

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Eunice Garbutt

Case No.: FEC 19-146

TO: Eunice Garbutt
219 Curtis Avenue
Groveland, FL 34736

Virginia Wright
City of Groveland
156 S. Lake Avenue
Groveland, FL 34736

NOTICE OF VIRTUAL HEARING (INFORMAL HEARING)

A hearing will be held in this case before the Florida Elections Commission **on February 23, 2021 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 Webinar ID 627-359-707, or via teleconference by dialing (877) 309-2071 and entering the meeting access code 324-720-215, 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
February 2, 2021

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 32399-6596

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

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



Commission Meeting February 23, 2021 at 8:30AM via GoToWebinar and OpenVoice

In order to participate in the public portion of the February 23, 2021, 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
 2. Select Join A Webinar in the upper right corner of the website
 3. Enter the 9-digit Webinar ID: 627-359-707
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 1-877-309-2071
 2. Enter Audio Access Code 324-720-215
 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) of interest, when contacting our office.

Thank you,

Commission Staff

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

Florida Elections Commission,
Petitioner,

Case No.: FEC 19-146

v.

Eunice Garbutt,
Respondent.

ORDER OF PROBABLE CAUSE

THIS MATTER was heard by the Florida Elections Commission (Commission) at its regularly scheduled meeting on December 1, 2020, in Tallahassee, Florida.

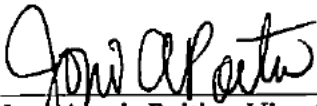
On May 20, 2020, Staff recommended to the Commission that there was probable cause to believe that the Florida Election Code was violated. The facts articulated in Staff's Recommendation are adopted by reference and incorporated herein. Based on the Complaint, Report of Investigation, Staff's Recommendation, 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 4, 2019, Eunice Garbutt violated Section 106.07(7), Florida Statutes, when she failed to notify the filing officer in writing on the prescribed reporting date that she would not be filing her Termination Report.

The Commission finds that there is **no probable cause** to charge Respondent with violating Sections 106.141(1), and 106.19(1)(c), Florida Statutes.

DONE AND ORDERED by the Florida Elections Commission on December 1, 2020.



Joni Alexis Poitier, Vice Chair
Florida Elections Commission

Copies furnished to:
Stephanie J. Cunningham, Assistant General Counsel
Eunice Garbutt, Respondent
Virginia Wright, Complainant

NOTICE OF RIGHT TO A HEARING

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

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

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

If you do not elect to resolve the case by consent order or request a formal hearing at the DOAH or an informal hearing before the Commission within 30 days of the date this Order of Probable Cause is filed with the Commission, the case will be sent to the Commission for a formal or

informal hearing, depending on whether the facts are in dispute. The date this order was filed appears in the upper right-hand corner of the first page of the order.

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

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Euncie Garbutt

Case No.: FEC 19-146

TO: Euncie Garbutt
219 Curtis Avenue
Groveland, FL 34736

Virginia Wright, City Clerk
City of Groveland
156 S. Lake Avenue
Groveland, FL 34736

NOTICE OF HEARING (PROBABLE CAUSE DETERMINATION)

A hearing will be held in this case before the Florida Elections Commission on, **December 1, 2020 at 10:00 AM**, *or as soon thereafter as the parties can be heard*, at the following location: **Senate Office Building, 404 South Monroe Street, Room 110-S, Tallahassee, Florida 32399**. Due to heightened security access requirements, please bring only essential items into the building and plan to arrive early to allow for delays coming through security.

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

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

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

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

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

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

See further instructions on the reverse side.

Tim Vaccaro

Executive Director
Florida Elections Commission
November 9, 2020

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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: Eunice Garbutt

Case No.: FEC 19-146

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 106.07(7), Florida Statutes**, and **no probable cause** to charge Respondent with violating **Sections 106.141(1), and 106.19(1)(c), Florida Statutes**. Based upon a thorough review of the Report of Investigation submitted on April 29, 2020, the following facts and law support this staff recommendation:

1. On March 18, 2019, the Florida Elections Commission (“Commission”) received a sworn complaint from Virginia Wright, Groveland City Clerk (“Complainant”), alleging that Eunice Garbutt (“Respondent”) violated Chapter 106, Florida Statutes.

2. Respondent was a 2018 candidate for Groveland City Council, District 5. Respondent’s Statement of Candidate form (“DS-DE 84”) was filed on May 4, 2018. (ROI Exhibit 2)¹ Respondent was eliminated as a candidate during the 2018 General Election. (ROI, p. 1, ¶1)

3. By letter dated July 23, 2019, the Executive Director notified Respondent that Commission staff would investigate the following statutory provisions:

Section 106.07(7), Florida Statutes: As alleged in the complaint, Respondent, a 2018 candidate for Groveland City Council, District 5, may have failed to notify the filing officer on the prescribed reporting date that no report would be filed on that date because she had not received funds, made contributions, or expended reportable funds during the 2018 termination reporting period.²

Section 106.141(1), Florida Statutes: As alleged in the complaint, Respondent, a 2018 candidate for Groveland City Council, District 5, failed to timely file her 2018 Termination Report reflecting the disposition of all remaining campaign funds.

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

² The reference to the 2018 termination reporting period in the letter finding legal sufficiency is a scrivener’s error. The sworn complaint and supporting documentation alleged a violation occurring during the termination reporting period ending on February 4, 2019.

Section 106.19(1)(c), Florida Statutes: As alleged in the complaint, Respondent, a 2018 candidate for Groveland City Council, District 5, may have falsely reported or deliberately failed to include information in her 2018 Termination Report, as required by Chapter 106.

4. On May 3, 2018, Respondent acknowledged that she had been provided access to read the requirements of Chapter 106, Florida Statutes. (ROI Exhibit 2)

Alleged Violation: Section 106.07(7), Florida Statutes

5. Complainant alleged that Respondent violated Florida's election laws by failing to notify the filing officer on the prescribed reporting date that no report would be filed for the termination reporting period.

6. Respondent's Termination Report was due to be filed by February 4, 2019; however, Respondent failed to timely file the report or notify the filing officer that no report would be filed. By emails dated December 10, 2018, and January 7, 2019, Respondent's filing officer notified Respondent that her Termination Report was due on February 4, 2019. (ROI Exhibit 4, pages 1 & 2) By letter dated February 20, 2019, Respondent's filing officer notified Respondent that her Termination Report had not been received. (ROI Exhibit 5)

7. Subpoenas were issued to two potential campaign depositories to ascertain whether any financial activity occurred during the relevant reporting period, i.e., November 2, 2018 – February 4, 2019. The financial institutions were unable to locate a campaign account in Respondent's name. (ROI Exhibits 6 & 7; ROI Exhibit 8, page 2)

8. Respondent failed to respond to Commission staff's investigation. (ROI Exhibit 8, pages 1 & 3)

9. As it appears that Respondent had no financial activity, Respondent was required to notify the filing officer in writing that she would not be filing her Termination Report on the prescribed reporting date, but failed to do so.

Alleged Violation: Section 106.141(1), Florida Statutes

10. Complainant alleged that Respondent violated Florida's election laws by failing to file the campaign's Termination Report.

11. Based on the above analysis, it appears that Respondent had no financial activity for the relevant reporting period. Therefore, it does not appear that Respondent was required to file the campaign's Termination Report as the report was waived due to a lack of reportable financial activity.

