

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

**In Re: Patricia Fahey, Chair of Conservative
Committee of Volusia County**

Case No.: FEC 14-357

TO: Richard Kane, Esquire
939 Sandlebury Court
Port Orange, FL 32127

Jean Jenner
11 Pine Valley Circle
Ormond Beach, FL 32174-3820

NOTICE OF HEARING (CONSENT ORDER)

A hearing will be held in this case before the Florida Elections Commission on, **November 16, 2016 at 8:30 am, or as soon thereafter as the parties can be heard**, at the following location: **Senate Office Building, 404 South Monroe Street, Room 110-S, Tallahassee, Florida 32399**

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

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

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

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

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

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

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

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

See further instructions on the reverse side.

Amy McKeever Toman
Executive Director
Florida Elections Commission
November 1, 2016

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

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

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

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

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

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

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

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,
Petitioner,**

v.

**Patricia Fahey, Chairwoman of
Conservative Committee of
Volusia County,
Respondent.**

**Agency Case No.: FEC 14-357
F.O. No.: FOFEC <#>**

CONSENT ORDER

Respondent, Patricia Fahey, and the Florida Elections Commission (Commission) agree that this Consent Order resolves all of the issues between the parties in this case. The parties jointly stipulate to the following facts, conclusions of law, and order.

FINDINGS OF FACT

1. On September 18, 2015, the staff of the Commission issued a Staff Recommendation, recommending to the Commission that there was probable cause to believe that Respondent violated Chapter 106, Florida Statutes.

2. On November 17, 2015, the Commission entered an Order of Probable Cause finding that there was probable cause to charge the Respondent with the following violations:

Count 1

On or about December 31, 2012, Respondent, acting as chairwoman for CCVC, violated Section 106.07(5), Florida Statutes, when she certified that CCVC's 2012 Q4 Report was true, correct, and complete when it was not.

Count 2

On or about December 31, 2012, Respondent, acting as chairwoman for CCVC, violated Section 106.19(1)(b), Florida Statutes, when she failed to report contributions required to be reported by Chapter 106, Florida Statutes, on CCVC's 2012 Q4 Report.

3. Respondent expressed a desire to enter into negotiations directed toward reaching a consent agreement.

4. Respondent and staff stipulate to the following facts:

- A. Respondent was the chair of Conservative Committee of Volusia County during the 2012 election cycle.
- B. Respondent disputed material issues of fact and elected to pursue a formal hearing before the Commission.

CONCLUSIONS OF LAW

5. The Commission has jurisdiction over the parties to and subject matter of this cause, pursuant to Section 106.26, Florida Statutes.

6. Respondent neither admits nor denies that she violated the Florida Election Code.

ORDER

7. Respondent and the staff of the Commission have entered into this Consent Order voluntarily and upon advice of counsel.

8. Respondent shall bear her own attorney's fees and costs that are in anyway associated with this case.

9. The Commission will consider the Consent Order at its next available meeting.

10. Respondent voluntarily waives the right to any further proceedings under Chapters 104, 106, and 120, Florida Statutes, and the right to appeal the Consent Order.

11. This Consent Order is enforceable under Sections 106.265 and 120.69, Florida Statutes. Respondent expressly waives any venue privileges and agrees that if enforcement of this Consent Order is necessary, venue shall be in Leon County, Florida, and Respondent shall be

responsible for all fees and costs associated with enforcement.

12. If the Commission does not receive the signed Consent Order by October 7, 2016, the staff withdraws this offer of settlement and will proceed with the case.

13. Payment of the civil penalty by cashier's check, or money order, good for at least 120 days, or attorney trust account check, is a condition precedent to the Commission's consideration of the Consent Order.

PENALTY

WHEREFORE, based upon the foregoing facts and conclusions of law, the Commission finds that the Respondent has violated Sections 106.07(5), and 106.19(1)(b), Florida Statutes, and imposes a fine of \$400.

Therefore it is

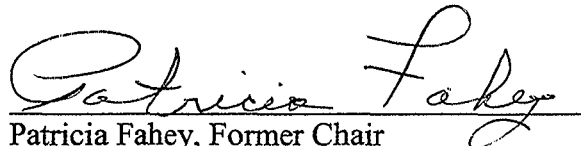
ORDERED that the Respondent shall remit to the Commission a civil penalty in the amount of \$400, inclusive of fees and costs. The civil penalty shall be paid cashier's check or money order, good for at least 120 days, or attorney trust account check. The civil penalty shall be payable to the Florida Elections Commission, 107 West Gaines Street, Collins Building, Suite 224, Tallahassee, Florida, 32399-1050.

Respondent hereby agrees and consents to the terms of this Consent Order on

October 10, 2016.



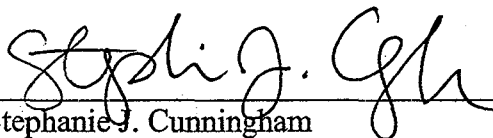
Richard Kane
939 Sandlebury Court
Port Orange, FL 32127
FB No 41173



Patricia Fahey, Former Chair
Conservative Committee of Volusia County
213 Ekana Court
Daytona Beach, FL 32124

Commission staff hereby agrees and consents to the terms of this Consent Order on

October 13, 2016.


Stephanie J. Cunningham
Assistant General Counsel
Florida Elections Commission
107 West Gaines Street
The Collins Building, Suite 224
Tallahassee, FL 32399-1050

Approved by the Florida Elections Commission at its regularly scheduled meeting held on
November 16 & 17, 2016 in Tallahassee, Florida.

M. Scott Thomas, Chairman
Florida Elections Commission

Copies furnished to:
Stephanie J. Cunningham, Assistant General Counsel
Richard Kane, Attorney for Respondent
Jean Jenner, Complainant

282111107 NEW 01/08 8810004306

CHASE 

CASHIER'S CHECK

9555806735

25-3

Date 10/10/2016

Void after 7 years

440


Remitter: RICHARD F KANE

Pay To The Order Of: FLORIDA ELECTION COMMISSION

Pay: FOUR HUNDRED DOLLARS AND 00 CENTS

\$** 400.00 **

Drawer: JPMORGAN CHASE BANK, N.A.


Senior Vice President
JPMorgan Chase Bank, N.A.
Columbus, OH

Do not write outside this box

Memo: Case # 14-357
Note: For information only. Comment has no effect on bank's payment.

 Security Features Details on Back

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,
Petitioner,**

v.

**Rebecca Price, Treasurer of
Conservative Committee of Volusia
County,
Respondent.**

**Agency Case No.: FEC 14-358
F.O. No.: FOFEC <#>**

CONSENT ORDER

Respondent, Rebecca Price, and the Florida Elections Commission (Commission) agree that this Consent Order resolves all of the issues between the parties in this case. The parties jointly stipulate to the following facts, conclusions of law, and order.

FINDINGS OF FACT

1. On September 18, 2015, the staff of the Commission issued a Staff Recommendation, recommending to the Commission that there was probable cause to believe that Respondent violated Chapter 106, Florida Statutes.
2. On November 17, 2015, the Commission entered an Order of Probable Cause finding that there was probable cause to charge the Respondent with the following violations:

Count 1

On or about December 31, 2012, Respondent, acting as treasurer for CCVC, violated Section 106.07(5), Florida Statutes, when she certified that CCVC's 2012 Q4 Report was true, correct, and complete when it was not.

Count 2

On or about December 31, 2012, Respondent, acting as treasurer for CCVC, violated Section 106.19(1)(b), Florida Statutes, when she failed to report contributions required to be reported by Chapter 106, Florida Statutes, on CCVC's 2012 Q4 Report.

3. Respondent expressed a desire to enter into negotiations directed toward reaching a consent agreement.
4. Respondent and staff stipulate to the following facts:
 - A. Respondent was the treasurer of Conservative Committee of Volusia County during the 2012 election cycle.
 - B. Respondent disputed material issues of fact and elected to pursue a formal hearing before the Commission.
 - C. The alleged violations are duplicative and have been resolved in case no.: FEC 14-357.

CONCLUSIONS OF LAW

5. The Commission has jurisdiction over the parties to and subject matter of this cause, pursuant to Section 106.26, Florida Statutes.
6. Respondent neither admits nor denies that she violated the Florida Election Code.

ORDER

7. Respondent and the staff of the Commission have entered into this Consent Order voluntarily and upon advice of counsel.
8. Respondent shall bear her own attorney's fees and costs that are in anyway associated with this case.
9. The Commission will consider the Consent Order at its next available meeting.
10. Respondent voluntarily waives the right to any further proceedings under Chapters 104, 106, and 120, Florida Statutes, and the right to appeal the Consent Order.
11. This Consent Order is enforceable under Sections 106.265 and 120.69, Florida Statutes. Respondent expressly waives any venue privileges and agrees that if enforcement of this

Consent Order is necessary, venue shall be in Leon County, Florida, and Respondent shall be responsible for all fees and costs associated with enforcement.

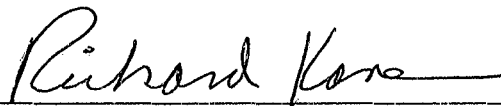
12. If the Commission does not receive the signed Consent Order by October 11, 2016, the staff withdraws this offer of settlement and will proceed with the case.

PENALTY

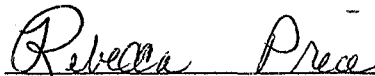
WHEREFORE, based upon the foregoing facts and conclusions of law, it is hereby **ORDERED** this case is **DISMISSED**.

Respondent hereby agrees and consents to the terms of this Consent Order on

October 10, 2016.



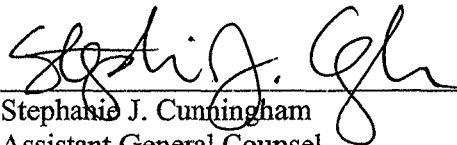
Richard Kane
939 Sandlebury Court
Port Orange, FL 32127
FB No 41173



Rebecca Price, Former Treasurer
Conservative Committee of Volusia County
2972 Wild Pecan Court
Port Orange, FL 32129

Commission staff hereby agrees and consents to the terms of this Consent Order on

October 13, 2016.



Stephanie J. Cunningham
Assistant General Counsel
Florida Elections Commission
107 West Gaines Street
The Collins Building, Suite 224
Tallahassee, FL 32399-1050

Approved by the Florida Elections Commission at its regularly scheduled meeting held on November 16 & 17, 2016 in Tallahassee, Florida.

M. Scott Thomas, Chairman
Florida Elections Commission

Copies furnished to:
Stephanie J. Cunningham, Assistant General Counsel
Richard Kane, Attorney for Respondent
Jean Jenner, Complainant



Atten: Jaakan Williams Case Nos 14-357, 14-358
richard kane
to:
Florida Elections Commission
11/27/2015 05:01 PM
Please respond to richard kane
[Show Details](#)

History: This message has been replied to and forwarded.

At the hearing on 11/17, in response to Commissioner Seymour's question, I believe you gave him misinformation. He asked if there were 2 contributions and referring to the investigative report, you said "Yes" one on the 25th and one on the 26th.

Copies of the checks are in the file. Both are dated October 25 and were tendered together to make up the \$10,000 fund. The committee filed a statement of Organization October 24 with DOE, but no bank account existed so on the 25th the Treasurer opened the account with one check, then deposited the second check. Assuming you are calling the money a contribution (which we do not agree with) the contribution is made when the funds are delivered to a treasurer. Not when a bank posts a deposit. The date of the checks control. Banks say that transactions made after a certain time are credited the next business day.

Since the question was critical to Comm. Seymour making the motion, I believe there is an ethical issue involved with these circumstances but I will leave that to your judgment. I would hope the record could be corrected at some stage of these proceedings. Richard Kane



Re: Cases No 14-357, and 14-358 
Florida Elections Commission to: richard kane
Cc: Amy Toman, Jaakan Williams

12/15/2015 12:18 PM

From: Florida Elections Commission/OAG
To: richard kane <kanedick@yahoo.com>
Cc: Amy Toman/OAG@OAG, Jaakan Williams/OAG@OAG

Dear Mr. Kane,

We are in receipt of your request for a formal hearing before the Florida Elections Commission. Further details will be provided soon. If you have any questions, please let me know.

Sincerely,

Donna Ann Malphurs
Agency Clerk

richard kane

STATE OF FLORIDAFLORIDA ELECTIONSCO...

