasurer did he have full control in determining when and to whom to issue a check from Respondent’s account. He stated, “Expenditures made by MBT are ultimately at my discretion as chairman and treasurer but as all expenditures are based on political strategy these decisions are made in consultation with political consultants and advisors to the political committee. I am not involved in every political strategy decision.” To review the affidavit of Respondent’s chairman and treasurer, refer to Exhibit 9.

25. As per paragraph six, Respondent’s chairman and treasurer also served as chairman and treasurer for LRNC, an ECO. As per paragraph eight, LRNC made an expenditure for a \$4,000 contribution to the RPS; the \$4,000 expenditure for the contribution was the same



exact amount of Martin Hyde's contribution to Respondent and both transactions were reported as transpiring on the same date, February 13, 2017.

26. As per paragraph seven, Complainant essentially alleged that Respondent aided and abetted a local candidate by knowingly accepting a \$4,000 contribution from Martin Hyde in order to directly or indirectly transfer the funds to the RPS, who in turn, published a mailer in support of candidate Hyde. Wherein Respondent's chairman and treasurer also served as the chairman and treasurer for LRNC, Mr. Robinson was asked about LRNC and its donation to the RPS.

### **Questionnaire-affidavit of Eric Robinson as chairman and treasurer for LRNC**

27. In the questionnaire-affidavit, Mr. Robinson attested that he is solely responsible for making deposits in to LRNC's account and he is solely responsible for entering the contribution and expenditure activity in to the ECO's campaign reports. Mr. Robinson was asked whether he had full control in determining when and to whom to issue a check from LRNC's account. He stated, "Expenditures made by LRNC are ultimately at my discretion as chairman and treasurer but as all expenditures are based on political strategy these decisions are made in consultation with political consultants and advisors to the ECO. I am not involved in every political strategy decision."

28. Mr. Robinson was asked to explain why LRNC issued a \$4,000 check to the RPS on the same date, February 13, 2017, that Respondent reported receiving a \$4,000 contribution from Martin Hyde. He stated, "All expenditures made by LRNC are based on political strategy of the ECO in consultation with political consultants and advisors to the ECO."

29. In addition, Mr. Robinson was informed that LRNC's bank statements included a beginning balance of \$44,339.44 on February 1, 2017—twelve days prior to the date of the check issued to RPS. Mr. Robinson was asked that given the balance in the account, why was the check issued to RPS for \$4,000, the same amount of Mr. Hyde's contribution to Respondent. He stated, "All expenditures made by LRNC are based on political strategy of the ECO in consultation with political consultants and advisors to the ECO."

30. In addition, Mr. Robinson attested that LRNC's contribution to the RPS was hand-delivered. When asked to describe the conversation that took place between him and a representative from RPS concerning the contribution, Mr. Robinson stated, "Any of my conversations with RPS would have involved the actual logistics of making the contribution." When asked, Mr. Robinson attested that LRNC had not previously contributed to the RPS but added that the ECO had routinely made one-time contributions to other political entities. To review the affidavit of LRNC's chairman and treasurer, refer to Exhibit 9.

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

### **III. Alleged Violation of Section 106.08(5)(a), Florida Statutes:**

32. I investigated whether Respondent violated this section of the election laws by making a contribution through or in the name of another in any election. Essentially,

Complainant alleged that Respondent made a contribution in the name of another when it transferred \$4,000 in funds belonging to the candidate Martin Hyde, in its own name, directly or indirectly to LRNC.

33. As per paragraph eight, Complainant noted that Martin Hyde contributed \$4,000 to Respondent and LRNC contributed the same amount to RPS. Later, RPS paid Andrick & Associates for a mailer supporting Martin Hyde.

34. As to other pertinent information, refer to paragraphs 9 through 16.

35. As to counsel's response, refer to paragraphs 17 through 19.

36. As to Eric Robinson's response to a questionnaire-affidavit relative to serving as Respondent's chairman and treasurer, refer to paragraphs 20 through 24.

37. As to Eric Robinson's response to a questionnaire-affidavit relative to serving as the chairman and treasurer for LRNC, refer to paragraphs 27 through 30.

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

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

39. I investigated whether Respondent violated this section of the election laws by deliberately failing to report information. Essentially, Complainant alleged that Respondent contributed \$4,000 to LRNC but failed to report the expenditure.

40. To review information relative to the campaign reports of Respondent, LRNC and RPS, refer to paragraph 12.

41. To review information relative to bank records involving the candidate, Respondent, LRNC and RPS, refer to paragraph 13.

42. To review a timeline of events, refer to Table 1, following paragraph 16.

43. In his response, counsel stated that Respondent did not make a contribution or expenditure to LRNC and there was nothing to report<sup>4</sup>. Counsel added, "Complainant offers no evidence or personal information supporting any failure to report any expenditure by Respondent." To review counsel's response, refer to Exhibit 8.

44. As to the affidavit of Eric Robinson, Respondent's chairman and treasurer, refer to paragraphs 20 through 24.

45. In addition to serving as the chairman and treasurer for Respondent and LRNC, Eric Robinson also serves as the chairman and treasurer for a number of other active political committees registered with the Division, mostly from Venice, Florida.

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<sup>4</sup> A review of Respondent's bank records is void of any check issued to LRNC.

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

**V. FEC History:**

47. Respondent has no prior history with the Florida Elections Commission. In FEC 17-204, Eric Robinson, Respondent's chairman and treasurer, was the treasurer for a 2016 candidate for State Senate. Mr. Robinson agreed to a consent order and paid a fine relative to violating Section 106.19(1)(a), Florida Statutes, on five occasions and Section 106.07(2)(b)1, Florida Statutes, on one occasion.

**Conclusion:**

48. On March 25, 2019, I interviewed Respondent's counsel for the purpose of providing him with a brief overview of the case and to afford him an opportunity for questions or comments. Counsel inquired as to whether he would have an opportunity to respond to the report of investigation as well as the staff recommendation prior to the case being heard before the members of the Florida Elections Commission, to which he was advised that he would have an opportunity.

49. In a letter dated July 2, 2014, Respondent's chairman and treasurer was advised that the Division was in receipt of the Statement of Organization and Appointment of Campaign Treasurer and Designation of Campaign Depository for Respondent and that the name of this organization had been placed on their active committee list as a political committee. The last paragraph of the letter read, "It is your responsibility to read, understand, and follow the requirements of Florida's election laws. Therefore, please print a copy of the following documents: Chapter 106, Florida Statutes, *2014 Political Committee Handbook*, *2014 Calendar of Reporting Dates*, and Rule 1S-2.017, Florida Administrative Code." To review a copy of the letter, refer to Exhibit 10.

50. Respondent's chairman and treasurer attested that in 2016 he sought the office of Sarasota School Board, District 3, and he has served as the campaign treasurer for multiple candidates and political committees over the years. In addition, Mr. Robinson attested that he does possess and has read Chapters 104 and 106, Florida Statutes, as well as the *Political Committee Handbook*.

51. As part of the questionnaire-affidavit, Respondent's chairman and treasurer was asked what action he had taken to determine his responsibilities under Florida's election laws. He stated, "I have reviewed the relevant provisions of Florida's Election Code, the *Candidate and Campaign Treasurer Handbook*, the *Political Committee Handbook*, and consulted with the Division of Elections, legal counsel any my local Supervisor of Elections as needed." To review the affidavit of Respondent's chairman and treasurer, refer to Exhibit 9.

Respectfully submitted on March 25, 2019.



Keith Smith  
Investigation Specialist

**Current address of Respondent**

Making A Better Tomorrow  
133 South Harbor Drive  
Venice, Florida 34285

**Current address of Complainant**

Michael Belval  
8466 Lockwood Ridge Road #112  
Sarasota, Florida 34243-2951

**Current Address of Respondent's Atty.:**

Benjamin J. Gibson, Esquire  
Shutts & Bowen, LLP  
215 South Monroe Street – Suite 804  
Tallahassee, Florida 32301

**Current Address of Complainant's Atty.:**

Ronald G. Meyer, Esquire  
Meyer, Brooks, Demma and Blohm, P.A.  
131 North Gadsden Street  
Tallahassee, Florida 32301

**Name and Address of Filing Officer:**

Kristi R. Willis, Chief  
Bureau of Election Records  
500 South Bronough Street – Suite 316  
Tallahassee, Florida 32399

**Chair of Committee**

Eric Robinson, Chairman  
Making a Better Tomorrow  
133 South Harbor Drive  
Venice, Florida 34285

Copy furnished to: David Flagg, Investigations Manager



**FLORIDA ELECTIONS COMMISSION**  
**REPORT OF INVESTIGATION**  
**Making A Better Tomorrow -- FEC 18-120**

<b>LIST OF EXHIBITS</b>	
<b>Exhibits #s</b>	<b>Description of Exhibits</b>
Exhibit 1	Statement of Organization
Exhibit 2	Partial transcript of radio interview
Exhibit 3	CTRS of R, LRNC & RPS
Exhibit 4	Copies of checks
Exhibit 5	Invoices from Andrick & Associates
Exhibit 6	Mailer
Exhibit 7	RPS disclosure of \$500 contribution from Martin Hyde
Exhibit 8	Response to the complaint
Exhibit 9	Affidavit of Eric Robinson
Exhibit 10	Acknowledgement ltr from Division to R's chairman

**STATEMENT OF ORGANIZATION  
OF POLITICAL COMMITTEE**

(PLEASE TYPE)

OFFICE USE ONLY

2014 JUN 30 AM 9:03

DIVISION OF ELECTIONS  
TALLAHASSEE, FL

**1. Full Name of Committee**

MAKING A BETTER TOMORROW

**Telephone**

941-488-7794

**Mailing Address (include city, state and zip code)**

133 S. HARBOR DRIVE VENICE FL 34285

**Street Address (include city, state and zip code)**

133 S. HARBOR DRIVE VENICE FL 34285

**2. Affiliated or Connected Organizations (includes other committees of continuous existence and political committees)**

Name of Affiliated or Connected Organization	Mailing Address	Relationship
N/A		

**3. Area, Scope and Jurisdiction of the Committee**

STATEWIDE POLITICAL COMMITTEE TO SUPPORT OR OPPOSE CANDIDATES FOR STATEWIDE, MULTI-COUNTY LEGISLATIVE, COUNTY & MUNICIPAL OFFICE AND OTHER ACTIVITIES NOT PROHIBITED BY CHAPTER 106 F.S.