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

12. Complainant alleged that Respondent violated Florida's election laws by falsely reporting or deliberately failing to include information required by Chapter 106, Florida Statutes, on the campaign's Termination Report.

13. Based on the above analysis, it appears that Respondent had no financial activity for the relevant reporting period. Therefore, it does not appear that Respondent falsely reported or deliberately failed to include information in her Termination Report as the report was waived due to a lack of reportable financial activity.

14. Respondent was not a first-time candidate. (ROI, p. 1, ¶1)

15. "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).

16. The facts set forth above show that Respondent was a 2018 candidate for Groveland City Council, District 5. It appears that Respondent had no financial activity during the relevant reporting period, and therefore was required to notify the filing officer in writing that she would not be filing her Termination Report on the prescribed reporting date, but failed to do so. Thus, it does not appear that Respondent was required to file the campaign's Termination Report nor does it appear that Respondent falsely reported or deliberately failed to include information in her Termination Report as the report was waived due to a lack of reportable financial activity.

Based upon these facts and circumstances, I recommend that the Commission find **no probable cause** to charge Respondent with violating **Sections 106.141(1), and 106.19(1)(c), Florida Statutes**, and find **probable cause** to charge Respondent with violating the following:

Count 1:

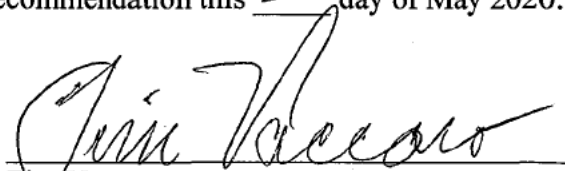
On or about February 4, 2019, Eunice Garbutt violated Section 106.07(7), Florida Statutes, when she failed to notify the filing officer in writing on the prescribed reporting date that she would not be filing her Termination Report.

Respectfully submitted on May 20, 2020.



Stephanie J. Cunningham
Assistant General Counsel

I reviewed this Staff Recommendation this 20th day of May 2020.



Tim Vaccaro
Executive Director

FLORIDA ELECTIONS COMMISSION

Report of Investigation
Sections 106.07(7), 106.141(1), and 106.19(1)(c), F.S.

Case Number: FEC 19-146

Sections 106.141(1), Florida Statutes, failure of a candidate to dispose of funds remaining in her campaign account within 90 days after she withdrew, became unopposed, was eliminated, or elected and to file a termination report (TR) reflecting the disposition of all remaining funds.

Sections 106.07(7) and 106.19(1)(c), Florida Statutes, failure of a candidate who did not receive any contributions or make any expenditures during the TR reporting period to notify timely the filing officer, in writing, that no TR is being filed or failure to file the TR to reflect financial activity.

Respondent: Eunice Garbutt

Respondent's Atty: N/A

Complainant: Virginia Wright, Groveland City Clerk (Clerk)

Complaint Filed: March 18, 2019

I. Preliminary Information:

1. Respondent was a 2018 candidate for Groveland City Council, District 5; she was defeated in the general election held on November 6, 2018. Respondent was not a first-time candidate.

2. An appointment of Campaign Treasurer and Designation of Campaign Depository (DS-DE 9) was filed on May 4, 2018. Respondent appointed herself as campaign treasurer. To review the DS-DE 9, refer to Exhibit 1.

3. Respondent filed a Statement of Candidate (DS-DE 84) with the Clerk on May 4, 2018 in which she certified she had been provided access to read and understand Chapter 106, F.S. To review a copy of the Statement of Candidate, refer to Exhibit 2.

4. On May 9, 2018, the Clerk provided all candidates a calendar of reporting dates via email and further stipulated that: "All reports submitted must be originals; emailed and/or faxed copies will not be accepted." To review the Clerk's email, refer to Exhibit 3.

5. Prior to the deadline for the 2019 TR, the Clerk sent Respondent two reminder emails on December 10, 2018 and January 7, 2019. Respondent replied to the latter of these two email notices and requested a copy of a blank campaign treasurer's report form. The Clerk complied with Respondent's request via email on January 7, 2019. To review these reminder emails, refer to Exhibit 4.

6. On February 20, 2019, the Clerk sent Respondent a notification via regular and certified mail service that the TR had not been filed. The letter was mailed to Respondent at the address provided on the DS-DE 9. To review the correspondence, please refer to Exhibit 5.

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

7. I investigated whether Respondent violated these sections of the election laws either by not notifying the filing officer, in writing, that no TR would be filed due to not receiving any contributions or making expenditures during the TR reporting period or by not filing a TR to reflect financial activity during the TR reporting period. I also investigated whether Respondent violated Section 106.141(1), Florida Statutes, by not disposing of all remaining campaign funds within 90 days of being eliminated.

Report	Report Cover Period	Due Date	Report or Waiver Required	Exhibit #
2019 TR	11/02/18 – 02/04/19	02/04/19	Waiver	6

8. I subpoenaed Respondent's campaign account records from the designated campaign depository, Chase. However, the only account of record at Chase was a personal account opened on December 16, 2009. The bank declared that it was not able to locate any other records responsive to the subpoena. There is thus no evidence of reportable activity through the designated campaign depository during the TR reporting period. To review the bank's declaration, refer to Exhibit 6.

9. The investigation discovered that Respondent had designated CenterState Bank¹ as her campaign depository for her previous campaign for the same elective office. I subpoenaed CenterState Bank to determine whether Respondent had continued using that account for her 2018 campaign. However, the bank declared that it was not able to locate any records responsive to the subpoena. To review a copy of the DS-DE 9 from Respondent's prior campaign and the bank's declaration, refer to Exhibit 7.

10. As noted above, the designated campaign depository was unable to locate a campaign account for Respondent. Therefore, there is no evidence of a surplus balance in such an account on the date the TR was due.

11. Respondent did not respond to the sworn complaint.

12. Respondent did not respond to a questionnaire-affidavit. Because the affidavit has not been returned, I am unable to ascertain whether she has read Chapter 106, Florida Statutes, and/or the *Candidate and Campaign Treasurer Handbook*.

13. I attempted to contact Respondent twice via phone and once via email to give her an opportunity to discuss the allegations made in the sworn complaint. As of the date of this report, Respondent has not returned my telephone calls or email. To review a copy of the phone log and email, refer to Exhibit 8.

III. FEC History:

14. Respondent has a prior history with the Florida Elections Commission: FEC 13-029, NPC, Section 106.141(1), F.S; FEC 16-223, Consent Order, Sections 106.07(7), 106.141(1), and 106.19(1)(c), F.S., fined \$150.00, paid.

¹ Respondent named the depository Central State Bank on the DS-DE 9, but she used the address of CenterState Bank, and there is no institution by the name Central State Bank.

Handwritten signature in cursive script, appearing to read "William R. Sapp".

SIGNATURE OF INVESTIGATOR:

Date: 4/29/20

FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Eunice Garbutt -- FEC 19-146

LIST OF EXHIBITS	
Exhibits #s	Description of Exhibits
Exhibit 1	DS-DE 9 form
Exhibit 2	DS-DE 84 form
Exhibit 3	Groveland City Clerk Email - 5/9/18
Exhibit 4	Groveland City Clerk - Reminder Emails (12/10/18 & 1/7/19)
Exhibit 5	Groveland City Clerk - Late 2019 TR Letter (2/20/19)
Exhibit 6	Chase Bank Declaration (4/14/20)
Exhibit 7	2014 DS-DE 9 form & CenterState Bank Declaration
Exhibit 8	Phone Log & Email (3/12/20)

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

(Section 108.021(1), F.S.)