12/15/2015 10:28:23 AM

From: richard kane <kanedick@yahoo.com>
To: Florida Elections Commission <fec@myfloridalegal.com>, Jaakan Williams
<jaakan.williams@myfloridalegal.com>
Date: 12/15/2015 10:28 AM
Subject: Cases No 14-357, and 14-358

STATE OF FLORIDA FLORIDA ELECTIONS COMMISSION

In Re: Patricia Fahey and
FEC 14-357 and 14-358
Rebecca Price

Case Nos:

REQUEST FOR FORMAL HEARING

Respondents request and elect a formal hearing before the Commission in the above two cases with sufficient time allocated to resolve disputed issues of material fact which were not addressed in the Probable Cause hearing with only five minutes allocated.

The motion by Commissioner Seymour was predicated by a

question as to whether there were one or two contributions and Staff responded that there were two, one on October 25 and one on October 26. This information was erroneous. The two checks appear in the file dated the same day, October 26, 2012. See Exhibits 8 (2 of 4) and 8 (4 of 4) of the Report of Investigation, which equal \$10,000. The checks were tendered to the Treasurer the same day.

There are many other disputed issues of fact and applicable law to be presented.

Dated this December 15, 2015

Kane

/s/ Richard

Richard Kane, Esq.
939 Sandlebury Court
Port Orange, FL

32127



Cases No 14-357, and 14-358
 richard kane
 to:
 Florida Elections Commission, Jaakan Williams
 12/15/2015 10:28 AM
 Please respond to richard kane
 Show Details

STATE OF FLORIDA FLORIDA ELECTIONS COMMISSION

In Re: Patricia Fahey and
 14-357 and 14-358
 Rebecca Price

Case Nos: FEC

_____ /

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Dated this December 15, 2015

 /s/ Richard Kane
 Richard Kane, Esq.
 939 Sandlebury Court
 Port Orange, FL 32127



Cases No 14-357, and 14-358
 richard kane
 to:
 Florida Elections Commission, Jaakan Williams
 12/15/2015 10:28 AM
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STATE OF FLORIDA FLORIDA ELECTIONS COMMISSION

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 14-357 and 14-358
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Dated this December 15, 2015

 /s/ Richard Kane
 Richard Kane, Esq.
 939 Sandlebury Court
 Port Orange, FL 32127

FILED

15 DEC -4 AM 11:40

ELECTIONS COMMISSION

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,
Petitioner,**

Case No.: FEC 14-357

v.

**Patricia Fahey, Chair,
Conservative Committee of Volusia County,
Respondent.**

ORDER OF PROBABLE CAUSE

THIS MATTER was heard by the Florida Elections Commission (Commission) at its regularly scheduled meeting on November 17, 2015, in Tallahassee, Florida.

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

Count 1

On or about December 31, 2012, Respondent, acting as chairwoman for CCVC, violated Section 106.07(5), Florida Statutes, when she certified that CCVC's 2012 Q4 Report was true, correct, and complete when it was not.

Count 2

On or about December 31, 2012, Respondent, acting as chairwoman for CCVC, violated Section 106.19(1)(b), Florida Statutes, when she failed to report contributions required to be reported by Chapter 106, Florida Statutes, on CCVC's 2012 Q4 Report.

DONE AND ORDERED by the Florida Elections Commission on November 17, 2015.



M. Scott Thomas, Chairman
Florida Elections Commission

Copies furnished to:
Jaakan A. Williams, Assistant General Counsel
Richard Kane, Attorney for Respondent
Jean Jenner, 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: Patricia Fahey, Chair, Conservative
Committee of Volusia County**

Case No.: FEC 14-357

TO: Richard Kane, Esquire
Law Offices of Richard Kane
939 Sandlebury Court
Port Orange, FL 32127

Jean Jenner
11 Pine Valley Circle
Ormond Beach, FL 32174-3820

NOTICE OF HEARING (PROBABLE CAUSE DETERMINATION)

A hearing will be held in this case before the Florida Elections Commission on, **November 17, 2015 at 10:30 AM, or as soon thereafter as the parties can be heard**, at the following location: **Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, FL 32399.**

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

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See further instructions on the reverse side.

Amy McKeever Toman
Executive Director
Florida Elections Commission
November 2, 2015

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

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Case Nos. 14-35 -358

richard kane

to:

Florida Elections Commission

10/29/2015 01:04 PM

Please respond to richard kane

[Show Details](#)

History: This message has been replied to.

1 Attachment



REP CCVC mmo law22.docx

Attached memo of law. RKane

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: Patricia Fahey and
Rebecca Price

Case Nos: FEC 14-357 and 14-358

MEMORANDUM OF LAW
ON PROBABLE CAUSE BY RESPONDENTS

These two cases involve only one report, one state of facts and one independent expenditure for the November 6, 2012 election. The facts as clearly established in the record are uncontroverted and can be determined at the Probable Cause hearing. Recognizing an Independent Expenditure concludes these cases.

Respondents contend that an independent expenditure of \$10,000 for advertising by the Republican Club of Daytona Beach on October 26 2012 , 11 days before the November election, was reported to the Division of Elections under its guidance and instructions.

The Staff report and investigation is presented to you as Prosecution rather than as an objective analysis of the law and facts. For example, the October 24 filing is omitted and the Staff report refers to and attaches only the "November 2" filing. The cases cited in the Staff Recommendation are of little applicability. The Schmitt case involves photographing child nudity, The Favino case speaks to probable cause for an arrest.

The most relevant case I find is Kahn v. Florida Elections Commission 781 So.2d1170 where in a strikingly similar situation as we have here, the Treasurer called the DOE and was given wrong advice that was contrary to the published Handbook. The Court pointed out that FEC staff were acting as "prosecutor" and the Court said"

"As a matter of common sense, the Division of Elections cannot give out incorrect advice then fine the candidate for following that advice"

Kruege v. State Department of Administration, 449 So.2d 389 (3DCA 1984) stands for estoppel against the State where an employee gave erroneous advice. The careful notes of the volunteer filer of the conversations with DOE , filed in this record, show the good faith efforts of the Respondents to comply with reporting requirements and their reliance on the DOE instructions, including the instruction for the filer to just put the Respondents pin numbers in the signature space. See Note 9.

Diaz de la Portilla v. Florida Elections Commission, 857 So.2d 913(3DCA 2003) instructs us to understand the underlying nature of the transaction in determining whether a willful violation exists taking into account a spirit of furthering justice. An "intense fact analysis" is necessary. Schmitt, *infra*, Since a probable cause determination of all facts is necessary, and since all relevant facts are in the record, a final dismissal of these cases is appropriate.

The threshold issue is whether a "contribution" or an independent expenditure is involved. Both Statements of Organization show that the Republican Club was the "sponsor" and "connected organization" All of the funds came from its treasury. There were no contributions sought or accepted. In accordance with Chapter 106 F.S., Independent expenditures" in excess of \$5000 must be reported by filing "reports of such expenditures". No contributions are mentioned in the statute because independent expenditures are the funds of the person making the expenditure. F.S. 106.071. This fact makes the DOE instructions and the report correct.

An independent expenditure is defined by F.S. 106 (5)(a) and this case represents a classic example of political advertising that was attached to the Oct 24 filing. DOE inexplicably directed that exhibit be deleted and substituted with "To be determined" in box 7 of the form. See Note 2. That direction was the beginning of the filer relying on DOE for direction as the Notes reflect.

The next issue would be whether there is evidence of a "knowing and willful violation" . *If we get* to this issue, Florida Election Commission Rule2B-1.002 defines "willful" as knowing or reckless conduct or omission. The record is clear and uncontroverted that neither Respondent saw the report as it was filed electronically, neither signed it and they were advised that the DOE officer directed the report and approved it on the phone and said she would override any incompletes. See Note 9. The "requirements have been met" Note 10. That was the only knowledge of Respondents. Both swear they did not willfully report in error. Florida Elections Commission v. Blair 52 So.3d 9(1DCA 2010) requires a showing that a person was aware of a provision of F.S. 106, understood the meaning, then failed to perform the act.

CONCLUSION. The common sense test of Kahn v. Florida Elections Commission, *infra* dictates that under the facts of these cases they should be dismissed.

Respectfully submitted,

/s/ Richard Kane on 10/29/15

Attorney for Respondents
939 Sandlebury Court
Port Orange, Fl 32127
ph. 386 760 1720
Fla Bar #41173



Cases 14-357 and 14-358 Respose to Staff Recommendation
richard kane
to:
Florida Elections Commission
10/16/2015 03:02 PM
Please respond to richard kane
[Show Details](#)

History: This message has been replied to and forwarded.

3 Attachments



Rep Resp 2 cases22.docx Rep affid2casesprice.doc Rep affid Patep.doc

Attached is a Response along with 2 attached affidavits. I have the originals in my file and will forward it if requested. I will mail the original Affidavit of Rebecca Price to you as it has exhibits that are not included in this electronic filing. Thank you for your continued assistance. Richard Kane

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: Patricia Fahey and
Rebecca Price

Case Nos: FEC 14-357 and 14-358

RESPONSE TO STAFF REPORTS
AND RECOMMENDATIONS

The "two cases" involve one independent expenditure, one state of facts, and one financial report. Both Staff reports are virtually identical and the facts of the "two cases" are undisputed. The Republican Club of Daytona Beach allocated a \$10,000 independent expenditure and, out of an abundance of caution attempted to report the expenditures pursuant to Chapter 106 Florida Statutes. Respondents have filed Motions to Dismiss and herewith renew and incorporate those Motions for this Probable cause hearing.

The two major issues for Commission consideration are whether the funds were an Independent Expenditure or a contribution, and if a contribution, whether either of the Respondents "knowingly and willfully" failed to comply with reporting requirements. See F.S. 106.19 (1)(b). It is not disputed that no report of contributions was filed. Pursuant to F.S. 106.071 relating to Independent Expenditures, and amounts over \$5000, "reports of such expenditures" should be filed. There is no mention of contributions because the funds are the funds of the "person" making the expenditures. In this case it is the RCDB as disclosed in the Statement of Organization as the "Supporter" and "Affiliated or Connected Organization."

It should be noted that the financial report in this case was electronic. There was no paper or copies involved. For both Respondents, the staff Reports acknowledge that they did not see the report nor sign it as the report was done by a more computer literate volunteer with the Division of Elections filing officer on the phone giving instructions and telling the filer that the report was approved. Uniquely and perhaps fortunately detailed notes of the filing were kept and they are in the file for your edification. It should also be noted that the investigative report fails to mention or interview Teresa Hodeen, the filing officer.

The staff Report asks you to rely on "suspicion" (para. 17 and 18) but the facts of this matter are clear, undisputed and well documented. There is no evidence of a knowing and willful violation. There was 100% reliance upon the instructions of the Division of Elections, and that reliance was justifiable on the issue of "knowing and willful". Attached are supporting affidavits

The Investigation and Staff analysis are completely in error on the clear record and either completely ignored or omitted the October 24 organization of the committee. That filing is attached to the Affidavit of Rebecca Price and is included in the Complaint. It shows the Committee was formed October 24 2012 to run ads for the November 6 election and the ad was attached to the form. \$10,000 was transferred from DBRC on October 26, and the Committee wrote checks for \$7,764.49 to the

newspapers the same day. Then on October 29 DOE called to say Boxes 3 ,7and 8 on the Oct. 24 form had to be changed. Mrs. Fahey did so according to instructions and filed the amended form Oct 30. The next thing that happened was the letter from DOE on Nov.6 (Mrs. Bronson) instructing that the "first Treasurer's report will be due January 10, 2013. The report will cover the period off November 2, 2012-December 31, 2012" That report was timely filed electronically on Dec.31 with instructions on the phone from the filing officer and is the subject of these cases. Staff charges false reporting but there were no "contributions" during the reporting period. The expenditures occurred in October. The report accurately reports expenditures during the reporting period and perhaps over-reports the October expenditures.

Actually, Respondents suggest the record is more consistent with a report of independent expenditure as required by F.S. 106.071 and there were no contributions under these facts as staff seeks to assert. By ignoring the October activity, Staff seeks to impune the report for November.