**4. Nature of Organization or Organization's Special Interest (e.g., medical, legal, education, etc.)**

POLITICAL

**5. Identify by Name, Address and Position, the Custodian of Books and Accounts (include treasurer's name)**

Full Name	Mailing Address	Committee Title or Position
ERIC ROBINSON	133 S. HARBOR DRIVE VENICE FL 34285	TREASURER

<b>6. List by Name, Address and Position, Other Principal Officers, Including Officers and Members of the Finance Committee, If Any (include chairman's name)</b>			
Full Name	Mailing Address	Committee Title or Position	
ERIC ROBINSON	133 S. HARBOR DRIVE VENICE FL 34285	CHAIRMAN	
<b>7. List by Name, Address, Office Sought and Party Affiliation Each Candidate or Other Individual that this Committee is Supporting (if none, please indicate)</b>			
Full Name	Mailing Address	Office Sought	Party
TO BE DETERMINED			
8. List Any Issues this Committee is Supporting: TO BE DETERMINED List Any Issues this Committee is Opposing: TO BE DETERMINED			
9. If this Committee is Supporting the Entire Ticket of a Party, Give Name of Party N/A			
10. In the Event of Dissolution, What Disposition will be Made of Residual Funds? CONTRIBUTE TO CANDIDATES, POLITICAL PARITES, POLITICAL COMMITTEES OR OTHER ACTIVITIES NOT PROHIBITED BY LAW			
11. List all Banks, Safety Deposit Boxes, or Other Depositories Used for Committee Funds			
Name of Bank or Depository & Account Number		Mailing Address	
SUNTRUST BANK		200 S. NOKOMIS AVE VENICE FL 34285	
12. List all Reports Required to be Filed by this Committee with Federal Officials and the Names, Addresses and Positions of Such Officials, If Any			
Report Title	Dates Required to be Filed	Name & Position of Official	Mailing Address
FORM 8871 FORM 1120POL FORM 990 AS MAY BE REQUIRED	UPON FORMATION MARCH 15 ANNUALLY MAY 15 ANNUALLY	INTERNAL REVENUE SERVICE	OGDEN UT 84201
STATE OF FLORIDA		SARASOTA COUNTY	
I, ERIC ROBINSON, certify that the information in this Statement of Organization is complete, true and correct.			
X <i>E. Robinson</i> Signature of Chairman of Political Committee		EXHIBIT 1 (2 of 2)	6-27-14 Date

**TRANSCRIPT (PARTIAL)  
OF RADIO INTERVIEW VIDEO**

**Video 1 (Starting at 14:49 to end)**

Interviewer: ...I don't know if any of you read my blog, but PACs and dark money are something I have spent some time researching and particularly in Sarasota County and Eric Robinson is what we call the "prince of dark money" ... he administers a lot of political action committees around the state ... so Martin, there is a PAC called "Making a Better Tomorrow" and it is administered by Eric Robinson and on February 13<sup>th</sup> of this year you donated \$4,000 to that PAC. Your money is in there with Jim Gabbert, \$10,000 – he is the one who wants to put an industrial dump by the celery fields, your money is in there with Carlos Beruff, \$10,000 who is building homes between two landfills, your money is in there with Randy Benderson's money, \$20,000 of Randy Benderson's money, and Kolter Land Partners, \$10,000 the builders of The Vue. With the exception of Mr. Gabbert, who is the Charter Review official, and I have looked at these PACs quite a bit, I have never seen a candidate donate to a PAC so I am wondering ... why?

Martin Hyde: There is a very simple answer to that. I didn't want to take the money out of my campaign and give it to the Republican Party directly. Um, and as to the other people, in these PACs, they on some level agree. This moving stuff around and switching stuff from one PAC to another PAC, I have never met any of those people ... I know who they are and, I, the money that they collected there is obviously for other purposes. That \$4,000 went to a mailer that was sent from the GOP supporting me. Period.

Interviewer: Well, then why not, because you have given over \$48,000 to your own campaign ... why would you have to use a PAC for [inaudible] for funding a ... why do that? You have a well-funded campaign.

Martin Hyde: It's very simple. It's a non-partisan race and as it relates to coming from my campaign, my campaign can't directly send something out notifying me as a Republican, so it was suggested that the Republican Party didn't have the resources to fund a city mailer so I sent the money to a PAC and it came to this, simple as that.

Interviewer: Okay, here is my concern. And, you know, with the elected mayor, and one of the reasons I am concerned about the elected mayor is that it is a lot harder to buy 5 people than it is to buy 1 person. When I see a candidate giving money to a political action committee, which, by the way, has over \$200,000 in this, and there is regenerated PAC money, you know the shell game is there, I have to ask you, are you going to be a lap dog for Carlos Beruff and Benderson, for instance at the corner of Beneva and Fruitville, there is a piece of land, it's the northeast corner, of Beneva and Fruitville, and the City, the people are really upset that

Benderson wanted to chop down all those trees and put in a shopping center. That didn't happen, but, you know, your financial alliance here raises questions.

Martin Hyde: It's not financial alliance, it was a mechanism to get money to the GOP. I didn't want to write a check direct out of my campaign to the GOP ... there is no secret about that. As far as there being ...

Interviewer: Well why not write it directly to the GOP?

Martin Hyde: I'm not even sure I was allowed to. They could write one directly to them ... I, I....

Interviewer: Oh ...

Martin Hyde: ... that was the information ... I don't know, look, I'm not an attorney, all I'm telling you is that that was what suggested and that's what I did. Here's the thing, you talk about bought and paid, 85% of the money from my campaign is my money. None of this is. That's bought and paid, not me .... I'm wealthy, I don't need other people. No one can make me a lap dog. None of these people can tell me which end is up, the special interests you know in DC, pharmaceutical companies, they're arm's manufacturers, down here, there are people in special neighborhood groups giving to [END]

## Video 2 Excerpt (up to 4:10)

...

Interviewer: Okay, alright, well we are going to take a break and we will be right back. You are listening to *The Detail* and I am happy to be your host. Thanks.

Interviewer: Okay. Can you edit out that [inaudible]

Martin Hyde: That was shitty ...

Interviewer: Why...

Martin Hyde: That was shitty – you know exactly why ... it's fine.

Interviewer: Martin,

Martin Hyde: I expected it, I expected it .... It's got nothing to do with [inaudible]

Interviewer: Martin, listen, you give 4 grand I'm going to ask you about it

EXHIBIT 2 (2 of 5)

Martin Hyde: That's fine

Interviewer: I don't understand why that is a problem.

Martin Hyde: It's not ...

Interviewer: You have to understand ...

Martin Hyde: it's the whole thing. It's the whole liberal thing ... you know ... you make a big demon out of somebody who is doing an honest thing. And doing the best that he can -- and turning someone -- I hate Eric Robinson, I hate all of those people ....

Interviewer: You have choices, you don't have to give the money there

Martin Hyde: No I haven't got a choice

Interviewer: Why?

Martin Hyde: I don't know anything about PACs. I don't know anything about that sort of stuff.

Interviewer: Why would you ...

Martin Hyde: I wanted to give money to get a mailer to go out

Interviewer: So, you didn't know anything about it and you gave the money.

Martin Hyde: No, I don't know who's involved in any of these things, as far as I was concerned they gave me the name of someone

Interviewer: Don't you think you ought to know ...

Martin Hyde: Um, not really,

Interviewer: Really?

Martin Hyde: my purpose and my point was something else.

Interviewer: I disagree with you.

Martin Hyde: Well, you can disagree with me [inaudible]

Interviewer: Yes I can. [inaudible] Well ... we don't agree on that. It has been a problem in the city and it's actually

Martin Hyde: What is the problem, I don't get that

Interviewer: [inaudible] been tracked in the county

Martin Hyde: Well, the county I get ...

Interviewer: When you have special interests that are running the show

Martin Hyde: I know that, I know that, but you can't

Interviewer: You make bad decisions

Martin Hyde: Yeah, [inaudible] 85% of the money that I put in is my money, how is that special interests? How does that affect my decision-making?

Interviewer: No, I was asking about your PAC

Martin Hyde: I don't even know about [inaudible]

Interviewer: You want it, you think it is a virtue that you have given almost \$50 grand to your own campaign. I mean, God bless you that you have that kind of money, but I don't see that that makes you a superior candidate.

Martin Hyde: I didn't mean it superior candidate ... I said it means it makes me less likely to be swayed by 200 bucks, someone gives me 200 bucks [inaudible], I couldn't care less ... I haven't [inaudible]

Interviewer: Do you think that sounds a little ...

Martin Hyde: Arrogant ...

Interviewer: Yeah....

Martin Hyde: No, not really

Interviewer: Okay ...

Martin Hyde: It might to you

Interviewer: Alright, I, you know, I

Martin Hyde: It's honest

Interviewer: Okay ... we are going to talk about something else. I think we

Martin Hyde: Jen's [inaudible]

Interviewer: Do you have more to say? I'll toss it back to you ...

Jen: No, I'm fine. No

Martin Hyde: Cause you did her job for her. Thanks.

Interviewer: It is an opinion show too.

Martin Hyde: Sure

Interviewer: I do have an opinion

Martin Hyde: Well we knew that walking in ...

Interviewer: Yes you did. Okay so ... we're ready? Okay.

EXHIBIT 2 (5&5)





Florida Department of State  
Division of Elections

# Campaign Contributions

Making A Better Tomorrow

[About the Campaign Finance Data Base](#)

Rpt Yr	Rpt Type	Date	Amount	Contributor Name	Address	City State Zip
2017	M2	02/13/2017	4,000.00	HYDE MARTIN	3446 ANGLIN DR	SARASOTA, FL 34242
			4,000.00			

1 Contribution(s) Selected

[Query the Campaign Finance Data Base](#)

[\[Department of State\]](#) [\[Division of Elections\]](#) [\[Candidates and Races\]](#) [\[Campaign Finance Information\]](#)

EXHIBIT 3 (1 of 6)



Florida Department of State  
Division of Elections

# Campaign Expenditures

Legal Reform Now Committee

*This information is being provided as a convenience to the public, has been processed by the Division of Elections and should be cross referenced with the original report on file with the Division of Elections in case of questions.*

[About the Campaign Finance Data Base](#)

Rpt Yr	Rpt Type	Date	Amount	Expense Paid To	Address	City State Zip
2017	M2	02/13/2017	4,000.00	REPUBLICAN PARTY OF SARASOTA	PO BOX 15333	SARASOTA, FL 34277
			4,000.00			

1 Expenditure(s) Selected

[Query the Campaign Finance Data Base](#)

[\[Department of State\]](#) [\[Division of Elections\]](#) [\[Candidates and Races\]](#) [\[Campaign Finance Information\]](#)

EXHIBIT 3 (2 of 6)

- [Voter Statistics](#)
- [Voting System Audit](#)

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## **2018 Election Cycle**

### **Republican Party of Sarasota - Contributions**

[Report Summary](#)

[Show Legend](#)

<b>Date</b>	<b>Name</b>	<b>Contributor</b>	<b>Amount</b>
Jan 18, 2017	REPUBLICAN PARTY OF FLORIDA PO Box 311	CHE	\$3500.00

EXHIBIT 3 (3 of 6)

Tallahassee, FL  
POLITICAL GROUP

Feb 04, 2017	Michael Clarke 1440 Flower Dr Sarasota, FL 34239 RETIRED	I	CHE	\$750.00
Feb 04, 2017	Julie Clarke 1440 Flower Dr Sarasota, FL 34239 RETIRED	I	CHE	\$750.00
Feb 08, 2017	JULIO GONZALEZ CAMPAIGN 133 Harbor Dr S Venice, FL 34285 CANDIDATE CAMPAIGN	O	CHE	\$6000.00
Feb 14, 2017	David Brown 4170 Hearthstone Dr Sarasota, FL 34238 RETIRED	I	CHE	\$50.00
Feb 14, 2017	Frederick Cochran 1766 Bahia Vista St Sarasota, FL 34239 REAL ESTATE	I	CHE	\$1500.00
Feb 14, 2017	Donald Cunningham 4538 Hamlets Grove Dr Sarasota, FL 34235 RETIRED	I	CHE	\$50.00
Feb 14, 2017	Robert Dickson 4132 Brookpointe Ct Sarasota, FL 34238 RETIRED	I	CHE	\$25.00
Feb 14, 2017	<b>LEGAL REFORM NOW</b> 133 Harbor Dr S Venice, FL 34285 PAC	C	CHE	<del>\$4000.00</del>
Feb 15, 2017	Julia Brady 129 Harbor House Dr Osprey, FL 34229 RETIRED	I	CHE	\$1500.00
Feb 15, 2017	Janet Huff 7333 Scotland Way Unit 1315 Sarasota, FL 34238 REALTOR	I	CHE	\$200.00
Feb 15, 2017	Allen Jelks 730 S Osprey Ave Apt B519 Sarasota, FL 34236 RETIRED	I	CHE	\$50.00
Feb 15, 2017	MARTHA MCCRARY 1664 Albino St Nokomis, FL 34275 RETIRED	I	CHE	\$200.00
Feb 15, 2017	Rex Sutherland	I	CHE	\$100.00

EXHIBIT

3

(4 of 6)

- [Voter Statistics](#)
- [Voting System Audit](#)

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**2018 Election Cycle**

**Republican Party of Sarasota - Expenditures**

[Report Summary](#)

[Show Legend](#)

Date	Entity	Amount	Purpose
Jan 01, 2017	PayPal 2211 N 1st St	\$30.00 <b>EXHIBIT</b> <u>3</u> (5 & 6)	CREDIT CARD PROCESSING FEE