(PLEASE PRINT OR TYPE)

RECEIVED
MAY 04 2018

BY: *Gabright*

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

OFFICE USE ONLY

1. CHECK APPROPRIATE BOX(ES):

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

2. Name of Candidate (In this order: First, Middle, Last)
Eunice Garbutt

3. Address (include post office box or street, city, state, zip code)
219 Curtis Avenue, Groveland, 34736

4. Telephone
(407) 376-2401

5. E-mail address
epg@eunicegarbutt.com

6. Office sought (include district, circuit, group number)
City Council, District 5

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

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

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

10. Name of Treasurer or Deputy Treasurer
Eunice Garbutt

11. Mailing Address
219 Curtis Avenue

12. Telephone
(407) 376-2401

13. City
Groveland

14. County
Lake

15. State
FL

16. Zip Code
34736

17. E-mail address
epg@eunicegarbutt.com

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

19. Name of Bank
Chase

20. Address
220 Citrus Tower Blvd

21. City
Clermont

22. County
Lake

23. State
Lake

24. Zip Code
34711

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

25. Date
05/03/2018

26. Signature of Candidate
X Eunice Garbutt

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

designated above as: Campaign Treasurer Deputy Treasurer.

05/03/2018
Date

X Eunice Garbutt
Signature of Campaign Treasurer or Deputy Treasurer

**STATEMENT OF
CANDIDATE**

(Section 106.023, F.S.)

(Please print or type)

OFFICE USE ONLY

RECEIVED
MAY 04 2018

BY: *g. white*

I, EUNICE GARBUTT,

candidate for the office of Groveland City Council, District 5;

have been provided access to read and understand the requirements of

Chapter 106, Florida Statutes.

x Eunice Garbutt
Signature of Candidate

05/03/2018
Date

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

On Wednesday, May 9, 2018 8:27 AM, Virginia Wright <virginia.wright@groveland-fl.gov> wrote:

Good Morning,

I am reaching out to all candidates to remind you that you must provide reports to the City Clerk, according to the attached reporting dates. A fine of \$25 per day will be assessed for late reports. All reports submitted must be originals; emailed and/or faxed copies will not be accepted.

The next report is due tomorrow, May 10th. I will not be sending out any additional reminders, so please be sure to follow the attached schedule for submission of your reports.

Should you have any questions please do not hesitate to contact me.

Thank you in advance!

Virginia (Ginny) Wright
City Clerk of Groveland
156 S. Lake Ave, Groveland, FL 34736
352-429-2141 x231 | Fax: 352-429-3852

"the City with a future, watch us grow"

www.groveland-fl.gov

www.facebook.com/CityofGroveland

Top Five Safest City in Florida by Safe Choice Security 2015

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution, is prohibited. If you are not the intended recipient, contact the sender by replying to the e-mail and destroy all copies of the original message.

PUBLIC RECORDS NOTICE: Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

Virginia Wright

From: Virginia Wright
Sent: Monday, December 10, 2018 10:21 AM
To: 'eunice@eunicegarbutt.com'
Subject: TR Report

Good Morning,

I am reaching out to candidates as a courtesy to let them know their TR Reports are due no later than February 4, 2019.

Thank you,

Virginia Wright

From: Virginia Wright
Sent: Monday, January 7, 2019 10:58 AM
To: 'eunice@eunicegarbutt.com'
Subject: RE: Campaign Termination Report - TR Report
Attachments: Campaign Treasurer's Report Summary - Form DS-DE12.pdf

Hi Eunice,

As attached.

Ginny

From: Eunice P. Garbutt <eunice@eunicegarbutt.com>
Sent: Monday, January 7, 2019 10:36 AM
To: Virginia Wright <virginia.wright@groveland-fl.gov>
Subject: Re: Campaign Termination Report - TR Report

Good Morning Ginny,

If possible, could you send me the TR Report form. I want to make sure I have the correct one.

Sent from Yahoo Mail on Android

On Mon, Jan 7, 2019 at 9:48 AM, Virginia Wright
<virginia.wright@groveland-fl.gov> wrote:

Good Morning,

Courtesy Reminder – the TR Report is due no later than February 4, 2019.

Thank you

VIRGINIA WRIGHT, CMC

City Clerk

City of Groveland

156 S. Lake Ave.
Groveland FL 34736



Tel: 352-429-3387 x221
Fax: 352-429-3391
Email: virginia.wright@groveland-fl.gov
Web: www.groveland-fl.gov

City with a future -- watch us grow!
Top 10 Safest Places in Florida

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CAMPAIGN TREASURER'S REPORT SUMMARY

(1) _____
Name

(2) _____
Address (number and street)

City, State, Zip Code

Check here if address has changed

OFFICE USE ONLY

(3) ID Number: _____

(4) Check appropriate box(es):

- | | |
|---|--|
| <input type="checkbox"/> Candidate Office Sought: _____
<input type="checkbox"/> Political Committee (PC)
<input type="checkbox"/> Electioneering Communications Org. (ECO)
<input type="checkbox"/> Party Executive Committee (PTY)
<input type="checkbox"/> Independent Expenditure (IE) (also covers an individual making electioneering communications) | <input type="checkbox"/> Check here if PC or ECO has disbanded
<input type="checkbox"/> Check here if PTY has disbanded
<input type="checkbox"/> Check here if no other IE or EC reports will be filed |
|---|--|

(5) Report Identifiers

Cover Period: From ____ / ____ / ____ To ____ / ____ / ____ Report Type: _____

- Original Amendment Special Election Report

(6) Contributions This Report

Cash & Checks \$ ____ , ____ , ____ . ____
 Loans \$ ____ , ____ , ____ . ____
 Total Monetary \$ ____ , ____ , ____ . ____
 In-Kind \$ ____ , ____ , ____ . ____

(7) Expenditures This Report

Monetary Expenditures \$ ____ , ____ , ____ . ____
 Transfers to Office Account \$ ____ , ____ , ____ . ____
 Total Monetary \$ ____ , ____ , ____ . ____

(8) Other Distributions

\$ ____ , ____ , ____ . ____

(9) TOTAL Monetary Contributions To Date

\$ ____ , ____ , ____ . ____

(10) TOTAL Monetary Expenditures To Date

\$ ____ , ____ , ____ . ____

(11) Certification

It is a first degree misdemeanor for any person to falsify a public record (ss. 839.13, F.S.)