It is not the legislative intent to make Chapter 106 a "gotcha" statute and that is the purpose of the "knowing and willful " language. It is the express intent of the chapter to "encourage qualified persons to seek statewide office" and likewise it is necessary to encourage volunteer electors to participate in the elective process. To that end the legislature placed a duty on the DOE regarding reports that are incomplete such as alleged in this case. F.S.106.07.2(b)1. provides that if a report is deemed incomplete by the filing officer, a notice shall be sent to the treasurer stating the problem and requiring an addendum. If not corrected, that is a violation. It does not say filing the incomplete report is a violation tying into the knowing and willful requirement.

In this case the filing officer directed the filing and did not deem it incomplete. She further assured the filer that, as filing officer, she would correct or "override" any problems. This assurance was conveyed to the Respondents and shows that the DOE is satisfied with the filing.

WHEREFORE, the Respondents request that the Commission resolve these cases by determining that no probable cause exists and that based on the nature and circumstances of the case and the expense of further proceedings and other factors. the cases shall be closed.

Respectfully submitted,

/s/ Richard Kane on 10/16/15

Attorney for Respondents
939 Sandlebury Court
Port Orange, Fl 32127
ph. 386 760 1720
Fla Bar #41173

Case No: FEC 14-357

AFFIDAVIT

Before me, the undersigned authority, personally came, PATRICIA FAHEY, who, after being first duly sworn, did depose and say:

1. I am a member of the Daytona Beach Republican Club and I served as volunteer chairman of a committee to expend funds to support Republican candidates and to do voter education for the election of November 6, 2012.
2. The DBRC allocated an independent expenditure of \$10,000 to support newspaper advertising for the Republican ticket and it was decided to file reports of the expenditures after consultation with our attorney and the Division of Elections. We filed on Oct. 26, 2012 but DOEO called to advise us to change 3 paragraphs of the form and I signed a Statement of Organization with the help and direction of the DOE. The ads were run, but DOE told us the expenditures must be filed electronically. A club member volunteered to do the filing with instructions from DOE.
3. The expenditures were reported with telephone instructions from the DOE filing officer. I did not see the report as it was all electronic and no paper was used. The volunteer filer reported to me that "Teresa" was the filing officer at DOE and she had told her how to do it, the report was filed electronically, it need not be signed as Teresa said just put the Chairman and Treasurer 's pin numbers on the signature lines.
4. I had no knowledge of any deficiency in the report and would not willfully fail to report or omit any information. The expenditures reported were all accurate

_____/s/ Patricia Fahey_____

Sworn to and subscribed before me by Patricia Fahey who is personally known, or who produced her drivers license as identification this October 16 2015

Richard Kane, Notary Public

Before me, the undersigned authority, personally came, REBECCA PRICE, who, after being first duly sworn, did depose and say:

I am a member of the Daytona Beach Republican Club and I served as volunteer TREASURER of a committee to expend funds to support Republican candidates and to do voter education for the election of November 6,2012.

1. On October 26,2012 the DBRC allocated an independent expenditure of \$10,000 to support newspaper advertising for the Republican ticket in the November 2012 election and it was decided to file reports of the expenditures after consultation with our attorney and the Division of Elections. We filed a Statement of Organization on Oct. 26,2012 but DOE called to advise us to change 3 paragraphs of the form and I signed a Statement of Organization with the help and direction of the DOE. The ads were run, but DOE told us the expenditures must be filed electronically. A club member volunteered to do the filing with instructions from DOE. A copy of the original filing is attached hereto.
2. I have never filed an electronic report and do not know how to do that. We relied 100% on instructions by DOE staff who were very accommodating and seemed to be experts on the requirements.
3. The expenditures were reported with telephone instructions from the DOE filing officer. I did not see the report as it was all electronic and no paper was used. The volunteer filer reported to me that "Teresa" was the filing officer at DOE and she had told her how to do it, the report was filed electronically, it need not be signed as Teresa said just put the Chairman and Treasurer 's pin numbers on the signature lines.
4. I had no knowledge of any deficiency in the report and would not willfully fail to report or omit any required information. All expenditures were accurately reported as reflected by bank records.

/s/ Rebecca Price

Sworn to and subscribed before me by Patricia Fahey who is personally known, or who produced her drivers license as identification this October 16 2015

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

**In Re: Patricia Fahey, Chairwoman
of Conservative Committee of
Volusia County**

Case No.: FEC 14-357

STAFF RECOMMENDATION FOLLOWING INVESTIGATION

Pursuant to Section 106.25(4)(c), Florida Statutes, undersigned staff counsel files this written recommendation for disposition of the referral in this case recommending that there is **probable cause** to charge Respondent with violating **Section 106.07(5), Florida Statutes**, and **Section 106.19(1)(b), Florida Statutes**. Based upon a thorough review of the Report of Investigation submitted on June 19, 2015, the following facts and law support this staff recommendation:

1. On October 09, 2014, the Florida Elections Commission ("Commission") received a sworn complaint from Jean Jenner (Complainant) alleging that Patricia Fahey ("Respondent") violated Chapter 106, Florida Statutes.

2. Respondent was the chairwoman of a now disbanded political committee, Conservative Committee of Volusia County ("CCVC") during the 2012 election cycle (ROI Exhibit 1)¹

3. Complainant alleged that Respondent, in her official capacity as chairwoman, certified to the correctness of a campaign report as true, correct, and complete when it was not. Complainant also alleged that Respondent, in her official capacity as chairwoman, did not report a contribution or contributions.

4. By letter dated November 26, 2014, the Executive Director notified Respondent that Commission staff would investigate the following statutory provisions:

Section 106.07(5), Florida Statutes: Patricia Fahey, chairwoman of Conservative Committee of Volusia County, a political committee, certified that the committee's 2012 Q4 Report was true, correct, and complete when it was not, as alleged in the complaint.

Section 106.19(1)(b), Florida Statutes: Patricia Fahey, chairwoman of Conservative Committee of Volusia County, a political committee, failed to report contributions required to be

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

reported by Chapter 106, Florida Statutes, as alleged in the complaint

Alleged Violations: Section 106.07(5) & 106.19(1)(b), Florida Statutes

5 CCVC filed its State of Florida Appointment of Campaign Treasurer and Designation of Campaign Depository for Political Committees form ("DS-DE 6") on November 2, 2012 and appointed Patricia Fahey as its chairwoman. Respondent accepted appointment as CCVC's chairwoman on October 24, 2012. (ROI Exhibit 2)

6 On November 6, 2012, Kristi Bronson, Chief, Bureau of Election Records, mailed a letter to Respondent acknowledging that Respondent's organization had been placed on the active committee list as a political committee that supports issues. The letter provided Respondent with her initial PIN number and sign-on credentials for the Division's electronic filing system (EFS). (ROI Exhibit 3)

7 Ms Bronson's letter also informed Respondent that all of the Division's publications and reporting forms are available on its website. Respondent was instructed to print a copy of Chapter 106, Florida Statutes, *2012 Political Committee Handbook*, and the *2012 Calendar of Reporting Dates*. *Id*

8 On December 7, 2012, Respondent filed a notice of disbandment with the Division. On December 11, 2012, the Division acknowledged receipt of the committee's disbandment (ROI Exhibit 4)

9 On December 31, 2012, Rebecca Price, CCVC's treasurer, filed the committee's 2012 Q4 Report, and Respondent certified the report was true, correct, and complete when it was not. On the report, Ms Price listed \$10,000 in committee campaign expenditures, but reported zero contributions. (ROI Exhibits 5 and 6)²

10. Commission staff subpoenaed bank records from CCVC's campaign depository as part of its investigation. Bank records from Florida Capital Bank, N A , indicated there were two contributions totaling \$10,000 that were deposited into CCVC's campaign depository from separate bank accounts of the Republican Club of Daytona Beach on October 25 and October 26, 2012. (ROI Exhibits 8 and 9)

11 The table referenced below summarizes the errors made on CCVC's 2012 Q4 Report. (See ROI Table 1 and ROI Exhibit 10)

TABLE 1: COMPARISON OF RESPONDENT'S CTRs WITH BANK RECORDS			
Date Filed	Reporting Period	Information on CTR	Information from bank

² The 2012 Q4 Report covered the period Nov 2, 2012 – December 31, 2012

12/31/12	11/02/12 to 12/31/12 2012 Q4	<ul style="list-style-type: none"> • 4,619.14 expenditure to Daytona Beach News Journal disclosed dated October 26, 2012 for "voter education" • \$3,145.35 expenditure to Hometown News disclosed dated October 26, 2012 for "voter education" • \$235.90 expenditure to Art Reflections disclosed dated October 28, 2012 for "voter education" • \$150.00 expenditure to Linda Costello Campaign disclosed dated October 31, 2012 for "campaign contribution" • \$150.00 expenditure to Deborah Denys Campaign disclosed dated October 31, 2012 for "campaign contribution" • \$150.00 expenditure to Jason P Davis Campaign disclosed dated October 31, 2012 for "campaign contribution" • \$150.00 expenditure to Richard W. Gailey disclosed dated October 31, 2012 for "campaign contribution" • \$150.00 expenditure to Teresa Valdes disclosed dated November 29, 2012 for "campaign contribution" • \$150.00 expenditure to Horace Anderson, Jr., disclosed dated November 29, 2012 for "campaign contribution" • \$20.00 expenditure to Florida Capital Bank disclosed dated December 1, 2012 for "bank charge" • \$1,079.61 expenditure to Republican Club of Daytona Beach disclosed dated December 5, 2012 for "contribution education" 	<ul style="list-style-type: none"> • \$20.00 expenditure withdrawal to Florida Capital Bank for (monthly) Service Charge on November 30, 2012 • \$150.00 expenditure #1009 to Horace Anderson dated November 29, 2012; posted to the depository on December 5, 2012 • \$150.00 expenditure #1008 dated November 29, 2012 to Teresa Valdes; posted to the depository on December 10, 2012 • \$1,079.61 expenditure #1010 dated December 5, 2012 to Daytona Beach Republican Club; posted to the depository on December 18, 2012
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12. In a sworn affidavit-questionnaire, when asked to explain if [Respondent] sought guidance from anyone... prior to certifying any campaign treasurer's reports, Respondent replied, "Yes. The reports were done pursuant to instructions and guidance of Mr. Randolph and Teresa." (ROI Exhibit 11, question 8)

13. When asked if [Respondent] personally review[ed] the political committee's 2012 Q4 Report... prior to certifying the report as true, correct, and complete, Respondent replied, "I don't remember seeing it and it was done electronically. We were told to just put pin numbers in for signature." (ROI Exhibit 11, question 19)

14. When asked to explain why [Respondent] failed to report contributions on your 2012 Q4 Report, Respondent stated, "[B]ecause we believe independent expenditures are not contributions and we strictly followed the instructions of the DOE." (ROI Exhibit 11, question 27)

15. Respondent's attorney, Richard Kane, claimed that the \$10,000 was an independent expenditure... and was not required to be reported. However, Mr. Kane agreed that the public should know there was money in the bank account since there were expenditures disclosed in the campaign treasurer's report. Mr. Kane admitted that the contributions to CCVC found in the bank records and not disclosed on the CTR were "obviously an omission, but it was the DOE's fault because they did not audit CCVC's and provide a certified letter instructing CCVC to amend its CTR." (ROI Exhibit 12, page 7)

16. In correspondence dated July 28, 2015, Mr. Kane criticized the investigation of this case and argued that Teresa Holdeen, Division of Elections staff, [could] verify the facts of this matter and [stated] she is quoted in the Notes (Ex. 13) as approving the reports and would be the one to explain why DOE did not notify CCVC as required by F.S. 106.07(2)(a). (See Attachment "A")

Mr. Kane's reliance on Section 106.07(2)(a), F.S., is misguided because the complaint in this matter was initiated by a private citizen and was not the result of a compliance audit conducted by Division of Elections staff. Second, it appears that the conversation Respondent had with Ms. Holdeen on December 31, 2014 specifically covered filing requirements using the Division's electronic filing system. In a transcription of CCVC's treasurer's notes, it states that Ms. Holdeen told the Committee that she would "override and accept the report" [if] Respondent's reports came up as "incomplete detail record" due to Respondent reporting expenditures outside of the reporting period. Contrary to Mr. Kane's suggestion, it does not appear that Ms. Holdeen mentioned that she had approved Respondent's campaign reports or that she told Respondent that campaign contributions need not be reported. (ROI Exhibit 13, page 3)

17. It appears that Complainant is correct and Respondent, in her official capacity as chairwoman for CCVC, committed a violation of Section 106.07(5), Florida Statutes, when she certified the committee's 2012 Q4 Report was true, correct, and complete when it was not. Because CCVC failed to report \$10,000 in campaign contributions on the committee's 2012 Q4 Report, Respondent also committed a violation of Section 106.19(1)(b), Florida Statutes, when she failed to report contributions required to be reported by Chapter 106, Florida Statutes.