4608 Crystal Rd  
Venice, FL 34293

Mar 15, 2017	COMCAST PO Box 105184 Atlanta, GA 30348	\$181.17 MON	CABLE/INTERNET COST
Mar 15, 2017	FPL PO Box 25576 Miami, FL 33102	\$60.63 MON	OFFICE UTILITY
Mar 15, 2017	PREMIUM FINANCE SOLUTIONS LLC 2301 Ringling Blvd Sarasota, FL 34237	\$52.55 MON	LIABILITY INSURANCE
Mar 15, 2017	ROBINSON HANKS YOUNG & ROBERTS 133 Harbor Dr S Venice, FL 34285	\$350.00 MON	ACCOUNTING
<del>Mar 22, 2017</del>	<del>ANDRICK &amp; ASSOCIATES</del> 4400 Independence Ct Sarasota, FL 34234	<del>\$982.19 MON</del>	<del>MAILERS</del>
<del>Mar 22, 2017</del>	<del>ANDRICK &amp; ASSOCIATES</del> 4400 Independence Ct Sarasota, FL 34234	<del>\$3320.07 MON</del>	<del>MAILERS</del>
Mar 22, 2017	CONSTANT CONTACT 1601 TRAPELO RD Waltham, MA 02451	\$95.00 MON	COMMUNICATION SERVICES
Mar 22, 2017	Suncoast Computer Group 1110 Bacon Ave Sarasota, FL 34232	\$90.00 MON	INTERNET RECOVERY
Mar 22, 2017	THE THOMSON GROUP 639 Oakford Rd Sarasota, FL 34240	\$650.00 MON	COMMUNICATION SERVICES
Mar 22, 2017	GALE WYMAN 3451 Queens St Apt 518 Sarasota, FL 34231	\$850.00 MON	ADMIN SERVICES
Mar 28, 2017	South Venice Civic Association 720 Alligator Pl Venice, FL 34293	\$214.00 MON	EVENT VENUE RENTAL
Mar 28, 2017	Waste Management PO Box 105453 Atlanta, GA 30348	\$109.63 MON	RECYCLE COLLECTION
Mar 28, 2017	Waste Management PO Box 105453 Atlanta, GA 30348	\$93.24 MON	TRASH COLLECTION
Mar 29, 2017	Matthew Lettelleir 4400 1st St N Unit 411 Saint Petersburg, FL 33703	\$2000.00 MON	CONTRACT SERVICES
Mar 29, 2017	MICROTARGETED MEDIA 85 Mimosa Dr Sarasota, FL 34232	\$1500.00 MON	DIGITAL ADVERTISEMENT
Mar 29, 2017	Christian Ziegler	\$1000.00 MON	MARKETING REIMBURSEMENT

EXHIBIT

3  
1000.00 MON

(6 of 6)

MARKETING REIMBURSEMENT

STSC  
SUBPOENA SERVICES  
FL-ORLANDO-7136

COPY REFERENCE: 20180927000344 CX  
09/28/18 09:39:34 1 WEB JOBT80928093344  
0075231101+ 20170221 07  
4000.00 [REDACTED] 000000

**MARTIN HYDE**  
3446 ANGLIN DR  
SARASOTA, FL 34242-1002

1785  
63-27631 FL  
23383

Date Feb 10<sup>th</sup> 2017

Pay to the Order of Malik A Baku Tomorrow \$ 4000<sup>00</sup>  
Four Thousand Dollars

**Bank of America**  
ACH R/T 083100277

For [REDACTED]

MP

ISN# 3413591403  
Date 2/21/2017

PAY TO THE ORDER OF  
SUNTRUST  
FL VENICE 34293  
FOR DEPOSIT ONLY  
[REDACTED]  
MAKING A BETTER TOMORROW

EXHIBIT 4 (1 of 4)

STSC  
SUBPOENA SERVICES  
FL-ORLANDO-7136

COPY REFERENCE: 20180927000239 CX  
09/28/18 09:37:44 1 WEB JOBT80928093338  
0075231124 20170221 07  
4000.00 [REDACTED] 000000

LEGAL REFORM NOW COMMITTEE  
133 HARBOR DR S  
VENICE, FL 34285

DATE 2/13/17 63-215/631

PAY TO THE ORDER OF: RPOS \$ 4,000.00  
four thousand + 00/100 DOLLARS

SUNTRUST ACH RT 081000104

FOR Contribution [REDACTED]

1003

ISN# 3413591425  
Date 2/21/2017

PAY TO THE ORDER OF  
SUNTRUST  
FOR DEPOSIT ONLY  
SARASOTA COUNTY REPUBLICAN  
EXECUTIVE COMMITTEE

EXHIBIT 4 (2 of 4)



STSC  
SUBPOENA SERVICES  
FL-ORLANDO-7136

COPY REFERENCE: 20181218000631 CX  
12/19/18 10:44:28 45 WEB JOBT81219095152  
0074103746 20170328 07  
982.19 [REDACTED] 000000

2328

REPUBLICAN PARTY OF SARASOTA  
PO BOX 15333  
SARASOTA FL 34277

DATE 3/22/17 63-215/631

PAY TO THE ORDER OF Andrick & Associates \$ 982.19  
Nine Hundred Eighty-Two + 19/100 DOLLARS

SUNTRUST ACH RT 061000104

FOR 48105 [REDACTED]

J. L. Andrick  
ELL

20170328020591300236 05 1332

Regions Bank >062000019<

20170328020591300236 05 1332  
Regions Bank >062000019<

PAY TO THE ORDER OF  
Regions Bank  
063104668  
FOR DEPOSIT ONLY  
Andrick & Associates

EXHIBIT 4 (3 of 4)

STSC  
SUBPOENA SERVICES  
FL-ORLANDO-7136

COPY REFERENCE: 20181218000631 CX  
12/19/18 10:44:28 46 WEB JOBT81219095152  
0074103747 20170328 07  
3320.07 [REDACTED] 000000

2329

REPUBLICAN PARTY OF SARASOTA  
PO BOX 15333  
SARASOTA FL 34277

DATE 3/22/17 63-215/631

PAY TO THE ORDER OF Andrick + Associates \$ 3320.07

Three thousand Three Hundred Twenty & 07/100 DOLLARS

FOR 48002 SUNTRUST ACH RT 061000104

Jeffrey Anthony Hawk Treasurer

[REDACTED]

20170328020591300237 05 1332

Regions Bank >062000019<

20170328020591300237 05 1332  
Regions Bank >062000019<

BY TO THE ORDER OF  
Regions Bank  
063104668  
FOR DEPOSIT ONLY  
Andrick & Associates

EXHIBIT 4 (4 of 4)



4400 Independence Court  
 Sarasota, FL 34234  
 (941) 351-6565 (P)  
 (941) 351-6566 (F)  
 www.andrickandassociates.com

## Invoice

<b>Attn:</b> SARASOTA COUNTY REP.EXEC. PO Box 15333 Sarasota, FL 34277	<b>Job Name:</b> Print/Fold/Insert 3 Page Letter <b>Invoice #:</b> 48105 <b>CustCode:</b> GOP <b>Invoice Date:</b> 03/06/2017 <b>PO #:</b> <b>Date Of Service:</b> 03/06/2017 <b>Terms:</b> Net 30 Days
---	---

	Quantity	Ext Price
<b>Service Costs</b>	1055	\$740.75
<b>Postage</b>		
.22885      PI 1	1055	\$241.44

<b>Sub Total:</b>	\$740.75
<b>Tax:</b>	\$0.00
<b>Total Services:</b>	\$740.75
<b>Price Per M:</b>	\$0.7021
<b>Postage Used:</b>	\$241.44
<b>Balance Due:</b>	\$982.19

# PAID

CK. NO 2328  
 CK. AMT 982.19  
 DATE 3/28

Please pay from this invoice. A 2% per month charge will be made on past due accounts.  
 Overruns or Underruns not to exceed 10% of the amount ordered shall constitute an acceptable  
 delivery and the excess or deficiency shall be charged or credited to the customer proportionately.

**EXHIBIT** 5 (102)

Please make checks payable to Andrick & Associates. Also please return 1 copy of the enclosed invoice with your payment. Thank you.





4400 Independence Court  
 Sarasota, FL 34234  
 (941) 351-6565 (P)  
 (941) 351-6566 (F)  
 www.andrickandassociates.com

## Invoice

<b>Attn:</b> SARASOTA COUNTY REP.EXEC. PO Box 15333 Sarasota, FL 34277	<b>Job Name:</b> Design/Print/Mail 6 x 11 4/4 Mailer <b>Invoice #:</b> 48002 <b>CustCode:</b> GOP <b>Invoice Date:</b> 03/06/2017 <b>PO #:</b> <b>Date Of Service:</b> 03/06/2017 <b>Terms:</b> Net 30 Days
---	---

	Quantity	Ext Price
<b>Service Costs</b>	8107	<b>\$1,738.81</b>
<b>Misc Costs</b>		
Walk Sequencing	\$66.16      1	\$66.16
		<b>\$66.16</b>
<b>Postage</b>		
.18689      PI 1	8107	\$1,515.10

<b>Sub Total:</b>	\$1,804.97
<b>Tax:</b>	\$0.00
<b>Total Services:</b>	\$1,804.97
<b>Price Per M:</b>	\$0.2226
<b>Postage Used:</b>	\$1,515.10
<b>Balance Due:</b>	<b>\$3,320.07</b>

PAID

CK. NO 2329  
 CK. AMT 3320.07  
 DATE 3/28

Please pay from this invoice. A 2% per month charge will be made on past due accounts. Overruns or Underruns not to exceed 10% of the amount ordered shall constitute an acceptable delivery and the excess or deficiency shall be charged or credited to the customer proportionately.

Please make checks payable to Andrick & Associates. Also please return 1 copy of the enclosed invoice with your payment. Thank you.

EXHIBIT 5 (2 of 2)

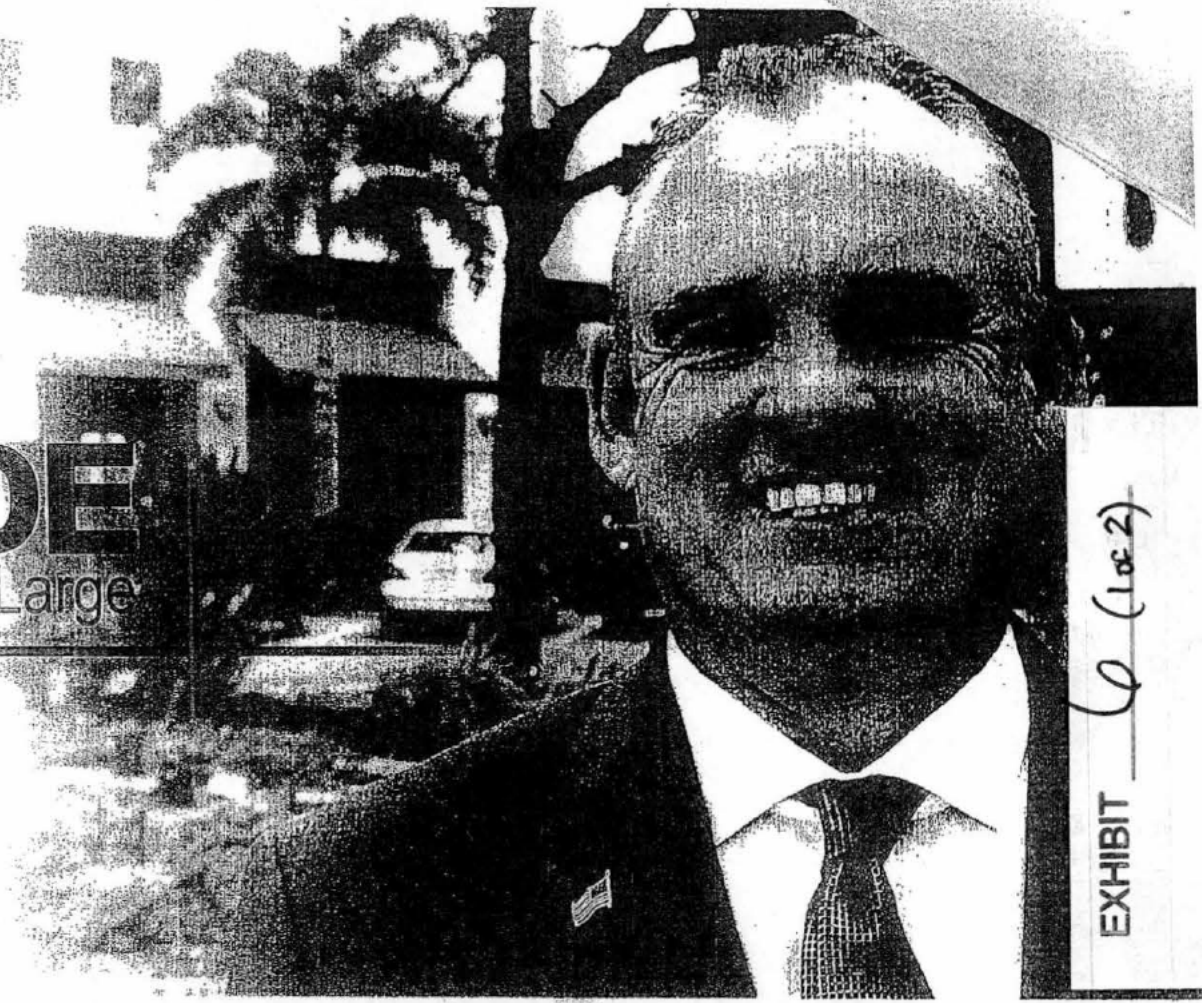
Design	Print	Mail	Measure
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REPUBLICAN PARTY  
OF SARASOTA COUNTY