I certify that I have examined this report and it is true, correct, and complete:

(Type name)

- Individual (only for IE or electioneering comm.) Treasurer Deputy Treasurer

X _____
Signature

(Type name)

- Candidate Chairperson (only for PC and PTY)

X _____
Signature

Instructions for Campaign Treasurer's Report Summary

- (1) **Name:** full name of the candidate, political committee, party executive committee, electioneering communications organization, or individual making an independent expenditure or electioneering communication.
- (2) **Address:** the full address or post office box, city, state, and zip code.
 Check the box if the address has changed since the last report filed.
- (3) **ID Number:** identification number assigned by the filing officer.
- (4) **Check the appropriate box(es).**
- (5) **Report Identifiers**
Cover Period: the dates this report covers (i.e., From 1/1/15 To 1/31/55). **Important:** use the appropriate cover period dates as published by the filing officer.
Report Type: refer to the filing officer's calendar of reporting dates for the correct codes to be used for each reporting period. If report is for a **special election** add "S" in front of the report code (i.e., SG3).
Check one of the appropriate boxes:
 Original: first report filed for this reporting period.
 Amendment: must summarize only contributions/fund transfers and expenditures/distributions being reported as additions or deletions. Read instructions for sequence numbers and amendment types on the back of Forms DS-DE 13A and 14A.
 Special Election Report: **Important:** once a special election report is filed, the entity is required to file all remaining reports due for the special election.
- (6) **Contributions This Report:**
Cash and Checks: total amount for this reporting period.
Loans: total amount for this reporting period.
Total Monetary: sum of Cash and Checks and Loans.
In-Kind: the fair market value of the in-kind contribution at the time it is given for this reporting period.
- (7) **Expenditures This Report:**
Monetary Expenditures: total amount of monetary expenditures for this reporting period.
Transfers to Office Account: total amount transferred to an office account by elected candidates only.
Total Monetary: sum of Monetary Expenditures and Transfers to Office Account.
- (8) **Other Distributions:** the total amount of goods and services contributed to a candidate or other committee by a PC, ECO, or PTY.
- (9) **TOTAL Monetary Contributions To Date:** the amount of total monetary contributions to date. Candidates keep cumulative totals from the time the campaign depository is opened through the termination report.
- (10) **TOTAL Monetary Expenditures To Date:** the amount of total monetary expenditures to date. Candidates keep cumulative totals from the time the campaign depository is opened through the termination report.
- (11) **Type or print the required officer's name and have them sign the report:**
 Candidate report: treasurer and candidate must sign.
 PC report: treasurer and chairperson must sign.
 PTY report: treasurer and chairperson must sign.
 ECO report: organization's treasurer must sign.
 IE or EC report: individual must sign (this applies when an individual acts alone to make these expenditures)
- AMENDMENT REPORTS:** An amendment report summary should summarize only contributions, expenditures, distributions, & fund transfers being reported as additions or deletions. Read the instructions for the sequence number & amendment type fields on the back of forms DS-DE 13, 14, 14A and 94.



GINNY WRIGHT
City Clerk

352-429-3387 ext. 221
virginia.wright@groveland-fl.gov

156 S. Lake Avenue • Groveland, FL 34736 • www.Groveland-FL.gov

February 20, 2019

Via regular mail and certified mail

Eunice Garbutt
219 Curtis Avenue
Groveland, FL 34736

RE: 2018 Campaign Treasurer Report – TR

Dear Ms. Garbutt:

Your 2018 Campaign Treasurers Report – TR, was due on February 4, 2018.

Please submit the original report to me immediately.

Should you have any questions please contact me at (352) 429-3387, ext. 221 or via email virginia.wright@groveland-fl.gov

Sincerely,

Virginia Wright
City Clerk

City with Natural Charm™

**National Subpoena Processing
Mail Code IN1-4054
7610 West Washington Street
Indianapolis, Indiana 46231**

4/14/2020

**COURTENAY HARROLD SHEPPARD
FLORIDA ELECTIONS COMMISSION
107 W GAINES STREET COLLINS BUILDING SUTIE 224
TALLAHASSEE FL 32399**

**Case Name: IN RE: EG (EUNICE GARBUTT)
Case No.: FEC 19-146, 19-146-009
JPMorgan Chase File No.: SB1115726-F2**

Dear Sir/Madam:

We have completed our search for the remaining information and/or records in connection with the legal request referenced above. Based on the information you provided in the request, a good faith search was conducted for the remaining information or records related to the named subject(s).

However, we were unable to locate any additional records that further responded to the subpoena and/or request. We understand that we have complied with this subpoena and/or request to the best of our ability and will not need to appear unless required.

At this time, we will consider this subpoena and/or request closed unless we hear further from you.

If you have questions, please call our Customer Service Center at 1-844-751-7728. We're here to help Monday through Friday from 8:30 a.m. to 7:00 p.m. Eastern Time.

Sincerely,

Leah Lucas
Operations Manager, VP
Chase Customer Service

Subp84
JPMorgan Chase, N.A. Member FDIC

**APPOINTMENT OF CAMPAIGN TREASURER
AND DESIGNATION OF CAMPAIGN
DEPOSITORY FOR CANDIDATES**
(Section 108.021(1), F.S.)

(PLEASE PRINT OR TYPE)

RECEIVED
JUN 17 2014

BY:

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

OFFICE USE ONLY

1. CHECK APPROPRIATE BOX(ES):

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

2. Name of Candidate (in this order: First, Middle, Last)
EUNICE GARBUTT

3. Address (include post office box or street, city, state, zip code)
PO BOX 71, GROVELAND, FLORIDA 34736

4. Telephone
(407) 376-2401

5. E-mail address
EPG@EUNICEGARBU...C

6. Office sought (include district, circuit, group number)
GROVELAND CITY COUNCIL, DISTRICT 5

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

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

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

10. Name of Treasurer or Deputy Treasurer
EUNICE GARBUTT

11. Mailing Address
PO BOX 71

12. Telephone
(407) 376-2401

13. City
GROVELAND

14. County
LAKE

15. State
FL

16. Zip Code
34736

17. E-mail address
EPG@EUNICEGARBU...COM

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

19. Name of Bank
CENTRAL STATE BANK

20. Address
1105 WEST BROAD STREET

21. City
GROVELAND

22. County
LAKE

23. State
FLORIDA

24. Zip Code
34736

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

25. Date
JUNE 2, 2014

26. Signature of Candidate
Eunice Garbutt

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

designated above as: Campaign Treasurer Deputy Treasurer

JUNE 2, 2014
Date

Eunice Garbutt
Signature of Campaign Treasurer or Deputy Treasurer

DS-DE 9 (Rev. 10/10)

EXHIBIT

Rule 18-2.0001, F.A.C.



APRIL 23, 2020

FLORIDA ELECTION COMMISSION
COURTENAY HARROLD SHEPPARD
107 W GAINES ST
COLLINS BLDG STE 224
TALLAHASSEE FL 32399-1050

Re: Subpoena Duces Tecum w/o Deposition Case FEC 19-146-023 (#161-2020 CENTERSTATE BANK)

This letter is to serve as a response to and/or compliance with the Subpoena Duces Tecum we received relative to the above referenced party/case.

Please be advised that I queried our records per your request and as listed below and that there were not any records found relative to your request.

Please provide legible copies of any and all requested documents pertaining to any account opened in Groveland, Florida by Eunice Garbutt (DOB: 5-15-1972; Last 4 SS#: --3928; 219 Curtis Ave., Groveland, FL 34736 or PO Box 71, Groveland, FL 34736) regarding her 2018 campaign for Groveland City Council, District 5. The account may be listed as: "Eunice Garbutt, Campaign Account."