18. "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).

19. The facts set forth above show that Respondent was the chairwoman for Conservative Committee of Volusia County, a now disbanded political committee. Respondent certified the committee's 2012 Q4 Report was true, correct, and complete when it was not. CCVC received \$10,000 in campaign contributions on or about October 25, 2012 and October 26, 2012, but failed to report those contributions on the committee's 2012 Q4 Report. Because Respondent failed to report campaign contributions required to be reported by Chapter 106, Florida Statutes, the committee's 2012 Q4 Report was not true, correct, and complete.

Based upon these facts and circumstances, I recommend that the Commission find probable cause to charge Respondent with violating the following statutory provisions:

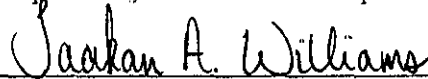
Count 1:

On or about December 31, 2012, Respondent, acting as chairwoman for CCVC, violated Section 106.07(5), Florida Statutes, when she certified that CCVC's 2012 Q4 Report was true, correct, and complete when it was not.

Count 2:

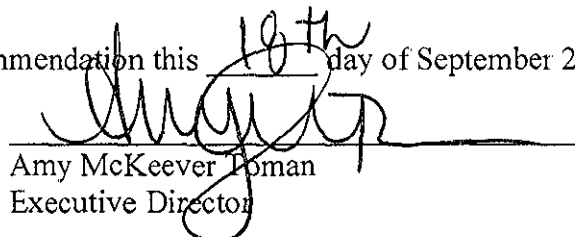
On or about December 31, 2012, Respondent, acting as chairwoman for CCVC, violated Section 106.19(1)(b), Florida Statutes, when she failed to report contributions required to be reported by Chapter 106, Florida Statutes, on CCVC's 2012 Q4 Report.

Respectfully submitted on September 18th, 2015.



Jaakan A. Williams
Assistant General Counsel

I reviewed this Staff Recommendation this 18th day of September 2015.


Amy McKeever Toman
Executive Director

/3w



Case No. 14-357 & 14-358

richard kane

to:

Florida Elections Commission

07/28/2015 05:43 PM

Please respond to richard kane

Show Details

Richard Kane, Esq
928 George Hecker Dr.
South Daytona, FL
Ph 386 760 1720

Ms. Helen Hinson, Inv.
Florida Elections Commission
107 E Gaines Street
Tallahassee, FL 32399

July 28, 2015

Re: Case No FEC 14-357 & 358

Dear Ms Hinson,

I have your letter of June 22 with report and I see two glaring omissions. The first is the Statement of Organization filed by the CCVC on October 24, 2012 which should precede your Exhibit 1 with its attachment. It was this document that prompted a call from DOE with instructions on how they wanted it amended and was the call that prompted the Respondents to rely on DOE for instructions on how to electronically file documents and what was required (Contrary to your suggestion that they only answer questions). All of this is reflected in the contemporaneous notes that began Oct. 24. (Exhibit 13)

The second is that you did not interview Teresa Holdeen or note her unavailability. She would be the key witness to verify the facts of this matter and she is quoted in the Notes(Ex.13) as approving the reports and would be the one to explain why DOE did not notify CCVC as required by F.S. 106.07(2)(a).

You created a mystery "sticky note" at page 3 of Exhibit 12 of the report. You referred to it being produced but did not reveal its content. We request that you supplement the record with the DS- DE 5 above, the sticky note and information on Ms. Holdeen.

Hoping for an early response, I am,

Very truly yours
/s/ Richard Kane

Richard Kane

cc: General Counsel
Bureau Chief
Agency Clerk

ATTACHMENT "A"

Sw



Case No. 14-357 & 14-358

richard kane

to:

Florida Elections Commission

07/28/2015 05:43 PM

Please respond to richard kane

Show Details

Richard Kane, Esq
928 George Hecker Dr.
South Daytona, FL
Ph 386 760 1720

Ms. Helen Hinson, Inv.
Florida Elections Commission
107 E. Gaines Street
Tallahassee, FL 32399

July 28, 2015

Re: Case No. FEC 14-357 & 358

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The second is that you did not interview Teresa Holdeen or note her unavailability. She would be the key witness to verify the facts of this matter and she is quoted in the Notes(Ex.13) as approving the reports and would be the one to explain why DOE did not notify CCVC as required by F.S. 106.07(2)(a)

You created a mystery "sticky note" at page 3 of Exhibit 12 of the report. You referred to it being produced but did not reveal its content. We request that you supplement the record with the DS- DE 5 above, the sticky note and information on Ms. Holdeen.

Hoping for an early response, I am,

Very truly yours
/s/ Richard Kane

Richard Kane

cc: General Counsel
Bureau Chief
Agency Clerk

FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Case No.: FEC 14-357

Respondent: Patricia Fahey, Chairwoman of Conservative Committee of Volusia County

Counsel for Respondent: Richard Kane

Complainant: Jean Jenner

Counsel for Complainant: None

On October 9, 2014, the Florida Elections Commission ("Commission") received a sworn complaint alleging that Respondent violated Chapter 106, Florida Statutes. Commission staff investigated whether Respondent violated the following statutes:

Section 106 07(5), Florida Statutes, prohibiting a political committee chairman from certifying to the correctness of a campaign treasurer's report that is incorrect, false, or incomplete; and

Section 106 19(1)(b), Florida Statutes, failure of a person or organization to report a contribution required to be reported by Chapter 106, Florida Statutes

I. Preliminary Information:

1. Respondent was the chairwoman of Conservative Committee of Volusia County ("CCVC"), a now disbanded political committee. She is a resident of Volusia County.

2. Respondent filed a Statement of Organization of Political Committee (DS-DE 5) and Appointment of Campaign Treasurer and Designation of Campaign Depository For Political Committees (DS-DE 6) on November 2, 2012, with the Division of Elections ("DOE"). To review Form DS-DE 5, refer to Exhibit 1. To review Form DS-DE 6, refer to Exhibit 2.

3. Respondent's filing officer is Kristi Reid Bronson, Chief, Bureau of Election Records. On November 6, 2012, Ms. Bronson mailed a letter to Respondent and CCVC's campaign treasurer, acknowledging the political committee had been placed on the active committee list, and provided Respondent with her user identification number and initial password allowing her access to the electronic filing system ("EFS"). To review the acknowledgment letter, refer to Exhibit 3.

4. Ms. Bronson's letter advised that the chairperson, campaign treasurer, and deputy treasurers are responsible for all filings using these credentials, unless the DOE is notified that the credentials have been compromised. Respondent was advised the pin numbers are confidential secure credentials that allow her to submit reports and update information, and that she is responsible for protecting this password from disclosure. To review the acknowledgment letter, refer to Exhibit 3.

5. A notice of disbandment dated December 7, 2012 was filed with the DOE for CCVC. On December 11, 2012, the filing officer acknowledged CCVC's disbandment. (Note the 2012 general election was held on November 6, 2012.) To review the notice of disbandment and the filing officer's acknowledgment, refer to Exhibit 4.

6. Respondent is represented by attorney Richard Kane, L.L.M., in South Daytona, Volusia County, Florida.

7. Complainant is an officer of a local political party residing in Ormond Beach, Florida.

II. Alleged Violation of Section 106.07(5), Florida Statutes:

8. I investigated whether Respondent violated this section of the elections laws by certifying to the correctness of a campaign report (2012 Q4) that was not true, correct and complete. To review CCVC's 2012 Q4 Report, refer to Exhibit 5.

9. Complainant alleges that Respondent, in her official capacity as chairwoman, certified to the correctness of a campaign finance report as true, correct and complete, when it was not.

2012 Q4 Report -- Reporting Period November 2 through December 31, 2012

10. The 2012 Q4 Report was filed with the DOE on December 31, 2012. Respondent's PIN and password were used to certify that CCVC's report was true, correct and complete. The report discloses that CCVC expended \$10,000.00, but reported no contributions. CCVC's report identified seven expenditures outside the reporting cover period as marked by an asterisk by the DOE's EFS. It appears the 2012 Q4 Report was the only campaign finance report filed for CCVC. To review CCVC's 2012 Q4 Report, refer to Exhibit 5. To review the electronic history of the filed report and CCVC's filing history, refer to Exhibit 6, pages 1 and 2, respectively. To review the political advertisement, refer to Exhibit 7.

11. I secured bank records from the campaign depository for CCVC, Florida Capital Bank, N.A. The bank records and the campaign finance report do not agree. According to the bank records, two contributions totaling \$10,000.00 were deposited into the campaign depository for CCVC from separate bank accounts of the Republican Club of Daytona Beach on October 25 and 26, 2012. The depository for Respondent's committee was opened on October 25, 2012. To review the two deposit items and deposit slips/tickets, refer to Exhibit 8. To review the relevant monthly bank statement, refer to Exhibit 9.

12. The table summarizes the errors Respondent made on the campaign treasurer's report (CTR). (Note the dates of the expenditures appearing in bold font disclosed in CCVC's 2012 Q4 Report occurred outside the reporting period.) To review the bank records, refer to Exhibit 10.

TABLE 1: COMPARISON OF RESPONDENT'S CTRs WITH BANK RECORDS			
Date Filed	Reporting Period	Information on CTR	Information from bank
Not Filed	10/25 to 11/01/12 2012 Q4	• NONE; no report was filed for this reporting period.	• \$3,500 contribution from Republican Club of Daytona Beach posted to the depository on October 25, 2012

		<ul style="list-style-type: none"> • \$6,500 contribution from Republican Club of Daytona Beach posted to the depository on October 26, 2012 • \$4,619.14 expenditure #1001 to Daytona Beach News Journal dated October 26, 2012 for News Journal insert—political advertisement; posted to the depository on October 29, 2012 • \$3,145.35 expenditure #1002 to Hometown News dated October 26, 2012 for newspaper insert—political advertisement; posted to the depository on October 29, 2012 • \$235.90 expenditure #1003 to Art Reflections dated October 28, 2012 for political t-shirts; posted to the depository on November 2, 2012 • \$150.00 expenditure #1004 to Linda Costello Campaign dated October 31, 2012; posted to the depository on November 2, 2012 • \$150.00 expenditure #1005 to Deborah Denys Campaign dated October 31, 2012; posted to the depository on November 2, 2012 • \$150.00 expenditure #1006 to Jason Davis Campaign dated October 31, 2012; posted to the depository on November 2, 2012 • \$150.00 expenditure #1007 to Richard Gailey Campaign dated October 31, 2012; posted to the depository on November 2, 2012
12/31/12	11/02/12 to 12/31/12 2012 Q4	<ul style="list-style-type: none"> • \$4,619.14 expenditure to Daytona Beach News Journal disclosed dated October 26, 2012 for “voter education” • \$20.00 expenditure withdrawal to Florida Capital Bank for (monthly) Service Charge on November 30, 2012

		<ul style="list-style-type: none"> • \$3,145 35 expenditure to Hometown News disclosed dated October 26, 2012 for "voter education" • \$235 90 expenditure to Art Reflections disclosed dated October 28, 2012 for "voter education" • \$150 00 expenditure to Linda Costello Campaign disclosed dated October 31, 2012 for "campaign contribution" • \$150 00 expenditure to Deborah Denys Campaign disclosed dated October 31, 2012 for "campaign contribution" • \$150 00 expenditure to Jason P Davis Campaign disclosed dated October 31, 2012 for "campaign contribution" • \$150 00 expenditure to Richard W. Gailey disclosed dated October 31, 2012 for "campaign contribution" • \$150 00 expenditure to Teresa Valdes disclosed dated November 29, 2012 for "campaign contribution" • \$150 00 expenditure to Horace Anderson, Jr., disclosed dated November 29, 2012 for "campaign contribution" • \$20 00 expenditure to Florida Capital Bank disclosed dated December 1, 2012 for "bank charge" • \$1,079 61 expenditure to Republican Club of Daytona Beach disclosed dated December 5, 2012 for "contribution education" 	<ul style="list-style-type: none"> • \$150 00 expenditure #1009 to Horace Anderson dated November 29, 2012; posted to the depository on December 5, 2012 • \$150 00 expenditure #1008 dated November 29, 2012 to Teresa Valdes; posted to the depository on December 10, 2012 • \$1,079.61 expenditure #1010 dated December 5, 2012 to Daytona Beach Republican Club; posted to the depository on December 18, 2012
--	--	--	--

13. Respondent filed an affidavit-questionnaire dated April 17, 2015 submitted via attorney Richard Kane. When asked if she personally reviewed CCVC's 2012 Q4 Report prior to certifying the report as true, correct, and complete, Respondent said, "I don't remember seeing

it and it was done electronically. We were told to just put pin numbers in for signatures." To review her affidavit-questionnaire, refer to Exhibit 11, question 19.