# SUPPORTS MARTIN HYDE

For Sarasota City Commission At-Large



## EARLY VOTE

When: **March 6th - 11th** | 8:30 AM - 4:30 PM  
Where: Sarasota Supervisor of Elections  
Terrace Building, 1st Floor  
2001 Adams Lane  
Sarasota, FL 34236

## ELECTION DAY

When: **March 14th** | 7:00 AM - 7:00 PM

V : Your Local Precinct  
\*\*v. [www.sarasotavotes.com](http://www.sarasotavotes.com) to find your precinct\*\*



Small Business  
Owner



Defender of Law  
Enforcement



Endorsed by Firefighters  
and Police

EXHIBIT 6 (1 of 2)



Join the Republican Party of Sarasota in Supporting

# MARTIN HYDE

PRESORTED  
STANDARD  
U.S. POSTAGE  
PAID  
PERMIT #1  
MANASOTA FL

- Lower your Taxes
- Support Law Enforcement
- Ensure Smart Growth
- VOTE FOR MARTIN HYDE



Republican Party of Sarasota  
1256 S Tamiami Trail  
Osprey, FL 34229



\*\*\*\*\*ECRWSH\*\*C073

[Redacted]  
[Redacted]  
Sarasota FL 34236-1917

# VOTE

**MARCH 6-11** @ 2001 Adams Lane  
Sarasota, FL 34236

**March 14** @ Your Local Precinct  
**\*\*[www.sarasotavotes.com](http://www.sarasotavotes.com) to find your Precinct\*\***

Political Advertisement Paid for and Approved by the Republican Party of Sarasota County.

EXHIBIT 6 (2011)

**2018 Election Cycle****Republican Party of Sarasota - Contributions**Report SummaryShow Legend

<b>Date</b>	<b>Name</b>	<b>Contributor</b>	<b>Amount</b>
Apr 05, 2017	Martin Hyde 3446 Anglin Dr Sarasota, FL 34242 <i>BUSINESS OWNER</i>	I CHE	\$500.00
Apr 05, 2017	Vern Buchanan for Congress PO Box 48928 Sarasota, FL 34230 <i>POLITICAL CAMPAIGN</i>	O CHE	\$500.00
Apr 11, 2017	Edna Gingerich PO Box 20196 Sarasota, FL 34276 <i>REAL ESTATE</i>	I CHE	\$5000.00
Apr 19, 2017	John Cavanaugh 8400 Vamo Rd Unit 1260 Sarasota, FL 34231 <i>RETIRED</i>	I CHE	\$1500.00
Apr 19, 2017	STACY LILJEBERG 1526 Eastbrook Drvie Sarasota, FL 34231 <i>REALTOR</i>	I CHE	\$50.00
May 03, 2017	JOEL SCHLEICHER PO Box 4273 Sarasota, FL 34230 <i>RETIRED</i>	I CHE	\$2000.00
May 04, 2017	FINANCIAL INSURANCE MANAGEMENT CORPORATION PO Box 1838 Sarasota, FL 34230 <i>INSURANCE COMPANY</i>	B CHE	\$4000.00
May 04, 2017	Matthew Lettelleir 701 99th Ave N Apt 104 St Petersburg, FL 33702 <i>CONSULTANT</i>	I CHE	\$2.00
May 04, 2017	Donald Spencer 2180 Sparrow Ct Sarasota, FL 34239 <i>INSURANCE</i>	I CHE	\$20.00
Jun 07, 2017	Emilio Carlesimo 700 Golden Beach Blvd Apt 104	I CHE	\$120.00

**EXHIBIT****7**





BENJAMIN J. GIBSON  
PARTNER  
Shutts & Bowen LLP  
215 South Monroe Street  
Suite 804  
Tallahassee, Florida 32301  
DIRECT (850) 241-1723  
FAX (850) 241-1718  
EMAIL BGibson@shutts.com

June 20, 2018

Ms. Amy Toman  
Florida Elections Commission  
107 West Gaines Street  
The Collins Bldg., Suite 224  
Tallahassee, Florida 32399-1050

**Re: Initial Response to Complaint; FEC 18-120; Making a Better Tomorrow  
(PC)**

Dear Ms. Toman:

I represent the Respondent, Making a Better Tomorrow, a Florida political committee in regards to FEC 18-120 ("Complaint"), a complaint filed by Michael Belval of Sarasota, Florida. For the reasons that follow, Respondent requests that this Complaint be found to be legally insufficient and dismissed in accordance with section 106.25, Florida Statutes.

The Complaint makes several unsupported allegations against the Respondent involving a contribution/expenditure that was never made including: 1) violation of section 106.07(1), Florida Statutes, by not reporting an expenditure; 2) violation of section 106.08(5), Florida Statutes, by making a contribution in the name of another; and 3) violation of section 106.07(4)(a), Florida Statutes, by not reporting the identity of the recipient of expenditures made. Respondent strongly denies all of these allegations. The Complainant offers no evidence or personal information to support his allegations. The entire Complaint is based on his own belief and speculation.

Each allegation made in the Complaint against Respondent center around Complainant's theory that a "scheme" occurred between a former candidate for Sarasota City Commission, Martin Hyde, political entities affiliated with Eric Robinson, and the Republican Party of Sarasota. Complainant is essentially convinced that the Respondent has failed to report a contribution to Legal Reform Now Committee, a Florida electioneering communications organization (ECO), and is thus responsible for violating multiple provisions of Florida's Election Code. Complainant further tries to attribute alleged acts by other political entities not named in this Complaint to the Respondent. The Complaint is legally insufficient and should be dismissed.

- 1) Respondent did not violate section 106.07(1), Florida Statutes, and has reported all expenditures made as required by law**

EXHIBIT 8 (1 of 5)



Section 106.07(1), Florida Statutes, requires each campaign treasurer to “file regular reports of all contributions received, all expenditures made, by or on behalf of such candidate or political committee.” The Complaint alleges that Respondent failed to report an expenditure it made to Legal Reform Now Committee in the amount of \$4,000.00. *See* Compl. at p. 3. Respondent did not fail to report any expenditure because an expenditure to Legal Reform Now Committee was never made.

The Complaint does not provide any evidence either that Respondent did not report an expenditure to Legal Reform Now Committee. Complainant’s speculation is premised on a contribution made by Mr. Martin Hyde to the Respondent in the amount of \$4,000.00. Mr. Hyde is a former candidate for the City of Sarasota Commission, who was unsuccessful in his election. Mr. Hyde secured enough of the vote in the March 14, 2017, municipal election to advance to a runoff election held on May 9, 2017, where he placed third and was defeated.<sup>1</sup> Complainant attached a copy of Respondent’s 2017 M2 Report to the Complaint showing that Respondent reported a \$4,000.00 contribution from Martin Hyde on 2/13/17. The contribution was from Mr. Hyde’s personal funds and not his campaign funds. Under Florida law, political committees such as Respondent may accept unlimited contributions from individuals. *See* § 106.08(1), Fla. Stat. And Respondent reported the contribution as required by law as shown on its 2017 M2 Report. Compl. Ex. 1.

Mr. Hyde has donated to several local candidates, to his own campaign, and to the Republican Party of Sarasota.<sup>2</sup> Despite this, Complainant believes that Mr. Hyde’s contribution to Respondent was the initiation of a “scheme” involving Respondent, its Treasurer, the ECO Legal Reform Now Committee, and the Republican Party of Sarasota. However, none of these entities or individuals, besides Respondent, are the subject of this Complaint. The Complaint offers no evidence or personal information supporting the facts asserted, that Respondent made an expenditure to Legal Reform Now Committee and did not report it.

**2) Respondent did not violate section 106.08(5), Florida Statutes by directly or indirectly making a contribution in the name of another**

Section 106.08(5)(a), Florida Statutes, provides that, “A person may not make any contribution through or in the name of another, directly or indirectly, in any election.” Once again, the Complaint asserts that Respondent made a direct or indirect contribution in the name of another to Legal Reform Now Committee without reporting. *See* Compl. at p. 3. And once again, the Complaint offers no evidence or personal information supporting this allegation beyond Complainant’s own belief and speculation.

<sup>1</sup> *See* May 9, 2017, Election Results, City of Sarasota Commissioner At-Large, *available at*: <http://results.enr.clarityelections.com/FL/Sarasota/68996/186816/Web01/en/summary.html> (last accessed June 18, 2018).

<sup>2</sup> Local records show that Martin Hyde has contributed to candidates Christian Ziegler (\$200), Michael Moran (\$150), Paul Caragiulo (\$200) and the Republican Party of Sarasota, 4/5/17 (\$500), 11/1/17 (\$275),

EXHIBIT 8 (205)

Respondent has not made any contribution to Legal Reform Now Committee, in its own name or in the name of another whether directly or indirectly.

**3) Respondent did not violate section 106.07(4)(a), Florida Statutes, and has correctly reported the identity of the recipient of all expenditures made**

Complainant's third allegation states that Respondent did not "disclose that it contributed or transferred money to the Legal Reform Now Committee, which made the earmarked contribution to the Republican Party of Sarasota County." Compl. at p. 4. Section 106.07(4)(a)6., Florida Statutes, requires campaign finance reports to contain the "full name and address of each person to whom expenditures have been made by or on behalf the committee or candidate within the reporting period."

As stated above, Respondent did not make a contribution or expenditure to the Legal Reform Now Committee, and therefore, there was nothing to report. Complainant offers no evidence or personal information supporting any failure to report any expenditure by Respondent.

**4) The Complaint is legally insufficient because, even if taken as true, the allegations are directed at entities and individuals other than Respondent**

The Commission should be reminded that this Complaint pertains to only one Respondent, the political committee, Making a Better Tomorrow. The Complainant's allegations against the Respondent are unsupported by any evidence and are based on pure speculation and conjecture. The allegations of a "scheme"<sup>3</sup> and "earmarked contributions" made in the Complaint involve entities and individuals other than Respondent. Yet, none of these other entities and individuals are named in this Complaint and Respondent is not responsible for actions of other entities or individuals it is unaffiliated with.