1. Account applications, signature cards, financial statements, and other records utilized in the opening of the account;
2. Copies of all monthly bank statements from November 1, 2018 through February 28, 2019 or the closing of the account, whichever comes last;
3. All information relating to each deposit (checks, deposit slips, ATM deposits, wires, credit memos, etc.) in the account, including all images that correspond with each deposit from November 1, 2018 through February 28, 2019 or the closing of the account, whichever comes last;
4. Copies (front and back) of all payment instruments including, but not limited to, checks, transfers, debit memos, wire transfers, and records of debit card transactions drawn on the account from November 1, 2018 through February 28, 2019 or the closing of the account, whichever comes last;
5. All records disclosing the current status of the campaign account, the final monthly bank statement, and the date when the campaign account was closed, if applicable.

If you have any questions regarding this matter or any identifiable CenterState Bank account information, please feel free to contact us at LSRT@centerstatebank.com and reference CenterState Bank Subpoena #161-2020.

Sincerely,

Charles C. Reese

Chandra C Reese
Court Ordered Research and Response Team

**FLORIDA ELECTIONS COMMISSION
PHONE LOG
Case No.: FEC 19-146**

Respondent: Eunice Garbutt

Complainant: Virginia Wright, Clerk of the Court (Groveland)

1. **Date and time:**2/14/20 @ 2:12pm
Name:Virginia Wright/ Groveland Clerk's Office
Phone #: 352-429-3387 x. 221
Summary:I attempted to reach Ms. Wright at this number. There was no dial or ring tone and no VM picked-up. This number (taken from letterhead on the original complain) differs from the one provided on the Groveland Clerk's website.
Memo to File? No
Entered by:CHS
2. **Date and time:**2/14/20 @ 2:21pm
Name:Virginia Wright/ Groveland Clerk's Office
Phone #: 352-429-2141 x. 2014
Summary:I called and spoke with "Ginny" Wright. I asked for the filing/qualifying documents submitted by Ms. Garbutt for the 2018 municipal elections. Ms. Wright took my email address and said that she would send them via email.
Memo to File? No
Entered by:CHS
3. **Date and time:**3/13/20 @ 10:12am
Name:Eunice Garbutt
Phone #: 407-376-2401
Summary:I left a message on Respondent's voicemail. I stated that we had sent a legal sufficiency letter in July 2019 and said that I wanted to speak with her about the 2018 TR report from the 2018 municipal campaign. I also stated that I had sent her an email to eunice@eunicegarbutt.com. Lastly, I provided my direct number and requested a callback.
Memo to File? No
Entered by:CHS
4. **Date and time:**4/6/20 @ 2:14pm
Name: Eunice Garbutt
Phone #: 407-376-2401
Summary: I left another message on Respondent's voicemail. I stated that I'd previously emailed and called her about our LS letter. I specifically mentioned the 2018 TR report and asked after the status of the Affidavit of Background Info. I gave her the office number and also my email, stating that the easiest way to reach me is probably via email. I requested a callback and a return of the Affidavit.
Memo to File? No
Entered by:CHS
5. **Date and time:** 4/13/20 @ 4:45pm

Name: Chase Bank USA - Subpoena Support

Phone #: 844-751-7728

Summary: I called Chase Bank's Subpoena Support and spoke with representative, Becky. I provided the Chase file number and asked if there were any additional checking accounts affiliated with Eunice Garbutt (as provided in the subpoena). Becky performed a customer search and did not see any other active checking accounts nor anything that had been opened exclusively in 2017 or 2018 (as per Respondent's DS-DE 9 form). It appears that the only checking account is the one opened by Respondent in 2009.

Memo to File? No

Entered by: CHS

6. **Date and time:** 4/14/20 @ 11:40am

Name: Chase Bank USA - Subpoena Support (Marietou)

Phone #: 844-751-7728

Summary: I called Chase's Subpoena Support and spoke with a different rep, Marietou. I provided the Chase file number and asked that the case be "escalated" to look for any possible checking accounts opened in 2017 or 2018. Regardless the outcome of this escalation, I requested that Chase provide a Declaration about the checking accounts opened by Garbutt. If the 2009 checking account is the only viable account ever used, I requested this be stipulated in the Declaration.

Memo to File? No

Entered by: CHS

7. **Date and time:**

Name:

Phone #:

Summary:

Memo to File? No

Entered by:

8. **Date and time:**

Name:

Phone #:

Summary:

Memo to File? No

Entered by:

9. **Date and time:**

Name:

Phone #:

Summary:

Memo to File? No

Entered by:

10. **Date and time:**

Name:

Phone #:

Summary:

Courtney Harrold

From: Courtney Harrold
Sent: Thursday, March 12, 2020 5:38 PM
To: eunice@eunicegarbutt.com
Subject: FEC 19-146 Investigation

Good afternoon, Ms. Garbutt:

I'm the assigned investigator regarding FEC 19-146, a copy of which was personally served back on June 29, 2019; our agency's letter of legal sufficiency was delivered on July 23, 2019. At this stage of the investigation, I wanted to collect some further information from you about the 2018 campaign and, ultimately, the 2019 TR report. When would be a good time to speak about this matter over-the-phone?

In the interim, I'll also be drafting an Affidavit of Background Information, which we request from all our complainants.

My direct line is included below. Please let me know your next availability and any questions you may have about the process and investigation.

Thank you and I look forward to speaking with you.

All the best,

Courtney Harrold Sheppard

Investigation Specialist II
Florida Elections Commission
107 W. Gaines St., #224
Tallahassee, FL 32399
Office: (850) 922-4539
Direct: (850) 404-5620
Courtenay.harrold@myfloridalegal.com



FLORIDA ELECTIONS COMMISSION

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

www.fec.state.fl.us; fec@myfloridalegal.com

July 23, 2019

Eunice Garbutt
219 Curtis Avenue
Groveland, FL 34736

RE: Case No.: FEC 19-146; Respondent: Eunice Garbutt

Dear Ms. Garbutt:

On March 18, 2019, the Florida Elections Commission received a complaint alleging that you violated Florida's election laws. I have reviewed the complaint and find that it contains one or more **legally sufficient allegations**. The Commission staff will investigate the following alleged violations:

Section 106.07(7), Florida Statutes: As alleged in the complaint, Respondent, a 2018 candidate for Groveland City Council, District 5, may have failed to notify the filing officer on the prescribed reporting date that no report would be filed on that date because she had not received funds, made contributions, or expended reportable funds during the 2018 termination reporting period.

Section 106.141(1), Florida Statutes: As alleged in the complaint, Respondent, a 2018 candidate for Groveland City Council, District 5, failed to timely file her 2018 Termination Report reflecting the disposition of all remaining campaign funds.

Section 106.19(1)(c), Florida Statutes: As alleged in the complaint, Respondent, a 2018 candidate for Groveland City Council, District 5, may have falsely reported or deliberately failed to include information in her 2018 Termination Report, as required by Chapter 106.

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

Eunice Garbutt
July 23, 2019
Page 2
FEC 19-146

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

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

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

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

Sincerely,

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

Tim Vaccaro
Executive Director

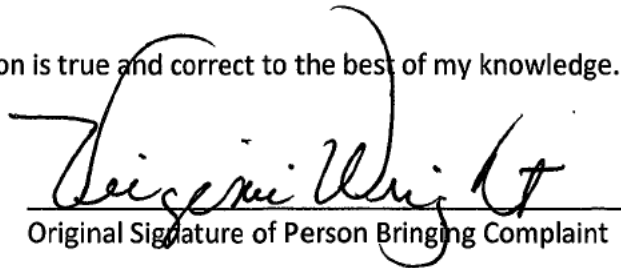
TV/med

FLORIDA ELECTIONS COMMISSION
107 West Gaines Street, Suite 224, Tallahassee, FL 32399-1050

4. OATH:

STATE OF FLORIDA
COUNTY OF Lake

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


Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this 12TH day of
March, 20 19


Signature of Officer Authorized to Administer Oaths or Notary Public



DENISE RAYL NOAK
MY COMMISSION # FF 928252
EXPIRES: December 20, 2019
Bonded Thru Budget Notary Services

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

Personally Known Or Produced Identification _____

Type of Identification Produced _____

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/mailed 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.