14. When asked to explain if she sought guidance concerning the requirement to accurately report all contributions received and expenditures made by the political committee on each CTR, Respondent affirmed, "We believe the \$10000 was an independent expenditure and not a contribution." To review her affidavit-questionnaire, refer to Exhibit 11, question 21.

15. When asked to explain if she sought guidance concerning the provisions of section 106.07(5), Florida Statutes, and the requirement to certify as to the correctness of each report, Respondent asserted, "Everything in the reports filed were accurate. If the Commission decides that the \$10,000 was a contribution instead of an independent expenditure, the cure would be to file an amended report. We did not wilfully [sic] or knowingly not file that form." To review her affidavit-questionnaire, refer to Exhibit 11, question 22.

16. When asked to explain why she failed to report contributions on CCVC's 2012 Q4 Report, Respondent declared, "[B]ecause we believe independent expenditures are not contributions and we strictly followed the instructions of the DOE." To review her affidavit-questionnaire, refer to Exhibit 11, question 27.

17. Respondent added, "The complaint is essentially [sic] no contribution form DS-DE 13 was filed. This case could be simply closed with a request for the form, as the filing officer is required to do by F.S. 106.07(2)(b)1." To review her affidavit-questionnaire, refer to Exhibit 11, question 31.

18. I found no record of previous complaints to indicate that Respondent has violated this section of Florida's election laws.

III. Alleged Violation of Section 106.19(1)(b), Florida Statutes:

19. I investigated whether Respondent violated this section of the election laws by failing to report a contribution or contributions.

20. Complainant alleges that Respondent, in her official capacity as chairwoman, did not report a contribution or contributions.

21. To review information regarding this section of the election laws, refer to paragraphs 10 through 17 in this report.

22. I found no record of previous complaints to indicate that Respondent has violated this section of Florida's election laws.

IV. FEC History:

23. Respondent has no history of additional complaints filed against her with the Commission at the time of this complaint.

Conclusion:

24. On June 16, 2015, by telephone, I reviewed my findings with Richard Kane. He suggested that the public should know there was money in the bank account since there were expenditures disclosed in the CTR. Mr. Kane also suggested that the public should know the money came from the Republican Club of Daytona Beach since they are identified on Form DS-DE 5 as a connected or affiliated organization. Mr. Kane admitted that the two contributions to

CCVC found in the bank records and not disclosed on the CTR were "obviously an omission." Mr. Kane said, "This is 'Much Ado About Nothing.'" Mr. Kane wishes to vigorously defend Respondent and will provide a written response to my ROI. He alleges CCVC's volunteers only did what the DOE staff instructed them to do step-by-step. To review the phone log, refer to Exhibit 12, entry number 16.

25 The filing officer's acknowledgment letter dated November 6, 2012 directed Respondent to the DOE's website and informed Respondent that it was her "responsibility to read, understand, and follow the requirements of Florida's election laws." Respondent was instructed to print a copy of the following documents: Chapter 106, Florida Statutes; *2012 Political Committee Handbook* which discusses "Contributions" in Chapter 7; 2012 Calendar of Reporting Dates; and Rule 1S-2 017, Florida Administrative Code. (Note Ms. Bronson's instructions appear in bold font) To review the acknowledgment letter, refer to Exhibit 3.

26 Respondent signed the Statement of Organization of Political Committee (Exhibit 1) on October 30, 2012; the form was filed with the DOE on November 2, 2012 Respondent opened the committee's depository, and made the first deposit (\$3,500 00), on October 25, 2012. The 2012 general election was on November 6, 2012.

27 All additional written statements submitted by Respondent and or Mr. Kane are attached as Exhibit 13.

Respectfully submitted on June 19, 2015.



Helen Hinson
Investigation Specialist

Current address of Respondent

Ms Patricia P Fahey, Chairperson
Conservative Committee of Volusia County
213 Ekana Circle
Daytona Beach, Florida 32124-2029

Current address of Complainant

Mr. Jean Jenner
11 Pine Valley Circle
Ormond Beach, Florida 32174-3820

Current Address of Respondent's Atty.:

Mr Richard Kane
928 George Hecker Drive
South Daytona, Florida 32119

Name and Address of Filing Officer:

Ms. Kristi Reid Bronson, Chief
Bureau of Election Records
The R.A. Gray Building, Rm. 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Copy furnished to: Mr. David B. Flagg, Investigations Manager

FLORIDA ELECTIONS COMMISSION

REPORT OF INVESTIGATION

Patricia Fahey, Chair of Conservative Committee of Volusia County -- FEC 14-357

LIST OF EXHIBITS	
Exhibits #s	Description of Exhibits
Exhibit 1	Statement of Organization of Political Committee (DS-DE 5)
Exhibit 2	Appointment of Campaign Treasurer and Designation of Campaign Depository For Political Committees (DS-DE 6)
Exhibit 3	Ms. Bronson's acknowledgment letter to Respondent dated November 6, 2012
Exhibit 4	The notice of disbandment for CCVC dated December 7, 2012, and the filing officer's acknowledgment dated December 11, 2012
Exhibit 5	CCVC's 2012 Q4 Report
Exhibit 6	The electronic history of the filed report and CCVC's filing history
Exhibit 7	Political advertisement containing express advocacy
Exhibit 8	Two deposit items and deposit slips/tickets totaling \$10,000.00
Exhibit 9	The relevant monthly bank statement
Exhibit 10	The bank records for CCVC from Florida Capital Bank, N.A.
Exhibit 11	Respondent's affidavit-questionnaire dated April 17, 2015 submitted via attorney Richard Kane
Exhibit 12	Phone Log
Exhibit 13	All additional written statements submitted by Respondent and or Richard Kane

Conservative Committee of Volusia County

661 Beville Rd.

South Daytona, FL 32119

(386) 308-0073

2012 NOV -2 AM 10:10

STATE
DIVISION OF ELECTIONS

October 30, 2012

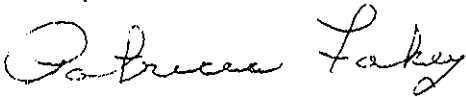
State of Florida
Bureau of Election
500 S Bronough St.
Tallahassee, FL 32399

Attention: Lenard Randolph

Dear Mr. Randolph:

Please add this information to forms submitted and dated October 24, 2012

Thank you.



Patricia Fahey, Chairman
Conservative Committee of Volusia County

Attachment

STATEMENT OF ORGANIZATION OF POLITICAL COMMITTEE

(PLEASE TYPE)

OFFICE USE ONLY
2012 NOV -2 AM 10:10
FLORIDA STATE
DIVISION OF ELECTIONS

1 Full Name of Committee

Conservative Committee of Volusia County

Telephone

(386) 308-0073

Mailing Address (include city, state and zip code)

661 Beville Rd , South Daytona, FL 32119

Street Address (include city, state and zip code)

same

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

Name of Affiliated or Connected Organization	Mailing Address	Relationship
Republican Club of Daytona Beach	661 Beville Rd. South Daytona, FL 32119	Supporter

3. Area, Scope and Jurisdiction of the Committee

To recommend Federal, State, Volusia County and City Candidates and to support or oppose referendums as described in number 8 below

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

Political Committee

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
Rebecca Price	661 Beville Rd. South Daytona, FL 32119	Treasurer

6. List by Name, Address and Position, Other Principal Officers, Including Officers and Members of the Finance Committee, If Any (include chairman's name)			
Full Name	Mailing Address	Committee Title or Position	
Patricia Fahey Jennifer Stich	661 Beville Rd , South Daytona, FL 661 Beville Rd , South Daytona, FL	Chairman Secretary	
7. List by Name, Address, Office Sought and Party Affiliation Each Candidate or Other Individual that this Committee is Supporting (if none, please indicate)			
Full Name	Mailing Address	Office Sought	Party
To be determined			
8. List Any Issues this Committee is Supporting: Constitutional Amendments			
List Any Issues this Committee is Opposing: School Tax Referendum			
9. If this Committee is Supporting the Entire Ticket of a Party, Give Name of Party			
Republican Party			
10. In the Event of Dissolution, What Disposition will be Made of Residual Funds?			
To non-profit political organizations			
11. List all Banks, Safety Deposit Boxes, or Other Depositories Used for Committee Funds			
Name of Bank or Depository & Account Number		Mailing Address	
Florida Capital Bank Account [REDACTED]		1305 Beville Rd Daytona Beach, F 32119	
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
Unknown			
STATE OF <u>Florida</u> <input checked="" type="checkbox"/> Volusia <input checked="" type="checkbox"/> COUNTY I, <u>Patricia Fahey</u> , certify that the information in this Statement of Organization is complete, true and correct <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: center;"> X <u>Patricia Fahey</u> Signature of Chairman of Political Committee </div> <div style="text-align: center;"> <u>Oct. 30, 2012</u> Date </div> </div>			

EXHIBIT 1 (3 of 3)

**APPOINTMENT OF CAMPAIGN TREASURER
AND DESIGNATION OF CAMPAIGN
DEPOSITORY FOR
POLITICAL COMMITTEES**
(Sections 106.011(1) and 106.021(1), F.S.)

CHECK APPROPRIATE BOX:

OFFICE USE ONLY



Original Appointment of Treasurer



Reappointment of Treasurer



Deputy Treasurer

1 Committee or Organization

Conservative Committee of Volusia County

2 Telephone

(386) 308-0073

3 Name of Treasurer or Deputy Treasurer

4 Email (optional)

Rebecca Price

5 Telephone (optional)

(386) 492-4682

6 Mailing Address

661 Beville Rd., South Daytona, FL 32119

7 Street Address

Same

8 The following bank has been designated as the



Primary Depository



Secondary Depository

9 Name of Bank

Florida Capital Bank

10 Street Address

1305 Beville Rd.

11 City

South Daytona

12 State

FL

13 Zip Code

32119

14 Signature of Chairman

X *Patricia Fahey*

15 Name of Chairman (Print or Type)

Patricia Fahey

Campaign Treasurer's Acceptance of Appointment

I, Rebecca Price

do hereby accept the appointment as

(Please Print or Type)

treasurer or deputy treasurer for

Conservative Committee of Volusia County

(Committee or Organization)

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING CAMPAIGN TREASURER'S
ACCEPTANCE OF APPOINTMENT AND THAT THE FACTS STATED ARE TRUE.

10/24/12

Date

X *Rebecca Price*

Signature of Campaign Treasurer or Deputy Treasurer



FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

November 6, 2012

Ms. Patricia Fahey, Chairperson
Conservative Committee of Volusia County
661 Beville Road
South Daytona, Florida 32119

Dear Ms. Fahey:

This will acknowledge receipt of the Statement of Organization and Appointment of Campaign Treasurer and Designation of Campaign Depository for **Conservative Committee of Volusia County**, which were placed on file in our office on November 2, 2012. 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 that supports issues.

Campaign Treasurer's Reports

Your first campaign treasurer's report will be due on **January 10, 2013**. The report will cover the period of November 2, 2012 - December 31, 2012. 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 Web site Address: <https://efs.dos.state.fl.us>
Identification Number: 60098

EXHIBIT 3 (1 of 3)

000018

Division of Elections

R.A. Gray Bldg., Rm. 316 • 500 S Bronough St. • Tallahassee, Florida 32399-0250
Telephone: (850) 245-6200 • Facsimile: (850) 245-6217 elections.myflorida.com
Commemorating 500 years of Florida history www.fl500.com



Ms Patricia Fahey, Chairperson
November 6, 2012
Page Two

Pin Numbers

Pin numbers are confidential secure credentials that allow you to submit reports and update information. The enclosed sealed envelope provides a confidential pin number for the chairperson. By copy of this letter, a confidential PIN number to access the Division of Election's electronic filing system (EFS) was sent to the 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 no later than midnight, Eastern Standard Time, of the due date. Reports not filed by midnight 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.