Further, the Complaint makes multiple references to a mailer that was produced by the Republican Party of Sarasota for candidate Martin Hyde involving earmarked funds. Even though this is irrelevant to any allegation against Respondent, the Complaint fails to include a copy of the mailer as required by the Commission. See FEC Form 1 directions "Please include the following items as part of your attached statement: . . . A copy or picture of any political advertisement(s) you mention in your statement." (no emphasis added). Even if the allegations

<sup>3</sup> Complainant asserts that the purpose of Mr. Hyde's "scheme" was so that "Hyde could get around the prohibition of campaigning based upon his party status in a nonpartisan election." However, the actual benefit of this is even unclear. If Mr. Hyde were involved in the coordination of any political advertisement by a political party then the advertisement itself still could not state Mr. Hyde's political affiliation. Political advertisements whether from Mr. Hyde's campaign or a political party in a nonpartisan race could list the candidate's partisan related experience such as "executive committee of \_\_\_\_\_ party." See DEO 03-02, available at: <http://opinions.dos.state.fl.us/searchable/pdf/2003/de0302.pdf> (last accessed June 18, 2018).

EXHIBIT 8 (3 & 5)

of earmarked funds being received by the Sarasota Republican Party were true, they do not involve the Respondent.

The Complaint also tries to tie Respondent, Legal Reform Now Committee, and the Republican Party of Sarasota together based on two of the entities using the same individual, Eric Robinson, as Chairman and Treasurer. Yet, there is nothing in Florida's Election Code that prohibits an individual from serving as the Chairman or Treasurer of multiple political entities. In fact, routinely individuals who possess expertise in Florida election law are called upon to assist multiple political committees and candidates. Not to mention, Mr. Robinson, who is not even named in this Complaint, is not an officer or member of the Republican Party of Sarasota and was not involved in Mr. Hyde's campaign. Simply because a treasurer or a consultant or a media firm is involved with multiple political committees or candidates, the Commission cannot automatically infer, as the Complainant does, that these individual entities or candidates are all acting in concert with one another and an act by one is an act by all.

**5) The Complaint is legally insufficient because it is based on speculation and belief and not on personal information**

The Complaint's allegations are not based on any personal information as required by section 106.25(2), Florida Statutes. ("...sworn complaint must be based upon personal information or information other than hearsay."). The only evidence offered in the Complaint is a link to a YouTube video of a local blogger's interview with former candidate Martin Hyde. In addition to the video statements being hearsay, comments made by Mr. Hyde cannot be attributed to the Respondent simply because Mr. Hyde made a contribution to the Respondent. Mr. Hyde is not affiliated in any way with the Respondent. Mr. Hyde is in no way an agent or authorized representative of Respondent. And even if he were, such statements should be discounted because he makes it clear that he knows nothing about Florida election law. *See* Compl. p. 8 and 9, Ex. 3 ("I don't know, look I'm not an attorney. . ."; "I don't know anything about PACs. I don't know anything about that sort of stuff."). Further, the video evidence is not even relevant to the three allegations made against Respondent. The video has nothing to do with the allegations that Respondent failed to report a contribution or expenditure to the Legal Reform Now Committee ECO or made a contribution in the name of another.

Lastly, the Commission is prohibited by law from investigating complaints that are not based upon personal information or information other than hearsay. § 106.25(2), Fla. Stat. Florida Rule of Civil Procedure 1.510(e) provides a similar requirement that affidavits for summary judgment "shall be made on personal knowledge. . . ." The First District Court of Appeal in interpreting this Rule has stated, "The purpose of the personal knowledge requirement is to prevent the trial court from relying on hearsay when ruling on a motion for summary judgment. . . and to ensure that there is an admissible evidentiary basis for the case rather than mere supposition or belief." *Pawlik v. Barnett Bank of Columbia Cnty.*, 528 So. 2d 965, 966 (Fla. 1st DCA 1988) (cited by *Fla. Dep't of Fin. Svcs. V. Assoc. Industries Ins. Co., Inc.*, 868 So. 2d 600, 602 (Fla. 1st DCA 2009).

EXHIBIT 8 (4&5)

Based on the foregoing, Respondent respectfully requests that the Executive Director find the Complaint to be legally insufficient and dismiss the same.

Sincerely,



Benjamin J. Gibson

*Attorney for Respondent, Making a Better  
Tomorrow*

cc: Donna Malphurs, Agency Clerk  
Erin Riley, Deputy Agency Clerk

EXHIBIT 8 (5&5)

AFFIDAVIT OF BACKGROUND INFORMATION  
Case Numbers: FEC 18-120/FEC 18-121

STATE OF FLORIDA  
County of Sarasota

**Eric Robinson, 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 Robinson, Gruters & Roberts CPA as a Certified Public Accountant.
3. Have you ever run for public office? If so, please name the office(s) you ran for and the date(s) of the election(s) you ran in.

Yes. Sarasota School Board, District 3, 2016 Election Cycle.

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

I have served as a campaign treasurer for multiple candidates and political committees over the years.

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

I have reviewed the relevant provisions of Florida's Election Code, the *Candidate and Campaign Treasurer Handbook*, the *Political Committee Handbook*, and consulted with the Division of Elections, legal counsel, and my local Supervisor of Elections as needed.

6. Do you possess a copy of Chapter 106, Florida Statutes? Yes.
7. If so, when did you first obtain it? Before entering upon duties as Treasurer.
8. Have you read Chapter 106, Florida Statutes? Yes.
9. Do you possess a copy of Chapter 104, Florida Statutes? Yes.
10. If so, when did you first obtain it? Before entering upon duties as Treasurer.
11. Have you read Chapter 104, Florida Statutes? Yes.
12. Do you possess a copy of the *Political Committee Handbook*? Yes.

EXHIBIT 19 (1 of 5)

REC'D - ELECTIONS DIV  
2018 MAR 15 10:27 AM '18



13. If so, when did you first obtain it? Before entering upon duties as Treasurer.
14. Have you read the *Political Committee Handbook*? Yes.
15. Do you know Martin Hyde? Yes. If yes, how long have you known him?

Martin Hyde is known to me, however I rarely see him or interact with him.

16. How would you describe your relationship with Martin Hyde? (Friend, acquaintance, business associate, etc.)

I would describe him as an acquaintance. I could go years without speaking to him.

17. Do you know Matthew Lettellier? No. If yes, how long have you known him? n/a.

18. How would you describe your relationship with Matthew Lettelleir? (Friend, acquaintance, business associate, etc.) I do not know him.

**The following questions relate to the political committee, Making A Better Tomorrow (MBT)**

19. According to the "Statement of Organization Political Committee," you are the chairman and treasurer of MBT. Please describe your duties as chairman of MBT.

Responsible for handling any and all correspondence from the Division of Elections and Florida Elections Commission and all other duties required by law.

20. Please describe your duties as treasurer of MBT.

As treasurer of MBT, I am responsible for keeping detailed accounts of all contributions received and expenditures made by or on behalf of the political committee, submitting reports on a timely basis, and all other duties required by law.

21. As treasurer, are you solely responsible for making deposits in to the account on behalf of MBT? Yes. If no, please provide the name of the person who is responsible and provide his/her title/position within MBT. N/A.

22. As treasurer, are you solely responsible for entering the contribution/expenditure activity in campaign reports for MBT? Yes. If no, please provide the name of the person who is responsible and provide his/her title/position within MBT. N/A.

23. As chairman and treasurer, do you have full control in determining when and to whom to issue a check from MBT's account? If no, please explain otherwise.

Expenditures made by MBT are ultimately at my discretion as chairman and treasurer but as all expenditures are based on political strategy these decisions are made in consultation with

political consultants and advisors to the political committee. I am not involved in every political strategy decision.

**The following questions relate to the \$4,000 contribution received by Martin Hyde**

24. In the interview with Cathy Antunes on her radio-talk show on April 2017, Martin Hyde stated, in part, "That \$4,000 went to a mailer that was sent from the GOP supporting me. Period." Later, Mr. Hyde also stated, in part, "...so it was suggested that the Republican Party didn't have the resources to fund a city mailer so I sent the money to a PAC and it came to this, simple as that." MBT's 2017 M2 campaign report discloses a \$4,000 contribution from Martin Hyde. Please describe the conversation that took place between you and Martin Hyde concerning his \$4,000 contribution to MBT.

I never talked to Martin Hyde about the contribution. In the interview, Martin Hyde never states that he ever talked to me.

25. How did MBT come to receive the contribution from Martin Hyde? (mailed, hand-delivered, given at a social gathering, etc.)

The contribution was received by mail.

26. What was your understanding as to the intent of Mr. Hyde's contribution?

I have no knowledge of Mr. Hyde's intent behind his contribution or any contributor's intent for that matter. As the chairman and treasurer of the political committee, I do not solicit funds from anyone including Mr. Hyde.

27. According to bank records, Mr. Hyde's \$4,000 contribution was deposited in to the account on February 21, 2017. For what purpose did MBT eventually use Mr. Hyde's \$4,000 contribution? In addition, please provide records to substantiate how the \$4,000 was spent.

Once a contribution is made those funds are deposited into the account and are not earmarked for any specific purpose. Following the 2/21/17 contribution there were multiple expenditures made by the political committee including a substantial direct mail piece that went out months after the City of Sarasota election that Mr. Hyde was involved in.

28. Had Mr. Hyde ever previously contributed to MBT prior to his \$4,000 contribution on or about February 13, 2017? No. However, the political committee was organized less than three years before this contribution (6/30/2014), and in my experience, it is not out of the ordinary to receive one-time contributions.

**The following questions relate to the electioneering communications organization, Legal Reform Now Committee (LRNC)**

29. According to the "Electioneering Communications Organization Statement of Organization," you were the chairman and treasurer of LRNC. Please describe your duties as chairman.

LRNC filed a disbandment letter with the Division of Elections on 10/17/18. Prior to that, as Chairman I was responsible for handling any and all correspondence from the Division of Elections and Florida Elections Commission and all other duties required by law.

30. Please describe your duties as treasurer of LRNC.

As treasurer of LRNC, I was responsible for keeping detailed accounts of all contributions received and expenditures made by or on behalf of the political committee, submitting reports on a timely basis, and all other duties required by law.

31. As treasurer, were you solely responsible for making deposits in to the account on behalf of LRNC? Yes. If no, please provide the name of the person who was responsible and provide his/her title/position within LRNC. N/A.

32. As treasurer, were you solely responsible for entering the contribution/expenditure activity in campaign reports for LRNC? Yes. If no, please provide the name of the person who was responsible and provide his/her title/position within LRNC. N/A.

33. As chairman and treasurer, did you have full control in determining when and to whom to issue a check from LRNC's account? If no, please explain otherwise.

Expenditures made by LRNC are ultimately at my discretion as chairman and treasurer but as all expenditures are based on political strategy these decisions are made in consultation with political consultants and advisors to the ECO. I am not involved in every political strategy decision.

34. Please explain why LRNC issued a \$4,000 check to the Republican Party of Sarasota (RPS) on the same date, February 13, 2017, that MBT—of which you are the chairman and treasurer—reported receiving a \$4,000 contribution from Martin Hyde.

All expenditures made by LRNC are based on political strategy of the ECO in consultation with political consultants and advisors to the ECO.

35. What was your understanding of the intent of Mr. Hyde's contribution?

I have no knowledge of Mr. Hyde's intent behind his contribution or any contributor's intent for that matter. As the Chairman and Treasurer of the ECO, I did not solicit funds from anyone including Mr. Hyde.

36. According to bank statements, LRNC had a beginning balance of \$44,339.44 on February 1, 2017. Given the balance in the account, why was the check written to RPS for \$4,000—the same amount as Mr. Hyde's donation to MBT—why not \$5,000, \$10,000, etc.?



All expenditures made by LRNC are based on political strategy of the ECO in consultation with political consultants and advisors to the political committee.

37. Please explain the method used by LRNC to get the \$4,000 check to the RPS. Was it mailed, hand-delivered, etc? Hand-delivered.

38. Please describe the conversation that took place between you and a representative from RPS concerning the \$4,000 contribution and provide the name of the person associated with RPS to whom you spoke.

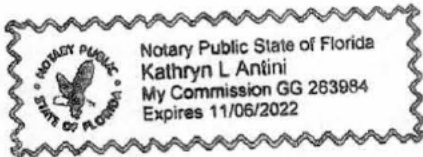
Any of my conversations with RPS would have involved the actual logistics of making the contribution.