20190312 10:50 AM



VIRGINIA WRIGHT
City Clerk

352-429-3387 ext. 221
virginia.wright@groveland-fl.gov

156 S. Lake Avenue • Groveland, FL 34736 • www.Groveland-FL.gov

March 12, 2019

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

Dear Sir/Madam:

The City of Groveland 2018 Municipal Election for City Council was held on November 6, 2018. The deadline for the final Campaign Treasurer's Report Summary, form DS-DE-12, was due to the City Clerk's Office no later than February 4, 2019 at 5:00 p.m.

Eunice Garbutt was a candidate for District Seat 5. As you will note from the attached documentation, I have made several attempts to obtain Ms. Garbutt's final report through emails and a formal letter via regular and certified mail. To date, I have not received Ms. Garbutt's final report.

Therefore, Ms. Garbutt is in violation of Florida Statute Chapter 106.07.

Sincerely,

Virginia Wright
City Clerk

Enclosures:

1. Complaint Form
2. Copy of Letter mailed 2/20/2019
3. Email dated 1/07/2019 and Form DS-DE-12
4. Email dated 12/10/2018
5. Florida Statute Chapter 106.07

City with Natural Charm™

This email acknowledges your contact with the office of the Florida Elections Commission concerning a possible violation of Chapter 104, Section 105.071, or Chapter 106, Florida Statutes.

Section 106.25, Florida Statutes, requires that before the Commission can investigate a violation of Florida's election laws, it must receive a sworn complaint. Rule 2B-1.0025, Florida Administrative Code, provides that when you file a complaint you must (1) allege a violation of Chapter 104, Section 105.071, or Chapter 106, Florida Statutes, (2) list the specific sections alleged to have been violated, (3) set forth specific facts to support the allegations, and (4) swear to the information before a notary. In addition, the facts that you allege must have occurred no more than two years before the date you file the complaint, and must be based upon personal information, or information other than hearsay.

Therefore, please have notarized the Commission's complaint form, which is attached. When the notarized letter or complaint form is completed, please mail it to the Commission at the address listed above. If the Commission finds the complaint legally sufficient, it will conduct an investigation of the alleged violation.

If you have any questions, please contact us at fec@myfloridalegal.com or by telephone at 850-922-4539.



GINNY WRIGHT
City Clerk

352-429-3387 ext. 221
virginia.wright@groveland-fl.gov

156 S. Lake Avenue • Groveland, FL 34736 • www.Groveland-FL.gov

February 20, 2019

Via regular mail and certified mail

Eunice Garbutt
219 Curtis Avenue
Groveland, FL 34736

RE: 2018 Campaign Treasurer Report – TR

Dear Ms. Garbutt:

Your 2018 Campaign Treasurers Report – TR, was due on February 4, 2018.

Please submit the original report to me immediately.

Should you have any questions please contact me at (352) 429-3387, ext. 221 or via email
virginia.wright@groveland-fl.gov

Sincerely,

Virginia Wright
City Clerk

City with Natural Charm™

Virginia Wright

From: Virginia Wright
Sent: Monday, January 7, 2019 10:58 AM
To: 'eunice@eunicegarbutt.com'
Subject: RE: Campaign Termination Report - TR Report
Attachments: Campaign Treasurer's Report Summary - Form DS-DE12.pdf

Hi Eunice,

As attached.

Ginny

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Subject: Re: Campaign Termination Report - TR Report

Good Morning Ginny,

If possible, could you send me the TR Report form. I want to make sure I have the correct one.

Sent from Yahoo Mail on Android

On Mon, Jan 7, 2019 at 9:48 AM, Virginia Wright
<virginia.wright@groveland-fl.gov> wrote:

Good Morning,

Courtesy Reminder – the TR Report is due no later than February 4, 2019.

Thank you

VIRGINIA WRIGHT, CMC
City Clerk

City of Groveland

156 S. Lake Ave.
Groveland FL 34736



Tel: 352-429-3387 x221
Fax: 352-429-3391
Email: virginia.wright@groveland-fl.gov
Web: www.groveland-fl.gov

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CAMPAIGN TREASURER'S REPORT SUMMARY

(1) _____
Name

(2) _____
Address (number and street)

City, State, Zip Code

Check here if address has changed

(3) ID Number: _____

OFFICE USE ONLY

(4) Check appropriate box(es):

Candidate Office Sought: _____

Political Committee (PC)

Electioneering Communications Org. (ECO)

Party Executive Committee (PTY)

Independent Expenditure (IE) (also covers an individual making electioneering communications)

Check here if PC or ECO has disbanded

Check here if PTY has disbanded

Check here if no other IE or EC reports will be filed

(5) Report Identifiers

Cover Period: From ___ / ___ / ___ To ___ / ___ / ___ Report Type: _____

Original

Amendment

Special Election Report

(6) Contributions This Report

Cash & Checks \$ _____

Loans \$ _____

Total Monetary \$ _____

In-Kind \$ _____

(7) Expenditures This Report

Monetary Expenditures \$ _____

Transfers to Office Account \$ _____

Total Monetary \$ _____

(8) Other Distributions

\$ _____

(9) TOTAL Monetary Contributions To Date

\$ _____

(10) TOTAL Monetary Expenditures To Date

\$ _____

(11) Certification

It is a first degree misdemeanor for any person to falsify a public record (ss. 839.13, F.S.)

I certify that I have examined this report and it is true, correct, and complete:

(Type name)

Individual (only for IE or electioneering comm.) Treasurer Deputy Treasurer

X

Signature

(Type name)

Candidate Chairperson (only for PC and PTY)

X

Signature

Instructions for Campaign Treasurer's Report Summary

(1) **Name:** full name of the candidate, political committee, party executive committee, electioneering communications organization, or individual making an independent expenditure or electioneering communication.

(2) **Address:** the full address or post office box, city, state, and zip code.
 Check the box if the address has changed since the last report filed.

(3) **ID Number:** identification number assigned by the filing officer.

(4) **Check the appropriate box(es).**

(5) **Report Identifiers**

Cover Period: the dates this report covers (i.e., From 1/1/15 To 1/31/55). **Important:** use the appropriate cover period dates as published by the filing officer.

Report Type: refer to the filing officer's calendar of reporting dates for the correct codes to be used for each reporting period. If report is for a **special election** add "S" in front of the report code (i.e., SG3).

Check one of the appropriate boxes:

- Original: first report filed for this reporting period.
- Amendment: must summarize only contributions/fund transfers and expenditures/distributions being reported as additions or deletions. Read instructions for sequence numbers and amendment types on the back of Forms DS-DE 13A and 14A.
- Special Election Report: **Important:** once a special election report is filed, the entity is required to file all remaining reports due for the special election.

(6) **Contributions This Report:**

Cash and Checks: total amount for this reporting period.

Loans: total amount for this reporting period.