Ms Patricia Fahey, Chairperson
November 6, 2012
Page Three

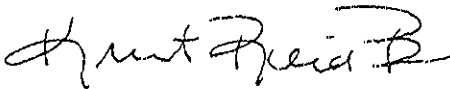
Instructions and Assistance

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 FFS Help Desk at (850) 245-6280.

All of the Division's publications and reporting forms are available on the Division of Elections' web site 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, *2012 Political Committee Handbook*, *2012 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

pc: Ms Rebecca Price, Treasurer

Cover sheet

To - Mr. Lenard Randolph
Dept. of Elections - Election Records
(850)-245-6259 (fax)

From. Patricia Lakey - chairman
Conservative Council of Volusia Cty.
60098
(386)-274-1971 (fax)

Subject. Notice of Disbandment

no. of pages 2
including cover

Mr. Lenard Randolph 2012 DEC -7 PM 2:09 December 7, 2012

Division of Elections

Election Records

500 South Bronough St.

Tallahassee, Fl 32399

DIVISION OF ELECTIONS

NOTICE OF DISBANDMENT ID# 60098

Dear Mr. Randolph,

The Conservative Committee of Volusia County, ID# 60098, hereby files this notice that it has elected to disband effective December 10, 2012.

Any future correspondence may be directed to the former chairman at the following information.

Patricia Fahey

213 Skana Circle

Daytona Beach, Fl 32124

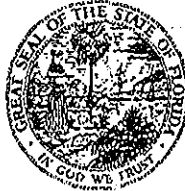
(386) 274-1971

ppf4862@hotmail.com

Sincerely yours,

Patricia Fahey - Chairman

Patricia Fahey



FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

December 11, 2012

Ms Patricia Fahey, Chairperson
Conservative Committee of Volusia County (60098)
213 Ekana Circle
Daytona Beach, Florida 32124

Dear Mr Fahey :

This will acknowledge receipt of your committee's December 7, 2012 letter informing us of the disbandment of **Conservative Committee of Volusia County** as a political committee. This information has been placed on file in our office. Your final report may be filed at any time but is due no later than **January 10, 2013**. This report must be filed via the Division's electronic filing system. If you have no activity to report, you are still required to file a waiver. Should you need to file amendments after the final report has been filed, please contact our office to have your account activated.

If you have any questions, or if we may be of further assistance to you at any time, please do not hesitate to call (850) 245-6280.

Sincerely,

Kristi Reid Bronson, Chief
Bureau of Election Records

KRB/ljt

pc: Ms Rebecca Price, Treasurer

EXHIBIT 4 (3 of 3)



Division of Elections
R.A. Gray Bldg., Rm. 316 • 500 S Bronough St. • Tallahassee, Florida 32399-0250
Telephone: (850) 245-6200 • Facsimile: (850) 245-6217 elections.myflorida.com
Commemorating 500 years of Florida history www fla500.com

000024



**FLORIDA DEPARTMENT OF STATE, DIVISION OF ELECTIONS
CAMPAIGN TREASURER'S REPORT SUMMARY**

(1) Conservative Committee of Volusia County (2) 60098
 Candidate Committee or Party Name I D Number

(3) 661 Beville Road South Daytona FL 32119
 Address (number and street) City State Zip Code

☐ Check box if address has changed since last report

(4) Check appropriate box(es):

☐ Candidate (office sought):
☒ Political Committee ☐ Check If PC has DISBANDED
☐ Committee of Continuous Existence ☐ Check If CCE has DISBANDED
☐ Party Executive Committee

(5) REPORT IDENTIFIERS

Cover Period: From 11/02/2012 To 12/31/2012 Report Type: Q4

☒ Original ☐ Amendment ☐ Special Election Report

(6) CONTRIBUTIONS THIS REPORT

Cash & Checks \$0 00
 Loans \$0 00
Total Monetary \$0 00
 In-Kind \$0 00

(7) EXPENDITURES THIS REPORT

Monetary Expenditures \$10,000 00
 Transfers to Office Account \$0 00
Total Monetary \$10,000 00

(8) Other Distributions

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

Name of ☐ Treasurer ☐ Deputy Treasurer

X
 Signature

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

Name of ☐ Candidate ☒ Chairman (PC/PTY Only)

X
 Signature

Seq # Date	Full Name (Last, Suffix First, Middle Street Address & City, State, Zip	Contributor	Occupation	Amount Amend
		Type	In-Kind Description	

EXHIBIT 5 (2 of 3)

CAMPAIGN TREASURER'S REPORT - ITEMIZED EXPENDITURES

Name: Conservative Committee of Volusia County

Report: 2012 Q4

Period: 11/02/2012 to 12/31/2012

** Records in Filed Report **

Seq # Date	Full Name (Last, Suffix First, Middle Street Address & City, State, Zip)	Type	Purpose	Amount Amend
* 1 10/26/2012	NEWS-JOURNAL 901 6TH STREET DAYTONA BEACH, FL 32117	MON	VOTER EDUCATION	\$4,619 14
* 2 10/26/2012	HOMETOWN NEWS 2400 S. RIDGEWOOD AVE. SOUTH DAYTONA, FL 32119	MON	VOTER EDUCATION	\$3,145 35
* 3 10/28/2012	ART REFLECTIONS 4395 LAKE ASHBY RD NEW SMYRNA BEACH, FL 32168	MON	VOTER EDUCATION	\$235 90
* 4 10/31/2012	COSTELLO LINDA (Office: LOC) 1 TOMOKA COVE WAY ORMOND BEACH, FL 32174	CAN	CAMPAIGN CONTRIBUTION - VOLUSIA COUNTY SCHOOL BOARD DISTRICT 4	\$150 00
* 5 10/31/2012	DENYS, DEBORAH (Office: LOC) P. O BOX 714 NEW SMYRNA BEACH, FL 32170	CAN	CAMPAIGN CONTRIBUTION - VOLUSIA COUNTY COUNCIL DISTRICT 2	\$150 00
* 6 10/31/2012	DAVIS, JASON P. (Office: LOC) 2931 YULE TREE DR. EDGEWATER, FL 32141	CAN	CAMPAIGN CONTRIBUTION - VOLUSIA COUNTY COUNCIL CHAIR	\$150 00
* 7 10/31/2012	GAILEY, RICHARD W (Office: LOC) 341 MAGNOLIA PL DEBARY, FL 32713	CAN	CAMPAIGN CONTRIBUTION - VOLUSIA COUNTY COUNCIL DISTRICT 5	\$150 00
8 11/29/2012	VALDES, TERESA (Office: LOC) P. O BOX 290263 PORT ORANGE, FL 32129	CAN	CAMPAIGN CONTRIBUTION - VOLUSIA COUNTY SCHOOL BOARD DISTRICT 2	\$150 00
9 11/29/2012	ANDERSON, JR., HORACE (Office: LOC) 1585 AVIATION CTR., #715 DAYTONA BEACH, FL 32114	CAN	CAMPAIGN CONTRIBUTION - VOLUSIA COUNTY SCHOOL BOARD DISTRICT 2	\$150 00
10 12/01/2012	FLORIDA CAPITAL BANK 1305 BEVILLE RD. DAYTONA BEACH, FL 32119	MON	BANK CHARGE	\$20 00
11 12/05/2012	REPUBLICAN CLUB OF DAYTONA BEACH P O BOX 2526 DAYTONA BEACH, FL 32119	MON	CONTRIBUTION EDUCATION	\$1,079 61

EXHIBIT 5 (3 of 3)

4/17/2015

Filed Reports for Elec ID: 20121106-GEN

Page 1

Account: 60098 - PAC Conservative Committee of Volusia County
Chairperson: Fahey, Patricia Appt: 11/2/12

Report: 2012 Q4 (1)	From: 11/2/2012	Amd: N	Filed: FIL	12/31/2012 3:33:36 P		
Due: 1/10/2013	To: 12/31/201	Cmplt: COM	Reviewed: AUD	11/5/2014 12:12:03 P		
<i>Submitted</i>	<i>Treasurer</i>	<i>Appointed</i>	<i>Withdrew</i>	<i>Entry Method</i>	<i>File Method</i>	<i>Chair PIN</i>
12/31/2012	Rebecca Price	11/2/2012		Web Data Entry	Web Filed	12/31/2012

EXHIBIT 6 (1 of 2)

[search](#) | [directory](#) | [contact us](#) | [411](#) | [subscribe](#) | [tour](#) | [help](#)

Florida Department of State - Division of Elections

Florida Election System Reports

Candidate/Committee Lookup		Committee Name: Conservative Committee of Volusia County								
Name: <input type="text" value="Conservative Com"/>		Account: 60098								
Election:	<input type="text" value="2012 General Election"/>	Date Due	Type	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amount Paid
		1/10/2013	Q4	12/31/2012						
Acct:	<input type="text" value="60098"/>									
Type:	<input type="text" value="Committee"/>									
<input type="button" value="Search"/>		<input type="button" value="Reset"/>								

CONSERVATIVE COMMITTEE OF VOLUSIA COUNTY

VOTING RECOMMENDATIONS

Federal Candidates

US PRESIDENT: ☒ Mitt Romney

US HOUSE OF REPRESENTATIVES:

US SENATE: ☒ Connie Mack IV

DISTRICT 6: ☒ Ron DeSantis

DISTRICT 7: ☒ John Mica

State Candidates

FLORIDA STATE SENATE:

FLORIDA STATE HOUSE OF REPRESENTATIVES:

DISTRICT 6: ☒ John Thrasher

DISTRICT 25: ☒ Charles David Hood

DISTRICT 8: ☒ Dorothy Hukill

DISTRICT 27: ☒ David Santiago

Judicial Candidates

YES NO Retention Vote for Justice of the State of Florida Supreme Court

☒ H. E. Lewis VOTE NO/RETAIN IN OFFICE? VOTE NO/

☒ Barbara J. Pariente VOTE NO/RETAIN IN OFFICE? VOTE NO/

☒ Paul J. Quirk VOTE NO/RETAIN IN OFFICE? VOTE NO/

Volusia County Candidates

VOLUSIA CLERK OF CIRCUIT COURT: DISTRICT 4: ☒ Diane M. Matousek

VOLUSIA SCHOOL BOARD: (Dist. 4) ☒ Linda Costello

VOLUSIA SHERIFF: ☒ Ben F. Johnson

VOLUSIA COUNTY COUNCIL: COUNTY COUNCIL CHAIR: ☒ Jason Davis

COUNCIL DIST. 1: ☒ Jeff Allebach ☒ Pat Patterson

COUNCIL DIST. 2: ☒ Nancy Epps

COUNCIL DIST. 3: ☒ Deborah (Deb) Denys

COUNCIL DIST. 5: ☒ Richard Gailey

000028

Municipal Candidates

CITY OF DAYTONA BEACH:

MAYOR: ☒ Edith Shelley

ZONE 1: ☒ Carl W. Lentz IV

ZONE 4: ☒ Robert Gilliland

CITY OF DAYTONA BEACH SHORES:

SEAT 2: ☒ Dr. Jennie Celona

SEAT 4: ☒ Henry Fehrmann

CITY OF DELTONA: CITY COMMISSION:

Dist 2: ☒ Webster Barnaby

Dist 4: ☒ Tom Premo

Dist 6: ☒ Michael Wycuff

HOLLY HILL MAYOR:

(pick 1) ☒ Roy Johnson or ☒ Roland Via

ORMOND BEACH COMMISSION ZONE 1:

(pick 1) ☒ Alan Burton or ☒ James Stowers

YES	NO	REPUBLICAN CONSTITUTIONAL AMENDMENT VOTER GUIDE
<input checked="" type="radio"/>	<input type="radio"/>	#1. Health Care Services
<input checked="" type="radio"/>	<input type="radio"/>	#2. Combat Disabled Veterans Homestead Property Tax Discount
<input checked="" type="radio"/>	<input type="radio"/>	#3. State Revenue Limitation
<input checked="" type="radio"/>	<input type="radio"/>	#4. Property Tax Limitation
<input checked="" type="radio"/>	<input type="radio"/>	#5. State Courts
<input checked="" type="radio"/>	<input type="radio"/>	#6. Prohibition Public Funding
<input checked="" type="radio"/>	<input type="radio"/>	No number 7 amendment
<input checked="" type="radio"/>	<input type="radio"/>	#8. Religious Freedom
<input checked="" type="radio"/>	<input type="radio"/>	#9. Homestead Exemption for Surviving Spouse of Military Veteran or First Responder
<input checked="" type="radio"/>	<input type="radio"/>	#10. Tangible Personal Property Tax Exemption
<input checked="" type="radio"/>	<input type="radio"/>	#11. Additional Homestead Exemption Low-Income Seniors
<input checked="" type="radio"/>	<input type="radio"/>	#12. Appointments State University System Board



NO RECOMMENDATION

YES	NO	INCREASING VOLUSIA COUNTY SCHOOL TAX
<input checked="" type="radio"/>	<input type="radio"/>	Referendum Regarding Ad Valorem Tax Millage for Operational Purposes of School District

Pd Pol Adv for federal, state, county and municipal offices by Conservative Committee of Volusia, County
661 Beville Road South Daytona FL 32119 386-310 8701 and not authorized by any candidate or candidate's committee.