39. Other than the \$4,000 contribution on or about February 13, 2017, had LRNC previously made a contribution to the RPS. No. However, LRNC was only formed on 6/30/14 and routinely had made contributions (including one-time contributions) to other political entities.

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

*[Handwritten signature]*

Signature of Affiant



Sworn to (or affirmed) and subscribed before me this 24<sup>th</sup> day of January, 2019.

*[Handwritten signature: Kathryn L. Antini]*  
Signature of Notary Public - State of Florida

Kathryn L. Antini  
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known  OR Produced Identification

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



## FLORIDA DEPARTMENT of STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

July 2, 2014

Eric Robinson, Chairperson  
Making A Better Tomorrow  
133 South Harbor Drive  
Venice, Florida 34285

Dear Mr. Robinson:

This will acknowledge receipt of the Statement of Organization and Appointment of Campaign Treasurer and Designation of Campaign Depository for **Making A Better Tomorrow**, which were placed on file in our office on June 30, 2014. This information appears to comply with the requirements of Section 106.03, Florida Statutes, and the name of this organization has been placed on our active committee list as a political committee.

### Campaign Treasurer's Reports

Your first campaign treasurer's report will be due on **July 11, 2014**. The report will cover the period of June 28-July 4, 2014 (P2). All political committees that file reports with the Division of Elections are required to file by means of the Division's Electronic Filing System (EFS).

### Credentials and Sign-ons

Below is the web address to access the EFS and the committee's user identification number. The enclosed sealed envelope contains the committee's initial password. Once you have logged in using the initial password, you will be immediately prompted to change it to a confidential sign-on. The chairperson, campaign treasurer, and deputy treasurers are responsible for protecting this password from disclosure and are responsible for all filings using these credentials, unless the Division is notified that your credentials have been compromised.

**EFS Website Address:** <https://efs.dos.state.fl.us>

**Identification Number:** 64177

EXHIBIT 10 (1 of 3)  
Division of Elections

R.A. Gray Building, Suite 316 • 500 South Bronough Street • Tallahassee, Florida 32399

850.245.6200 • 850.245.6217 (Fax) [election.dos.state.fl.us](http://election.dos.state.fl.us)

Promoting Florida's History and Culture [VivaFlorida.org](http://VivaFlorida.org)



Eric Robinson, Chairperson  
July 2, 2014  
Page Two

### **Pin Numbers**

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

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

### **Timely Filing**

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

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

### **Electronic Receipts**

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

EXHIBIT 10 (2 of 3)

Eric Robinson, Chairperson  
July 2, 2014  
Page Three

**Instructions and Assistance**

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

All of the Division's publications and reporting forms are available on the Division of Elections' website at <http://elections.myflorida.com>. It is your responsibility to read, understand, and follow the requirements of Florida's election laws. Therefore, please print a copy of the following documents: Chapter 106, Florida Statutes, *2014 Political Committee Handbook*, *2014 Calendar of Reporting Dates*, and Rule 1S-2.017, Florida Administrative Code.

Please let me know if you need additional information.

Sincerely,



Kristi Reid Bronson, Chief  
Bureau of Election Records

KRB/ljr

Enclosures

EXHIBIT 10 (3 of 3)



**FLORIDA ELECTIONS COMMISSION**

**107 W. Gaines Street,  
Suite 224 Collins Building  
Tallahassee, Florida 32399-1050  
Telephone: (850) 922-4539  
Fax: (850) 921-0783  
[www.fec.state.fl.us](http://www.fec.state.fl.us); [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com)**

August 30, 2018

Jason Gonzalez, Esquire  
Shutts & Bowen, LLP  
215 South Monroe Street, Ste 804  
Tallahassee, FL 32301

**RE: Case No.: FEC 18-120; Respondent: Making a Better Tomorrow**

Dear Mr. Gonzalez:

On May 14, 2018, the Florida Elections Commission received a complaint alleging that your client 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 104.091(1), Florida Statutes:** Respondent, a political committee registered with the Division of Elections, knowingly aided, abetted, or advised the violation of Section 106.143, Florida Statutes, as alleged in the complaint.

**Section 106.08(5)(a), Florida Statutes:** Respondent, a political committee registered with the Division of Elections, made one or more contributions in the name of another, as alleged in the complaint.

**Section 106.19(1)(c), Florida Statutes:** Respondent, a political committee registered with the Division of Elections, falsely reported or deliberately failed to include information in one or more campaign reports required by Chapter 106, Florida Statutes, as alleged in the complaint.

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

Jason Gonzalez, Esquire  
August 30, 2018  
Page 2  
FEC 18-120

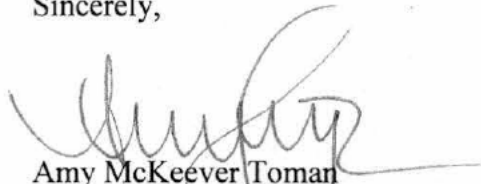
of the fine to be imposed. You and the complainant will receive notice at least 14 days before any hearing at which your case is to be considered.

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

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

If you have additional questions, please contact **Keith Smith**, the investigator assigned to this case at extension 112.

Sincerely,



Amy McKeever Toman  
Executive Director

AMT/enr  
cc: Benjamin J. Gibson, Co-Counsel for Respondent

## Donna Malphurs

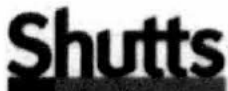
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**From:** Benjamin J. Gibson <BGibson@shutts.com>  
**Sent:** Wednesday, June 20, 2018 2:55 PM  
**To:** Florida Elections Commission; Donna Malphurs; Erin Riley  
**Subject:** Response to FEC 18-120  
**Attachments:** 14055859\_1.pdf

On behalf of Making a Better Tomorrow, please find the attached Response to FEC 18-120.

Feel free to contact me if you have any questions.

Best,  
-Ben Gibson



**Benjamin J. Gibson**  
*Partner*

---

### Shutts & Bowen LLP

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

Direct: (850) 241-1723 | Fax: (850) 241-1718

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



BENJAMIN J. GIBSON  
PARTNER  
Shutts & Bowen LLP  
215 South Monroe Street  
Suite 804  
Tallahassee, Florida 32301  
DIRECT (850) 241-1723  
FAX (850) 241-1718  
EMAIL BGibson@shutts.com

June 20, 2018

Ms. Amy Toman  
Florida Elections Commission  
107 West Gaines Street  
The Collins Bldg., Suite 224  
Tallahassee, Florida 32399-1050

**Re: Initial Response to Complaint; FEC 18-120; Making a Better Tomorrow  
(PC)**

Dear Ms. Toman:

I represent the Respondent, Making a Better Tomorrow, a Florida political committee in regards to FEC 18-120 ("Complaint"), a complaint filed by Michael Belval of Sarasota, Florida. For the reasons that follow, Respondent requests that this Complaint be found to be legally insufficient and dismissed in accordance with section 106.25, Florida Statutes.

The Complaint makes several unsupported allegations against the Respondent involving a contribution/expenditure that was never made including: 1) violation of section 106.07(1), Florida Statutes, by not reporting an expenditure; 2) violation of section 106.08(5), Florida Statutes, by making a contribution in the name of another; and 3) violation of section 106.07(4)(a), Florida Statutes, by not reporting the identity of the recipient of expenditures made. Respondent strongly denies all of these allegations. The Complainant offers no evidence or personal information to support his allegations. The entire Complaint is based on his own belief and speculation.

Each allegation made in the Complaint against Respondent center around Complainant's theory that a "scheme" occurred between a former candidate for Sarasota City Commission, Martin Hyde, political entities affiliated with Eric Robinson, and the Republican Party of Sarasota. Complainant is essentially convinced that the Respondent has failed to report a contribution to Legal Reform Now Committee, a Florida electioneering communications organization (ECO), and is thus responsible for violating multiple provisions of Florida's Election Code. Complainant further tries to attribute alleged acts by other political entities not named in this Complaint to the Respondent. The Complaint is legally insufficient and should be dismissed.

**1) Respondent did not violate section 106.07(1), Florida Statutes, and has reported all expenditures made as required by law**



Section 106.07(1), Florida Statutes, requires each campaign treasurer to “file regular reports of all contributions received, all expenditures made, by or on behalf of such candidate or political committee.” The Complaint alleges that Respondent failed to report an expenditure it made to Legal Reform Now Committee in the amount of \$4,000.00. *See Compl.* at p. 3. Respondent did not fail to report any expenditure because an expenditure to Legal Reform Now Committee was never made.

The Complaint does not provide any evidence either that Respondent did not report an expenditure to Legal Reform Now Committee. Complainant’s speculation is premised on a contribution made by Mr. Martin Hyde to the Respondent in the amount of \$4,000.00. Mr. Hyde is a former candidate for the City of Sarasota Commission, who was unsuccessful in his election. Mr. Hyde secured enough of the vote in the March 14, 2017, municipal election to advance to a runoff election held on May 9, 2017, where he placed third and was defeated.<sup>1</sup> Complainant attached a copy of Respondent’s 2017 M2 Report to the Complaint showing that Respondent reported a \$4,000.00 contribution from Martin Hyde on 2/13/17. The contribution was from Mr. Hyde’s personal funds and not his campaign funds. Under Florida law, political committees such as Respondent may accept unlimited contributions from individuals. *See* § 106.08(1), Fla. Stat. And Respondent reported the contribution as required by law as shown on its 2017 M2 Report. *Compl. Ex. 1.*

Mr. Hyde has donated to several local candidates, to his own campaign, and to the Republican Party of Sarasota.<sup>2</sup> Despite this, Complainant believes that Mr. Hyde’s contribution to Respondent was the initiation of a “scheme” involving Respondent, its Treasurer, the ECO Legal Reform Now Committee, and the Republican Party of Sarasota. However, none of these entities or individuals, besides Respondent, are the subject of this Complaint. The Complaint offers no evidence or personal information supporting the facts asserted, that Respondent made an expenditure to Legal Reform Now Committee and did not report it.

**2) Respondent did not violate section 106.08(5), Florida Statutes by directly or indirectly making a contribution in the name of another**

Section 106.08(5)(a), Florida Statutes, provides that, “A person may not make any contribution through or in the name of another, directly or indirectly, in any election.” Once again, the Complaint asserts that Respondent made a direct or indirect contribution in the name of another to Legal Reform Now Committee without reporting. *See Compl.* at p. 3. And once again, the Complaint offers no evidence or personal information supporting this allegation beyond Complainant’s own belief and speculation.

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<sup>1</sup> *See* May 9, 2017, Election Results, City of Sarasota Commissioner At-Large, *available at:* <http://results.enr.clarityelections.com/FL/Sarasota/68996/186816/Web01/en/summary.html> (last accessed June 18, 2018).

<sup>2</sup> Local records show that Martin Hyde has contributed to candidates Christian Ziegler (\$200), Michael Moran (\$150), Paul Caragiulo (\$200) and the Republican Party of Sarasota, 4/5/17 (\$500), 11/1/17 (\$275),

Respondent has not made any contribution to Legal Reform Now Committee, in its own name or in the name of another whether directly or indirectly.

**3) Respondent did not violate section 106.07(4)(a), Florida Statutes, and has correctly reported the identity of the recipient of all expenditures made**

Complainant's third allegation states that Respondent did not "disclose that it contributed or transferred money to the Legal Reform Now Committee, which made the earmarked contribution to the Republican Party of Sarasota County." Compl. at p. 4. Section 106.07(4)(a)6., Florida Statutes, requires campaign finance reports to contain the "full name and address of each person to whom expenditures have been made by or on behalf the committee or candidate within the reporting period."

As stated above, Respondent did not make a contribution or expenditure to the Legal Reform Now Committee, and therefore, there was nothing to report. Complainant offers no evidence or personal information supporting any failure to report any expenditure by Respondent.