Total Monetary: sum of Cash and Checks and Loans.

In-Kind: the fair market value of the in-kind contribution at the time it is given for this reporting period.

(7) **Expenditures This Report:**

Monetary Expenditures: total amount of monetary expenditures for this reporting period.

Transfers to Office Account: total amount transferred to an office account by elected candidates only.

Total Monetary: sum of Monetary Expenditures and Transfers to Office Account.

(8) **Other Distributions:** the total amount of goods and services contributed to a candidate or other committee by a PC, ECO, or PTY.

(9) **TOTAL Monetary Contributions To Date:** the amount of total monetary contributions to date. Candidates keep cumulative totals from the time the campaign depository is opened through the termination report.

(10) **TOTAL Monetary Expenditures To Date:** the amount of total monetary expenditures to date. Candidates keep cumulative totals from the time the campaign depository is opened through the termination report.

(11) **Type or print the required officer's name and have them sign the report:**

- Candidate report: treasurer and candidate must sign.
- PC report: treasurer and chairperson must sign.
- PTY report: treasurer and chairperson must sign.
- ECO report: organization's treasurer must sign.
- IE or EC report: individual must sign (this applies when an individual acts alone to make these expenditures)

AMENDMENT REPORTS: An amendment report summary should summarize only contributions, expenditures, distributions, & fund transfers being reported as additions or deletions. Read the instructions for the sequence number & amendment type fields on the back of forms DS-DE 13, 14, 14A and 94.

Virginia Wright

From: Virginia Wright
Sent: Monday, December 10, 2018 10:21 AM
To: 'eunice@eunicegarbutt.com'
Subject: TR Report

Good Morning,

I am reaching out to candidates as a courtesy to let them know their TR Reports are due no later than February 4, 2019.

Thank you,

106.07 Reports; certification and filing.—

(1) Each campaign treasurer designated by a candidate or political committee pursuant to s.106.021 shall file regular reports of all contributions received, and all expenditures made, by or on behalf of such candidate or political committee. Except as provided in paragraphs (a) and (b), reports shall be filed on the 10th day following the end of each calendar month from the time the campaign treasurer is appointed, except that, if the 10th day following the end of a calendar month occurs on a Saturday, Sunday, or legal holiday, the report shall be filed on the next following day that is not a Saturday, Sunday, or legal holiday. Monthly reports shall include all contributions received and expenditures made during the calendar month which have not otherwise been reported pursuant to this section.

(a) A statewide candidate or a political committee required to file reports with the division must file reports:

1. On the 60th day immediately preceding the primary election, and each week thereafter, with the last weekly report being filed on the 4th day immediately preceding the general election.

2. On the 10th day immediately preceding the general election, and each day thereafter, with the last daily report being filed the 5th day immediately preceding the general election.

(b) Any other candidate or a political committee required to file reports with a filing officer other than the division must file reports on the 60th day

immediately preceding the primary election, and biweekly on each Friday thereafter through and including the 4th day immediately preceding the general election, with additional reports due on the 25th and 11th days before the primary election and the general election.

(c) Following the last day of qualifying for office, any unopposed candidate need only file a report within 90 days after the date such candidate became unopposed. Such report shall contain all previously unreported contributions and expenditures as required by this section and shall reflect disposition of funds as required by s. 106.141.

(d)1. When a special election is called to fill a vacancy in office, all political committees making contributions or expenditures to influence the results of such special election or the preceding special primary election shall file campaign treasurers' reports with the filing officer on the dates set by the Department of State pursuant to s. 100.111.

2. When an election is called for an issue to appear on the ballot at a time when no candidates are scheduled to appear on the ballot, all political committees making contributions or expenditures in support of or in opposition to such issue shall file reports on the 18th and 4th days before such election.

(e) The filing officer shall provide each candidate with a schedule designating the beginning and end of reporting periods as well as the corresponding designated due dates.

(2)(a)1. All reports required of a candidate by this section shall be filed with the officer before whom the candidate is required by law to qualify.

All candidates who file with the Department of State shall file their reports pursuant to s. 106.0705. Except as provided in s. 106.0705, reports shall be filed not later than 5 p.m. of the day designated; however, any report postmarked by the United States Postal Service no later than midnight of the day designated is deemed to have been filed in a timely manner. Any report received by the filing officer within 5 days after the designated due date that was delivered by the United States Postal Service is deemed timely filed unless it has a postmark that indicates that the report was mailed after the designated due date. A certificate of mailing obtained from and dated by the United States Postal Service at the time of mailing, or a receipt from an established courier company, which bears a date on or before the date on which the report is due, suffices as proof of mailing in a timely manner. Reports other than daily reports must contain information on all previously unreported contributions received and expenditures made as of the preceding Friday, except that the report filed on the Friday immediately preceding the election must contain information on all previously unreported contributions received and expenditures made as of the day preceding that designated due date; daily reports must contain information on all previously unreported contributions received as of the preceding day. All such reports are open to public inspection.

2. This subsection does not prohibit the governing body of a political subdivision, by ordinance or resolution, from imposing upon its own officers and candidates electronic filing requirements not in conflict with s. 106.0705.

Expenditure of public funds for such purpose is deemed to be for a valid public purpose.

(b)1. Any report that is deemed to be incomplete by the officer with whom the candidate qualifies must be accepted on a conditional basis. The campaign treasurer shall be notified by certified mail or by another method using a common carrier that provides a proof of delivery of the notice as to why the report is incomplete and within 7 days after receipt of such notice must file an addendum to the report providing all information necessary to complete the report in compliance with this section. Failure to file a complete report after such notice constitutes a violation of this chapter.

2. Notice is deemed complete upon proof of delivery of a written notice to the mailing or street address of the campaign treasurer or registered agent of record with the filing officer.

(3) Reports required of a political committee shall be filed with the agency or officer before whom such committee registers pursuant to s. 106.03(3) and shall be subject to the same filing conditions as established for candidates' reports. Incomplete reports by political committees shall be treated in the manner provided for incomplete reports by candidates in subsection (2).

(4)(a) Except for daily reports, to which only the contributions provisions below apply, and except as provided in paragraph (b), each report required by this section must contain:

1. The full name, address, and occupation, if any, of each person who has made one or more contributions to or for such committee or candidate within the reporting period, together with the amount and date of such contributions. For

corporations, the report must provide as clear a description as practicable of the principal type of business conducted by the corporation. However, if the contribution is \$100 or less or is from a relative, as defined in s. 112.312, provided that the relationship is reported, the occupation of the contributor or the principal type of business need not be listed.

2. The name and address of each political committee from which the reporting committee or the candidate received, or to which the reporting committee or candidate made, any transfer of funds, together with the amounts and dates of all transfers.

3. Each loan for campaign purposes to or from any person or political committee within the reporting period, together with the full names, addresses, and occupations, and principal places of business, if any, of the lender and endorsers, if any, and the date and amount of such loans.

4. A statement of each contribution, rebate, refund, or other receipt not otherwise listed under subparagraphs 1. through 3.

5. The total sums of all loans, in-kind contributions, and other receipts by or for such committee or candidate during the reporting period. The reporting forms shall be designed to elicit separate totals for in-kind contributions, loans, and other receipts.

6. The full name and address of each person to whom expenditures have been made by or on behalf of the committee or candidate within the reporting period; the amount, date, and purpose of each such expenditure; and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made. However, expenditures

made from the petty cash fund provided by s. 106.12 need not be reported individually.