000002S

8043

DEPOSIT TICKET

DATE 10/25/12

NAME Conservative Committee of Volusia Co.

ACCOUNT NO. [REDACTED]

10/25/12

CURRENCY	COIN	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	TOTAL FROM OTHER SSES OR ATTACHED LIST
		3,500.00																

\$ 3,500.00

63-1214/831

TOTAL ITEMS ☐

PLEASE BE SURE ALL ITEMS ARE PROPERLY ENDORSED. DEPOSITS MAY NOT BE AVAILABLE FOR WITHDRAWAL WITHIN 24 HOURS.

63-1214/831

3,500.00

CHECKS AND OTHER ITEMS ARE RECEIVED FOR DEPOSIT SUBJECT TO THE PROVISIONS OF THE UNIFORM COMMERCIAL CODE OR ANY APPLICABLE COLLECTION AGREEMENT.

Capture Date 20121025 Optional Field 6 0

Sequence Number 4902860 Amount \$3,500.00

Serial Number 0 Routing Number 063112142

Account Number [REDACTED] Transaction Code 9

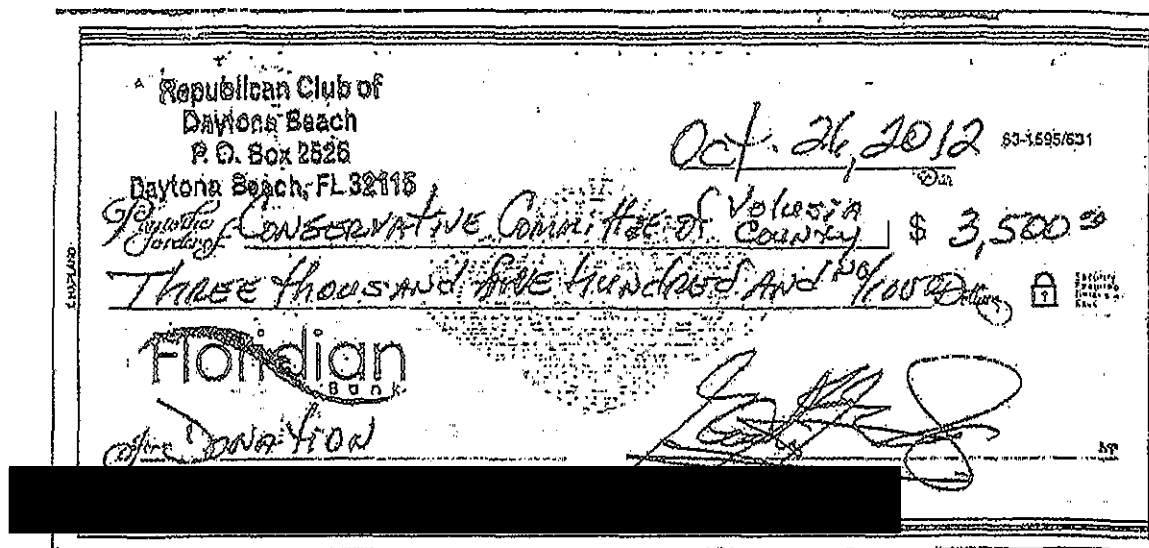
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	TOTAL

BOED > [REDACTED] <
Daytona
2012-10-25

ADDITIONAL CHECK LISTING SPACE

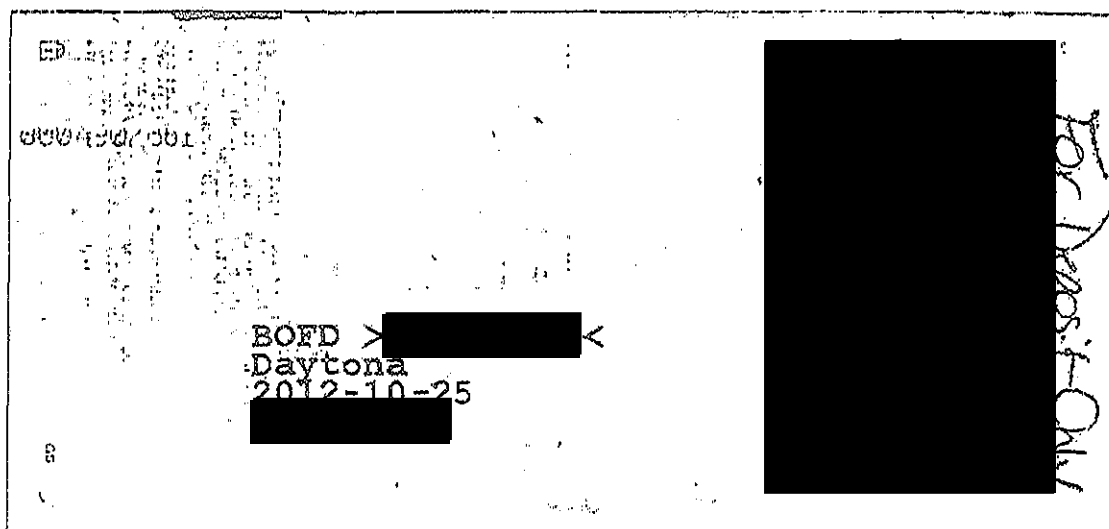
CASH COUNT - FOR OFFICE USE ONLY	
SPLIT DEPOSIT	
CHECKS	
LESS DEPOSIT	
CASH RETURNED	
Large	
X 100	
X 50	
X 20	
X 10	
X 5	
X 2	
X 1	
COIN	
TOTAL	

Front Image



Account Number	[redacted]	Routing Number	63115958
Amount	\$3,500.00	OF6	0
Post Date	20121025	Serial Number	0
Sequence Number	4902861	Tran	0

Back Image

EXHIBIT 8 (2 of 4)

Conserv. Committee

CURRENCY >

63-1214/631

COIN >

CHECKS >

DATE Oct. 26, 2012
DEPOSITS MAY NOT BE AVAILABLE FOR IMMEDIATE WITHDRAWAL

DEPOSIT TICKET

PLEASE ENTER AMOUNT OF CASH AND CHECKS
ATTACH ADDING MACHINE TAPE OR DEPOSIT SLIP

\$

6500.00
6500.00

42,159.50
631

Florida
Capital Bank, N.A.
Daytona Beach Office
1345 Daytona Road • Daytona Beach, FL 32110

CHECKS AND OTHER ITEMS ARE

Capture Date 20121026

Optional Field 6 0

Sequence Number 4904518

Amount \$6,500.00

Serial Number 0

Routing Number 063112142

Account Number


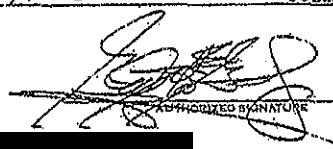

Transaction Code 9

BOFD > <
Daytona
2012-10-26

RECEIVED
DAYTONA BEACH
FLORIDA CAPITAL BANK, N.A.

EXHIBIT 8(3 of 4)

Front Image

 REPUBLICAN CLUB OF DAYTONA BEACH P.O. BOX 2526 DAYTONA BEACH, FLORIDA 32115		63 1595/831 1136 DATE <u>Oct. 26, 2012</u>
PAY TO THE ORDER OF <u>CONSERVATIVE COMM: HEE of Volusia County</u>		\$ <u>6500.00</u>
<u>Six thousand five hundred and no/100</u>		DOLLARS
FLORIDIAN BANK		
12 FOR <u>DONATION</u>		

Account Number	[REDACTED]	Routing Number	63115958
Amount	\$6,500.00	OF8	0
Post Date	20121026	Serial Number	1136
Sequence Number	4904519	Tran	0

Back Image


00004 4904519 BOFD [REDACTED] Daytona 2012-10-26 [REDACTED]		<u>for deposit only</u>
---	---	-------------------------

EXHIBIT 8(4 of 4)



**Florida
Capital Bank, N.A.**

P.O. BOX 551390
JACKSONVILLE, FL 32255-1390
1-800-318-3159

945 00048 01
ACCOUNT:
DOCUMENTS:

PAGE: 1
10/31/2012

CONSERVATIVE COMMITTEE
OF VOLUSIA COUNTY
661 BEVILLE RD
S DAYTONA FL 32119

30
2
2

=====

SMALL BUSINESS [90125] ACCOUNT

=====

		LAST STATEMENT 10/25/12	00
MINIMUM BALANCE	2,235.51	2 CREDITS	10,000.00
AVERAGE BALANCE	5,743.79	2 DEBITS	7,764.49
		THIS STATEMENT 10/31/12	2,235.51

DEPOSITS			
REF #	DATE	AMOUNT	REF #
	10/25	3,500.00	10/26
			6,500.00

CHECKS			
CHECK #	DATE	AMOUNT	CHECK #
	*10/29	3,145.35	10/29
			4,619.14

(*) INDICATES A GAP IN CHECK NUMBER SEQUENCE

--- ITEMIZATION OF OVERDRAFT AND RETURNED ITEM FEES ---

```

*****
*                                     | TOTAL FOR | TOTAL *
*                                     | THIS PERIOD | YEAR TO DATE *
*-----|-----|-----|-----|
* TOTAL OVERDRAFT FEES: | $ .00 | $ .00 *
*-----|-----|-----|-----|
* TOTAL RETURNED ITEM FEES: | $ .00 | $ .00 *
*****

```

DAILY BALANCE					
DATE	BALANCE	DATE	BALANCE	DATE	BALANCE
10/25	3,500.00	10/26	10,000.00	10/29	2,235.51



EXHIBIT 9





RECEIVED

2015 APR 27 P 12:52

ST. JAMES BANK

April 24, 2015

Ms. Helen Hinson
Investigation Specialist
Florida Elections Commission
107 W Gaines St #224
Tallahassee, FL 32399

RE: Conservative Committee of Volusia County; Account # [REDACTED]

Dear Ms. Hinson:

The information requested in your letter of April 16, 2015, is enclosed as follows:

- 1) Copies of any and all account applications, corporate resolutions, signature cards, financial statements and other records utilized in the opening of the account;
- 2) Copies (front and back) of any and all ATM deposits, credit memos, wires, front and reverse of all checks, deposit/credit items and deposit slips/tickets from the opening of the account to the closing of the account;
- 3) Copies (front and back) of any and all Currency Transaction Reports, debit memos, wire transfers, front and reverse of all checks, bank payment instruments, withdrawal directives and withdrawal tickets from the opening of the account to the closing of the account;
- 4) Copies of the monthly bank statements from the opening of the account to the closing of the account;
- 5) Records disclosing when the account was closed.