**4) The Complaint is legally insufficient because, even if taken as true, the allegations are directed at entities and individuals other than Respondent**

The Commission should be reminded that this Complaint pertains to only one Respondent, the political committee, Making a Better Tomorrow. The Complainant's allegations against the Respondent are unsupported by any evidence and are based on pure speculation and conjecture. The allegations of a "scheme"<sup>3</sup> and "earmarked contributions" made in the Complaint involve entities and individuals other than Respondent. Yet, none of these other entities and individuals are named in this Complaint and Respondent is not responsible for actions of other entities or individuals it is unaffiliated with.

Further, the Complaint makes multiple references to a mailer that was produced by the Republican Party of Sarasota for candidate Martin Hyde involving earmarked funds. Even though this is irrelevant to any allegation against Respondent, the Complaint fails to include a copy of the mailer as required by the Commission. See FEC Form 1 directions "Please include the following items as part of your attached statement: . . . A copy or picture of any political advertisement(s) you mention in your statement." (no emphasis added). Even if the allegations

---

<sup>3</sup> Complainant asserts that the purpose of Mr. Hyde's "scheme" was so that "Hyde could get around the prohibition of campaigning based upon his party status in a nonpartisan election." However, the actual benefit of this is even unclear. If Mr. Hyde were involved in the coordination of any political advertisement by a political party then the advertisement itself still could not state Mr. Hyde's political affiliation. Political advertisements whether from Mr. Hyde's campaign or a political party in a nonpartisan race could list the candidate's partisan related experience such as "executive committee of \_\_\_\_\_ party." See DEO 03-02, available at: <http://opinions.dos.state.fl.us/searchable/pdf/2003/de0302.pdf> (last accessed June 18, 2018).

of earmarked funds being received by the Sarasota Republican Party were true, they do not involve the Respondent.

The Complaint also tries to tie Respondent, Legal Reform Now Committee, and the Republican Party of Sarasota together based on two of the entities using the same individual, Eric Robinson, as Chairman and Treasurer. Yet, there is nothing in Florida's Election Code that prohibits an individual from serving as the Chairman or Treasurer of multiple political entities. In fact, routinely individuals who possess expertise in Florida election law are called upon to assist multiple political committees and candidates. Not to mention, Mr. Robinson, who is not even named in this Complaint, is not an officer or member of the Republican Party of Sarasota and was not involved in Mr. Hyde's campaign. Simply because a treasurer or a consultant or a media firm is involved with multiple political committees or candidates, the Commission cannot automatically infer, as the Complainant does, that these individual entities or candidates are all acting in concert with one another and an act by one is an act by all.

**5) The Complaint is legally insufficient because it is based on speculation and belief and not on personal information**

The Complaint's allegations are not based on any personal information as required by section 106.25(2), Florida Statutes. (" . . . sworn complaint must be based upon personal information or information other than hearsay."). The only evidence offered in the Complaint is a link to a YouTube video of a local blogger's interview with former candidate Martin Hyde. In addition to the video statements being hearsay, comments made by Mr. Hyde cannot be attributed to the Respondent simply because Mr. Hyde made a contribution to the Respondent. Mr. Hyde is not affiliated in any way with the Respondent. Mr. Hyde is in no way an agent of or authorized representative of Respondent. And even if he were, such statements should be discounted because he makes it clear that he knows nothing about Florida election law. *See* Compl. p. 8 and 9, Ex. 3 ("I don't know, look I'm not an attorney. . ."; "I don't know anything about PACs. I don't know anything about that sort of stuff."). Further, the video evidence is not even relevant to the three allegations made against Respondent. The video has nothing to do with the allegations that Respondent failed to report a contribution or expenditure to the Legal Reform Now Committee ECO or made a contribution in the name of another.

Lastly, the Commission is prohibited by law from investigating complaints that are not based upon personal information or information other than hearsay. § 106.25(2), Fla. Stat. Florida Rule of Civil Procedure 1.510(e) provides a similar requirement that affidavits for summary judgment "shall be made on personal knowledge. . . ." The First District Court of Appeal in interpreting this Rule has stated, "The purpose of the personal knowledge requirement is to prevent the trial court from relying on hearsay when ruling on a motion for summary judgment. . . and to ensure that there is an admissible evidentiary basis for the case rather than mere supposition or belief." *Pawlik v. Barnett Bank of Columbia Cnty.*, 528 So. 2d 965, 966 (Fla. 1st DCA 1988) (cited by *Fla. Dep't of Fin. Svcs. V. Assoc. Industries Ins. Co., Inc.*, 868 So. 2d 600, 602 (Fla. 1st DCA 2009).

Based on the foregoing, Respondent respectfully requests that the Executive Director find the Complaint to be legally insufficient and dismiss the same.

Sincerely,

A handwritten signature in black ink, appearing to read "B. J. Gibson". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Benjamin J. Gibson

*Attorney for Respondent, Making a Better  
Tomorrow*

cc: Donna Malphurs, Agency Clerk  
Erin Riley, Deputy Agency Clerk

## Donna Malphurs

---

**From:** Benjamin J. Gibson <BGibson@shutts.com>  
**Sent:** Monday, June 18, 2018 9:49 AM  
**To:** Donna Malphurs  
**Cc:** Marsha A. Poppell  
**Subject:** NOA FEC 18-120  
**Attachments:** 14055789\_1.pdf

Hi Donna,

Please find the attached Notice of Appearance as counsel for Making a Better Tomorrow in FEC 18-120. I understand that you have granted until COB on June 20<sup>th</sup> for a response to be submitted.

Thank you,  
-Ben

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

IN RE: MAKING A BETTER  
TOMORROW,

CASE NO.: FEC 18-120

NOTICE OF APPEARANCE

Benjamin J. Gibson of Shutts & Bowen, LLP hereby files notice of his appearance in this cause as counsel for Making a Better Tomorrow.

Dated this 18<sup>th</sup> day of June, 2018

Respectfully submitted,

/s/Benjamin J. Gibson

**Benjamin J. Gibson**

Florida Bar No. 058661

**SHUTTS & BOWEN, LLP**

215 South Monroe Street, Suite 804

Tallahassee, Florida 32301

(850) 241-1720

**ATTORNEYS FOR MAKING A BETTER  
TOMORROW**



Notice of Appearance - Case no's FEC 18-120 and FEC 18-121

Marsha A. Poppell

to:

'Florida Elections Commission'

05/22/2018 03:40 PM

Cc:

"Jason Gonzalez"

Hide Details

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

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

Cc: "Jason Gonzalez" <JasonGonzalez@shutts.com>

2 Attachments



Notice of Appearance - Making a Better Tomorrow.pdf Notice of Appearance - Legal Reform Now Committee.pdf

Good afternoon:

Attached please find Notices of Appearance for the above referenced matters.

Thanks.

# Shutts

**Marsha A. Poppell**

*Legal Assistant*

---

**Shutts & Bowen LLP**

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

Direct: (850) 241-1730 | Fax: (850) 241-1716

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

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

IN RE: MAKING A BETTER  
TOMORROW,

CASE NO.: FEC 18-120

NOTICE OF APPEARANCE

Jason Gonzalez of Shutts & Bowen, LLP hereby files notice of his appearance in this cause  
as counsel for Making a Better Tomorrow.

Dated this 22<sup>nd</sup> day of May, 2018

Respectfully submitted,

/s/ Jason Gonzalez

**Jason Gonzalez**

Florida Bar No. 0146854

**SHUTTS & BOWEN, LLP**

215 South Monroe Street, Suite 804

Tallahassee, Florida 32301

(850) 241-1717

**ATTORNEYS FOR MAKING A BETTER  
TOMORROW**



## COMPLAINT

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 it is brought.

### 1. PERSON BRINGING COMPLAINT:

Name: Michael Belval Work Phone: (\_\_\_\_) \_\_\_\_\_  
Address: 8466 Lockwood Ridge Road, #112 Home Phone: (941) 400-1195  
City: Sarasota County: Sarasota State: FL Zip Code: 34243-2951

### 2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:

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

Name of individual or entity: Making a Better Tomorrow (PC)  
Address: 133 South Harbor Drive Phone: (941) 488-7794  
City: Venice County: Sarasota State: FL Zip Code: 34285

If individual is a candidate, list the office or position sought: N/A

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

Are you alleging a violation of Section 104.271(2), F.S.? (check one)  Yes  No

Are you alleging a violation of Section 104.2715, F.S.? (check one)  Yes  No

### 3. ALLEGED VIOLATION(S):

Please attach a **concise** narrative statement in which you 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 provisions of Chapter 104 and Chapter 106, Florida Statutes. Please include the following items as part of your attached statement:

- The facts and actions that you believe support the violations you allege;
- The names/telephone numbers of persons whom you believe may be witnesses to the facts;
- A copy or picture of any political advertisement(s) you mention in your statement;
- A copy of each document you mention in your statement;
- An explanation of why you believe information you reference from websites is relevant; and
- Any other evidence supporting your allegations.

**SEE REVERSE SIDE OF DOCUMENT FOR ADDITIONAL INFORMATION**

***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.***

**4. OATH:**

STATE OF FLORIDA

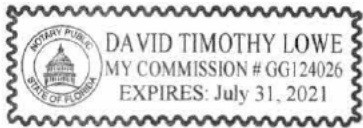
COUNTY OF ~~Sarasota~~ Manatee

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

*[Handwritten Signature]*  
Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this 30 day of  
Apr., 20 18

*[Handwritten Signature]*  
Signature of Officer Authorized to Administer Oaths or Notary Public



*David Timothy Lowe*  
(Print, Type, or Stamp Commissioned Name of Notary Public)  
Personally Known \_\_\_\_\_ Or Produced Identification   
Type of Identification Produced *A.D.*

**5. IMPROPERLY COMPLETED COMPLAINT FORMS MAY BE RETURNED:**

- You **MUST** submit this completed complaint form in order to file a complaint.
- You **MUST** complete **ALL FOUR** of the above sections of this form. **DO NOT** leave any blanks.
- You **MUST** submit the **ORIGINAL** complaint form. Copied/faxed/emailed forms are returned.
- Each complaint can only be filed against **ONE PERSON** or **ENTITY**. If you wish to file against multiple parties, you **MUST** submit a complaint form **for each party** you wish to file against.
- **DO NOT** submit multiple complaint forms with one set of attachments applying to multiple complaints. You **MUST** attach **copies** of attachments to **each complaint** to which they apply.
- **MAKE SURE** the alleged violation(s) of **Chapters 104 or 106** occurred within the last **2 years**.
- **MAKE SURE** your complaint is **sworn** and there is **no defect** to the **notarization** in Section 4.

## **STATEMENT OF ELECTION COMPLAINT**

### **Respondent: Making a Better Tomorrow PC Political Committee**

The Respondent, "Making a Better Tomorrow PC" is a political committee as defined in Section 106.011(16)(a), Florida Statutes, and is registered with the Florida Department of State, Division of Elections. On February 13, 2017, the Making a Better Tomorrow PC accepted a contribution in the amount of \$4,000 from Martin Hyde, a candidate in the nonpartisan City of Sarasota municipal election. Such contribution was earmarked by Hyde to be contributed to the Republican Party of Sarasota County to be used to provide a mailer on behalf of his candidacy.

The Making a Better Tomorrow PC transferred the \$4,000 contribution to an electioneering communications organization named "Legal Reform Now Committee" without reporting the distribution. Neither did the Legal Reform Now Committee ECO report receipt of the contribution. Both the Making a Better Tomorrow PC and the Legal Reform Now Committee ECO have the same Chairperson and Treasurer, Eric Robinson. Robinson, utilizing the political committee and electioneering communications organization, of which he is the Chair and Treasurer for each, made the arrangement with Martin Hyde to funnel and comingle funds through his separate political organizations to obfuscate the source of the money and to enable the Republican Party of Sarasota County to pay for a partisan mailer which Hyde wanted but could not produce himself.