7. The full name and address of each person to whom an expenditure for personal services, salary, or reimbursement for authorized expenses as provided in s. 106.021(3) has been made and which is not otherwise reported, including the amount, date, and purpose of such expenditure. However, expenditures made from the petty cash fund provided for in s. 106.12 need not be reported individually. Receipts for reimbursement for authorized expenditures shall be retained by the treasurer along with the records for the campaign account.

8. The total amount withdrawn and the total amount spent for petty cash purposes pursuant to this chapter during the reporting period.

9. The total sum of expenditures made by such committee or candidate during the reporting period.

10. The amount and nature of debts and obligations owed by or to the committee or candidate, which relate to the conduct of any political campaign.

11. Transaction information for each credit card purchase. Receipts for each credit card purchase shall be retained by the treasurer with the records for the campaign account.

12. The amount and nature of any separate interest-bearing accounts or certificates of deposit and identification of the financial institution in which such accounts or certificates of deposit are located.

13. The primary purposes of an expenditure made indirectly through a campaign treasurer pursuant to s. 106.021(3) for goods and services

such as communications media placement or procurement services, campaign signs, insurance, and other expenditures that include multiple components as part of the expenditure. The primary purpose of an expenditure shall be that purpose, including integral and directly related components, that comprises 80 percent of such expenditure.

(b) Multiple uniform contributions from the same person, aggregating no more than \$250 per calendar year, collected by an organization that is the affiliated sponsor of a political committee, may be reported by the political committee in an aggregate amount listing the number of contributors together with the amount contributed by each and the total amount contributed during the reporting period. The identity of each person making such uniform contribution must be reported to the filing officer as provided in subparagraph (a)1. by July 1 of each calendar year, or, in a general election year, no later than the 60th day immediately preceding the primary election.

(c) The filing officer shall make available to any candidate or committee a reporting form which the candidate or committee may use to indicate contributions received by the candidate or committee but returned to the contributor before deposit.

(5) The candidate and his or her campaign treasurer, in the case of a candidate, or the political committee chair and campaign treasurer of the committee, in the case of a political committee, shall certify as to the correctness of each report; and each person so certifying shall bear the responsibility for the accuracy and veracity of each report. Any campaign treasurer, candidate, or political committee chair who willfully certifies

the correctness of any report while knowing that such report is incorrect, false, or incomplete commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(6) The records maintained by the campaign depository with respect to any campaign account regulated by this chapter are subject to inspection by an agent of the Division of Elections or the Florida Elections Commission at any time during normal banking hours, and such depository shall furnish certified copies of any of such records to the Division of Elections or Florida Elections Commission upon request.

(7) Notwithstanding any other provisions of this chapter, in any reporting period during which a candidate or political committee has not received funds, made any contributions, or expended any reportable funds, the filing of the required report for that period is waived. However, the next report filed must specify that the report covers the entire period between the last submitted report and the report being filed, and any candidate or political committee not reporting by virtue of this subsection on dates prescribed elsewhere in this chapter shall notify the filing officer in writing on the prescribed reporting date that no report is being filed on that date.

(8)(a) Any candidate or political committee failing to file a report on the designated due date is subject to a fine as provided in paragraph (b) for each late day, and, in the case of a candidate, such fine shall be paid only from personal funds of the candidate. The fine shall be assessed by the filing officer and the moneys collected shall be deposited:

1. In the General Revenue Fund, in the case of a candidate for state office or a political committee that registers with the Division of Elections; or

2. In the general revenue fund of the political subdivision, in the case of a candidate for an office of a political subdivision or a political committee that registers with an officer of a political subdivision.

No separate fine shall be assessed for failure to file a copy of any report required by this section.

(b) Upon determining that a report is late, the filing officer shall immediately notify the candidate or chair of the political committee as to the failure to file a report by the designated due date and that a fine is being assessed for each late day. The fine is \$50 per day for the first 3 days late and, thereafter, \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, for the reports immediately preceding each special primary election, special election, primary election, and general election, the fine is \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. For reports required under s. 106.141(8), the fine is \$50 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. Upon receipt of the report, the filing officer shall determine the amount of the fine which is due and shall notify the candidate or chair or registered agent of the political committee. The filing officer

shall determine the amount of the fine due based upon the earliest of the following:

1. When the report is actually received by such officer.
2. When the report is postmarked.
3. When the certificate of mailing is dated.
4. When the receipt from an established courier company is dated.
5. When the electronic receipt issued pursuant to s. 106.0705 or other electronic filing system authorized in this section is dated.

Such fine shall be paid to the filing officer within 20 days after receipt of the notice of payment due, unless appeal is made to the Florida Elections Commission pursuant to paragraph (c). Notice is deemed complete upon proof of delivery of written notice to the mailing or street address on record with the filing officer. In the case of a candidate, such fine is not an allowable campaign expenditure and shall be paid only from personal funds of the candidate. An officer or member of a political committee is not personally liable for such fine.

(c) Any candidate or chair of a political committee may appeal or dispute the fine, based upon, but not limited to, unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the Florida Elections Commission, which shall have the authority to waive the fine in whole or in part. The Florida Elections Commission must consider the mitigating and aggravating circumstances contained in s. 106.265(2) when determining the amount of a fine, if any, to be waived. Any such request shall be made within 20 days after receipt of the notice of payment due. In

such case, the candidate or chair of the political committee shall, within the 20-day period, notify the filing officer in writing of his or her intention to bring the matter before the commission.

(d) The appropriate filing officer shall notify the Florida Elections Commission of the repeated late filing by a candidate or political committee, the failure of a candidate or political committee to file a report after notice, or the failure to pay the fine imposed. The commission shall investigate only those alleged late filing violations specifically identified by the filing officer and as set forth in the notification. Any other alleged violations must be separately stated and reported by the division to the commission under s. 106.25(2).

(9) The Department of State may prescribe by rule the requirements for filing campaign treasurers' reports as set forth in this chapter.

History.—s. 7, ch. 73-128; ss. 5, 15, 17, ch. 74-200; ss. 1, 2, ch. 75-8; s. 2, ch. 75-139; s. 1, ch. 77-174; s. 46, ch. 77-175; s. 23, ch. 79-164; ss. 7, 8, ch. 79-365; s. 4, ch. 79-378; s. 58, ch. 79-400; s. 52, ch. 81-259; s. 27, ch. 81-304; s. 2, ch. 82-143; s. 11, ch. 83-251; s. 37, ch. 84-302; s. 6, ch. 85-226; s. 1, ch. 86-134; s. 13, ch. 87-224; s. 9, ch. 89-256; s. 31, ch. 90-315; s. 2, ch. 90-338; s. 18, ch. 90-502; s. 7, ch. 91-107; s. 2, ch. 95-140; s. 640, ch. 95-147; s. 15, ch. 95-280; s. 7, ch. 97-13; s. 6, ch. 2001-75; s. 29, ch. 2002-17; s. 2, ch. 2002-197; s. 8, ch. 2003-1; ss. 17, 18, ch. 2004-252; s. 24, ch. 2005-286; ss. 5, 10, ch. 2006-300; s. 29, ch. 2008-95; s. 59, ch. 2011-40; s. 6, ch. 2012-5; s. 9, ch. 2013-37.