The Making a Better Tomorrow political committee has violated several provisions of the Florida Election Code as follows:

1. Section 106.07(1) Florida Statutes – It has failed to report the expenditure it made to Legal Reform Now Committee in the amount of \$4,000 which money was utilized by Legal Reform Now Committee to make a contribution to the Republican Party of Sarasota County for the purpose of preparing a partisan mailer on behalf of Martin Hyde.
2. Section 106.08(5), Florida Statutes – This section of law prohibits any contribution from being made in the name of another, directly or indirectly, in any election. In concert with City of Sarasota city commission candidate Martin Hyde, Eric Robinson, the Chair and Treasurer of Making a Better Tomorrow PC, made a contribution to Legal Reform Now Committee which Robinson, also Chair and Treasurer of Legal Reform Now Committee, then used to make an expenditure from Legal Reform Now Committee in the amount of \$4,000 as a contribution to the Republican Party of Sarasota County.

Making a Better Tomorrow PC reported the receipt of the \$4,000 contribution from Martin Hyde on February 13, 2017, on its 2017 M2 Report (Exhibit 1 hereto which is incorporated by reference). Legal Reform Now Committee reported its use of the \$4,000 to make the expenditure to the Republican Party of Sarasota County, made on February 13, 2017, on its 2017 M2 Report (Exhibit 2 hereto which is

incorporated by reference). Making a Better Tomorrow PC was part of a scheme orchestrated by Martin Hyde and Eric Robinson (Chair and Treasurer of both Making a Better Tomorrow PC and Legal Reform Now Committee ECO), for Hyde to funnel money through Robinson's organizations to the Republican Party of Sarasota County to be used for the production of an election mailer supporting Hyde.<sup>1</sup> Having orchestrated the plan, Legal Reform Now Committee was aware that the \$4,000 expended was the proceeds of a contribution which Hyde made to one of the political committees which Robinson also controls and serves as Chair and Treasurer of ("Making a Better Tomorrow").

Accordingly, Hyde made a plan for Hyde to contribute \$4,000 to Robinson's organization(s) which would then make an earmarked contribution to the Republican Party of Sarasota County in the same amount for the purpose of the Party preparing a partisan mailer on behalf of Hyde's nonpartisan campaign. This use of multiple political organizations was done in order that Hyde could get around the prohibition of campaigning based upon his party status in a nonpartisan election.

3. Section 106.07(4)(a), Florida Statutes – This section of law requires a political committee to correctly report the identity of the recipient of expenditures made. Although Making a Better Tomorrow political committee reported receipt of the \$4,000 contribution from Martin Hyde, it failed to disclose that it contributed or transferred the money to the Legal Reform Now Committee ECO which made the earmarked contribution to the Republican Party of Sarasota County. Eric Robinson is the Chair and Treasurer of both the Making a Better Tomorrow political committee and Legal Reform Now Committee electioneering communications organization.

The accuracy of the foregoing allegations and the scheme to funnel money through other political organizations in order for the Republican Party of Sarasota County to prepare the mailer touting Hyde's political party affiliation and advocating for his election is confirmed by Hyde himself. Hyde laid out the description of the scheme during a radio interview in which he participated prior to the election. The radio broadcast was also videotaped and can be observed at: <https://www.youtube.com/watch?v=ADBEWXpM2Ks> (beginning approximately 14 ½ minutes in) and continuing during the first 5 minutes at: <https://www.youtube.com/watch?v=g5Q8HFue0>. (Exhibit 3 hereto which is incorporated by reference is a transcript of the interview). In the event the link is removed, a DVD of the video is available on request.

**WHEREFORE**, the Commission should find the Making a Better Tomorrow political committee to be in violation of the aforementioned sections of the Florida Election Code and impose punishment as provided in the Florida Election Code, including, without limitation, Sections 106.08(7)(a) and (8), Florida Statutes, (including the imposition of "a sum equal to twice the amount contributed in violation of this chapter") and Sections 106.19(1)(b) and (2) and 106.265, Florida Statutes.

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<sup>1</sup> Hyde could not contribute the money directly to the Republican Party of Sarasota to utilize for a mailer benefiting his campaign as he was running in a nonpartisan election. He and Robinson concocted the scheme to disguise the source of the funding used for the mailer.



Florida Department of State  
Division of Elections

# Campaign Contributions

Making A Better Tomorrow

[About the Campaign Finance Data Base](#)

Rpt Yr	Rpt Type	Date	Amount	Contributor Name	Address	City State Zip
2017	M2	02/13/2017	4,000.00	HYDE MARTIN	3446 ANGLIN DR	SARASOTA, FL 34242
			4,000.00			

1 Contribution(s) Selected

[Query the Campaign Finance Data Base](#)

[\[Department of State\]](#) [\[Division of Elections\]](#) [\[Candidates and Races\]](#) [\[Campaign Finance Information\]](#)





Florida Department of State  
Division of Elections

## Campaign Expenditures

Legal Reform Now Committee

*This information is being provided as a convenience to the public, has been processed by the Division of Elections and should be cross referenced with the original report on file with the Division of Elections in case of questions*  
[About the Campaign Finance Data Base](#)

Rpt Yr	Rpt Type	Date	Amount	Expense Paid To	Address	City State Zip
2017	M2	02/13/2017	4,000.00	REPUBLICAN PARTY OF SARASOTA	PO BOX 15333	SARASOTA, FL 34277
			4,000.00			

1 Expenditure(s) Selected

[Query the Campaign Finance Data Base](#)

[\[Department of State\]](#) [\[Division of Elections\]](#) [\[Candidates and Races\]](#) [\[Campaign Finance Information\]](#)

**EXHIBIT 2**

**TRANSCRIPT (PARTIAL)  
OF RADIO INTERVIEW VIDEO**

**Video 1 (Starting at 14:49 to end)**

Interviewer: ...I don't know if any of you read my blog, but PACs and dark money are something I have spent some time researching and particularly in Sarasota County and Eric Robinson is what we call the "prince of dark money" ... he administers a lot of political action committees around the state ... so Martin, there is a PAC called "Making a Better Tomorrow" and it is administered by Eric Robinson and on February 13<sup>th</sup> of this year you donated \$4,000 to that PAC. Your money is in there with Jim Gabbert, \$10,000 – he is the one who wants to put an industrial dump by the celery fields, your money is in there with Carlos Beruff, \$10,000 who is building homes between two landfills, your money is in there with Randy Benderson's money, \$20,000 of Randy Benderson's money, and Kolter Land Partners, \$10,000 the builders of The Vue. With the exception of Mr. Gabbert, who is the Charter Review official, and I have looked at these PACs quite a bit, I have never seen a candidate donate to a PAC so I am wondering ... why?

Martin Hyde: There is a very simple answer to that. I didn't want to take the money out of my campaign and give it to the Republican Party directly. Um, and as to the other people, in these PACs, they on some level agree. This moving stuff around and switching stuff from one PAC to another PAC, I have never met any of those people ... I know who they are and, I, the money that they collected there is obviously for other purposes. That \$4,000 went to a mailer that was sent from the GOP supporting me. Period.

Interviewer: Well, then why not, because you have given over \$48,000 to your own campaign ... why would you have to use a PAC for [inaudible] for funding a ... why do that? You have a well-funded campaign.

Martin Hyde: It's very simple. It's a non-partisan race and as it relates to coming from my campaign, my campaign can't directly send something out notifying me as a Republican, so it was suggested that the Republican Party didn't have the resources to fund a city mailer so I sent the money to a PAC and it came to this, simple as that.

Interviewer: Okay, here is my concern. And, you know, with the elected mayor, and one of the reasons I am concerned about the elected mayor is that it is a lot harder to buy 5 people than it is to buy 1 person. When I see a candidate giving money to a political action committee, which, by the way, has over \$200,000 in this, and there is regenerated PAC money, you know the shell game is there, I have to ask you, are you going to be a lap dog for Carlos Beruff and Benderson, for instance at the corner of Beneva and Fruitville, there is a piece of land, it's the northeast corner, of Beneva and Fruitville, and the City, the people are really upset that



Benderson wanted to chop down all those trees and put in a shopping center. That didn't happen, but, you know, your financial alliance here raises questions.

Martin Hyde: It's not financial alliance, it was a mechanism to get money to the GOP. I didn't want to write a check direct out of my campaign to the GOP ... there is no secret about that. As far as there being ...

Interviewer: Well why not write it directly to the GOP?

Martin Hyde: I'm not even sure I was allowed to. They could write one directly to them ... I, I....

Interviewer: Oh ...

Martin Hyde: ... that was the information ... I don't know, look, I'm not an attorney, all I'm telling you is that that was what suggested and that's what I did. Here's the thing, you talk about bought and paid, 85% of the money from my campaign is my money. None of this is. That's bought and paid, not me .... I'm wealthy, I don't need other people. No one can make me a lap dog. None of these people can tell me which end is up, the special interests you know in DC, pharmaceutical companies, they're arm's manufacturers, down here, there are people in special neighborhood groups giving to [END]

## Video 2 Excerpt (up to 4:10)

...

Interviewer: Okay, alright, well we are going to take a break and we will be right back. You are listening to *The Detail* and I am happy to be your host. Thanks.

Interviewer: Okay. Can you edit out that [inaudible]

Martin Hyde: That was shitty ...

Interviewer: Why...

Martin Hyde: That was shitty – you know exactly why ... it's fine.

Interviewer: Martin,

Martin Hyde: I expected it, I expected it .... It's got nothing to do with [inaudible]

Interviewer: Martin, listen, you give 4 grand I'm going to ask you about it



Martin Hyde: That's fine

Interviewer: I don't understand why that is a problem.

Martin Hyde: It's not ...

Interviewer: You have to understand ...

Martin Hyde: it's the whole thing. It's the whole liberal thing ... you know ... you make a big demon out of somebody who is doing an honest thing. And doing the best that he can -- and turning someone -- I hate Eric Robinson, I hate all of those people ....

Interviewer: You have choices, you don't have to give the money there

Martin Hyde: No I haven't got a choice

Interviewer: Why?

Martin Hyde: I don't know anything about PACs. I don't know anything about that sort of stuff.

Interviewer: Why would you ...

Martin Hyde: I wanted to give money to get a mailer to go out

Interviewer: So, you didn't know anything about it and you gave the money.

Martin Hyde: No, I don't know who's involved in any of these things, as far as I was concerned they gave me the name of someone

Interviewer: Don't you think you ought to know ...

Martin Hyde: Um, not really,

Interviewer: Really?

Martin Hyde: my purpose and my point was something else.

Interviewer: I disagree with you.

Martin Hyde: Well, you can disagree with me [inaudible]

Interviewer: Yes I can. [inaudible] Well ... we don't agree on that. It has been a problem in the city and it's actually

Martin Hyde: What is the problem, I don't get that

Interviewer: [inaudible] been tracked in the county

Martin Hyde: Well, the county I get ...

Interviewer: When you have special interests that are running the show

Martin Hyde: I know that, I know that, but you can't

Interviewer: You make bad decisions

Martin Hyde: Yeah, [inaudible] 85% of the money that I put in is my money, how is that special interests? How does that affect my decision-making?

Interviewer: No, I was asking about your PAC

Martin Hyde: I don't even know about [inaudible]

Interviewer: You want it, you think it is a virtue that you have given almost \$50 grand to your own campaign. I mean, God bless you that you have that kind of money, but I don't see that that makes you a superior candidate.

Martin Hyde: I didn't mean it superior candidate ... I said it means it makes me less likely to be swayed by 200 bucks, someone gives me 200 bucks [inaudible], I couldn't care less ... I haven't [inaudible]

Interviewer: Do you think that sounds a little ...

Martin Hyde: Arrogant ...

Interviewer: Yeah....

Martin Hyde: No, not really

Interviewer: Okay ...

Martin Hyde: It might to you

Interviewer: Alright, I, you know, I

Martin Hyde: It's honest

Interviewer: Okay ... we are going to talk about something else. I think we

Martin Hyde: Jen's [inaudible]

Interviewer: Do you have more to say? I'll toss it back to you ...

Jen: No, I'm fine. No

Martin Hyde: Cause you did her job for her. Thanks.

Interviewer: It is an opinion show too.

Martin Hyde: Sure

Interviewer: I do have an opinion

Martin Hyde: Well we knew that walking in ...

Interviewer: Yes you did. Okay so ... we're ready? Okay.