Respectfully,

Perry Wilson
Chief Compliance Officer
Direct: 904.245.7089
pwilson@fcb.com

FLORIDA CAPITAL BANK NA
1305 BEVILLE ROAD
DAYTONA BEACH, FL 32119

OWNERSHIP OF ACCOUNT - CONSUMER PURPOSE (Select one):

- ☐ Single-Party Account ☐ Multiple-Party Account
☐ Multiple-Party Account - Tenancy by the Entireties
☐ Trust-Separate Agreement Dated: _____

RIGHTS AT DEATH (Select one):

- ☐ Single-Party Account
☐ Single-Party Account With Pay-on-Death Designation
(name beneficiaries below)
☐ Multiple-Party Account With Right of Survivorship
☐ Multiple-Party Account With Right of Survivorship and
Pay-on-Death Designation (name beneficiaries below)
☐ Multiple-Party Account Without Right of Survivorship

NAME OR NAMES OF BENEFICIARIES: _____

OWNERSHIP OF ACCOUNT - BUSINESS PURPOSE

- ☐ SOLE PROPRIETORSHIP ☐ PARTNERSHIP
☐ CORPORATION: ☐ FOR PROFIT ☐ NOT FOR PROFIT
☒ LIMITED LIABILITY COMPANY
☒ ASSOCIATION/ORGANIZATION

BUSINESS:
COUNTY & STATE
OF ORGANIZATION: _____
AUTHORIZATION DATED: _____

DATE OPENED 10/25/2012 BY PAMELA PEERLESS
INITIAL DEPOSIT \$ _____ CASH ☐
HOME TELEPHONE # (386) 492-4682
BUSINESS PHONE # _____
EMAIL blprice@cfl.rr.com
EMPLOYER _____
Name and address of someone who will always know your location: _____

BACKUP WITHHOLDING CERTIFICATIONS

TIN: 80-0861294

☒ TAXPAYER I.D. NUMBER - The Taxpayer Identification
Number shown above (TIN) is my correct taxpayer identification
number.

☒ BACKUP WITHHOLDING - I am not subject to backup
withholding either because I have not been notified that I am
subject to backup withholding as a result of a failure to report all
interest or dividends, or the Internal Revenue Service has notified
me that I am no longer subject to backup withholding.

☐ EXEMPT RECIPIENTS - I am an exempt recipient under the
Internal Revenue Service Regulations.

SIGNATURE: I certify under penalties of perjury the statements
checked in this section and that I am a U.S. person (including a
U.S.-resident alien).

Patricia P. Fahey 10-25-12
(Date)

ACCOUNT NUMBER [REDACTED] PORT 21382

ACCOUNT OWNER(S) NAME & ADDRESS

CONSERVATIVE COMMITTEE
OF VOLUSIA COUNTY

661 BEVILLE RD
S DAYTONA, FL 32119

TYPE OF ACCOUNT ☒ NEW ☐ EXISTING
☒ CHECKING ☐ SAVINGS
☐ MONEY MARKET ☐ CERTIFICATE OF DEPOSIT
☐ NOW

This is your (check one):
☐ Permanent ☐ Temporary account agreement

Number of signatures required for withdrawal 1 (ONE)

FACSIMILE SIGNATURE(S) ALLOWED? ☐ YES ☒ NO

SIGNATURE(S) - The undersigned agree to the terms stated on every
page of this form and acknowledge receipt of a completed copy. The
undersigned further authorize the financial institution to verify credit
and employment history and/or have a credit reporting agency
prepare a credit report on the undersigned, as individuals. The
undersigned also acknowledge the receipt of a copy and agree to the
terms of the following disclosure(s):

☐ Deposit Account ☒ Funds Availability ☒ Truth in Savings
☒ Electronic Fund Transfers ☒ Privacy ☒ Substitute Checks

(1) ☒ *Rebecca Price*
REBECCA PRICE

I.D. # [REDACTED] D.O.B. 07/21/1947

(2) ☒ *Patricia P. Fahey*
PATRICIA P FAHEY

I.D. # [REDACTED] D.O.B. 05/04/1940

(3) ☐

I.D. # _____ D.O.B. _____

(4) ☐

I.D. # _____ D.O.B. _____

☐ Convenience Account Agent (Single-Party Accounts Only)

☒

I.D. # _____ D.O.B. _____

EXHIBIT 10(2 of 24)

RESOLUTION OF LODGE, ASSOCIATION OR OTHER SIMILAR ORGANIZATION

FLORIDA CAPITAL BANK NA
10550 DEERWOOD PARK BL STE 708
JACKSONVILLE FL 32256

By: CONSERVATIVE COMMITTEE
OF VOLUSIA COUNTY

ACCOUNT

Referred to in this document as "Financial Institution"

Referred to in this document as "Association"

I, NA, certify that I am Secretary (clerk) of the above named association organized under the laws of FLORIDA, Federal Employer I.D. Number , and that the resolutions on this document are a correct copy of the resolutions adopted at a meeting of the Association duly and properly called and held on 10/25/2012 (date). These resolutions appear in the minutes of this meeting and have not been rescinded or modified.

AGENTS Any Agent listed below, subject to any written limitations, is authorized to exercise the powers granted as indicated below:

Name and Title or Position	Signature	Facsimile Signature (if used)
A. <u>REBECCA PRICE, TREASURER</u>	X <u>Rebecca Price</u> X	
B. <u>PATRICIA PFAHEY, CHAIRMAN</u>	X <u>Patricia Pfahey</u> X	
C. <u> </u>	X <u> </u> X	
D. <u> </u>	X <u> </u> X	
E. <u> </u>	X <u> </u> X	
F. <u> </u>	X <u> </u> X	

POWERS GRANTED (Attach one or more Agents to each power by placing the letter corresponding to their name in the area before each power. Following each power indicate the number of Agent signatures required to exercise the power.)

Indicate A, B, C, D, E, and/or F	Description of Power	Indicate number of signatures required
	(1) Exercise all of the powers listed in this resolution.	
<u>A,B</u>	(2) Open any deposit or share account(s) in the name of the Association.	<u>1</u>
	(3) Endorse checks and orders for the payment of money or otherwise withdraw or transfer funds on deposit with this Financial Institution	
	(4) Borrow money on behalf and in the name of the Association, sign, execute and deliver promissory notes or other evidences of indebtedness.	
	(5) Endorse, assign, transfer, mortgage or pledge bills receivable, warehouse receipts, bills of lading, stocks, bonds, real estate or other property now owned or hereafter owned or acquired by the Association as security for sums borrowed, and to discount the same, unconditionally guarantee payment of all bills received, negotiated or discounted and to waive demand, presentment, protest, notice of protest and notice of non-payment	
	(6) Enter into a written lease for the purpose of renting, maintaining, accessing and terminating a Safe Deposit Box in this Financial Institution.	
	(7) Other <u> </u>	

LIMITATIONS ON POWERS The following are the Association's express limitations on the powers granted under this resolution.

EFFECT ON PREVIOUS RESOLUTIONS This resolution supersedes resolution dated NA. If not completed, all resolutions remain in effect.

CERTIFICATION OF AUTHORITY

I further certify that the Association has, and at the time of adoption of this resolution had, full power and lawful authority to adopt the resolutions on page 2 and to confer the powers granted above to the persons named who have full power and lawful authority to exercise the same. (Apply seal below where appropriate.)

☒ If checked, the Association is a non-profit lodge, association or similar organization

NA
X Rebecca Price (Secretary)
X Patricia Pfahey (Attest by Other Officer)
X (Attest by Other Officer)

EXHIBIT 10(3 of 24)

Conservative Committee of Volusia County

MINUTES OF MEETING

OCTOBER 24, 2012

The meeting was called to order and Richard Kane was appointed Secretary.

The first order of business was to elect a Chairman. By unanimous vote Patricia Fahey was elected Chairman

The chair then called for nominations and election for treasurer. Rebecca Price was elected. She was authorized to open a bank account with Florida Capital Bank, 1305 Beville Rd., Daytona Beach, Fl. 32119, ph. 671 7170. Funds deposited to the account will be used for political advertisements to support and advance Republican candidates in local, state and federal elections and for general operations of the committee plus any applicable bank charges.

The secretary announced the the IRS has assigned an EIN number

80 -0861294

The meeting adjourned.

 Secretary



**Florida
Capital Bank, N.A.**

P.O. BOX 551390
JACKSONVILLE, FL 32255-1390
1-800-318-3159

945 00048 01
ACCOUNT:
DOCUMENTS:

PAGE: 1
10/31/2012

CONSERVATIVE COMMITTEE
OF VOLUSIA COUNTY
661 BEVILLE RD
S DAYTONA FL 32119

30
2
2

=====

SMALL BUSINESS [90125] ACCOUNT

=====

MINIMUM BALANCE	2,235.51	LAST STATEMENT 10/25/12	.00
AVERAGE BALANCE	5,743.79	2 CREDITS	10,000.00
		2 DEBITS	7,764.49
		THIS STATEMENT 10/31/12	2,235.51

----- DEPOSITS -----

REF #	DATE	AMOUNT	REF #	DATE	AMOUNT	REF #	DATE	AMOUNT
	10/25	3,500.00		10/26	6,500.00			

----- CHECKS -----

CHECK #	DATE	AMOUNT	CHECK #	DATE	AMOUNT	CHECK #	DATE	AMOUNT
	*10/29	3,145.35		10/29	4,619.14			

(*) INDICATES A GAP IN CHECK NUMBER SEQUENCE

--- ITEMIZATION OF OVERDRAFT AND RETURNED ITEM FEES ---

*		TOTAL FOR	TOTAL
*		THIS PERIOD	YEAR TO DATE

*	TOTAL OVERDRAFT FEES:	\$.00	\$.00

*	TOTAL RETURNED ITEM FEES:	\$.00	\$.00

----- DAILY BALANCE -----

DATE	BALANCE	DATE	BALANCE	DATE	BALANCE
10/25	3,500.00	10/26	10,000.00	10/29	2,235.51



EXHIBIT 10(5 of 24)



目次



**Florida
Capital Bank**
Daytona Beach Office
1705 E. Beach Road • Daytona

61424 13 42385 85015

DATE 10/05/12

NAME _____

ACCOUNT NO.

CLOCKS AND DTIME

CURRENCY	COIN	DOLLARS	CENTS
	LIST FROM CHECK		
1		3,500.	00
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
TOTAL FROM OTHER SOURCES OR ATTACHED LIST			
6A			

63-1214/831

TOTAL
ITEMS

PLEASE BE SURE ALL ITEMS
ARE PROPERLY ENDORSED.

DEPOSITS MAY NOT BE AVAILABLE
FOR IMMEDIATE WITHDRAWAL.

3,500.00

Transaction Code 9

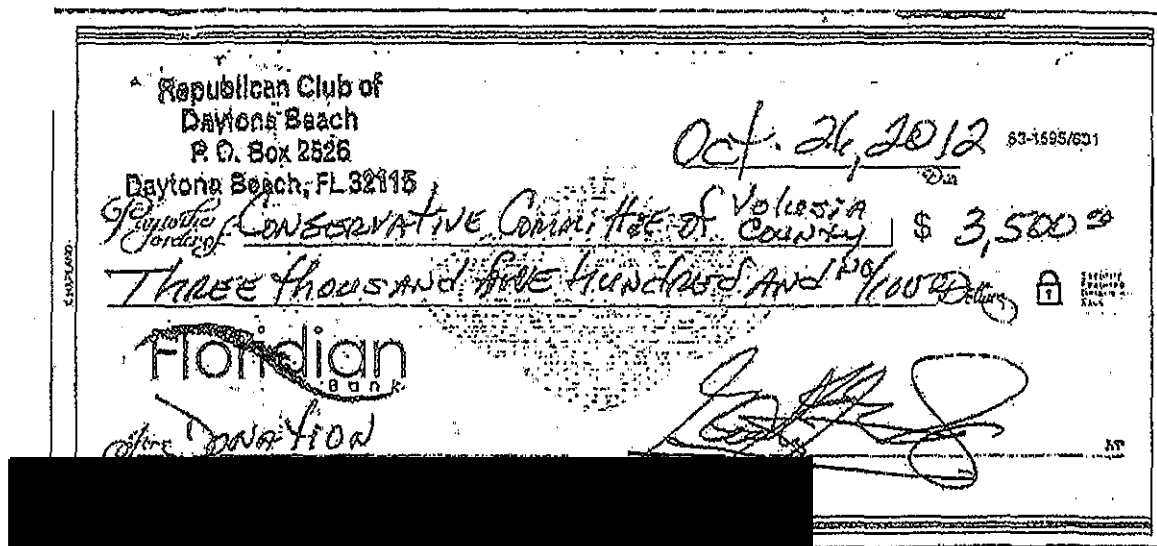
1		
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14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
TOTAL		

BOED >
Dayton

CASH COUNT - FOR OFFICE USE ONLY		
SPLIT DEPOSIT		
CHECKS		
LESS DEPOSIT		
CASH RETURNED		
ADDITIONAL CHECK LISTING SPACE		
Large		
X 100		
X 50		
X 20		
X 10		
X 5		
X 2		
X 1		
COIN		
TOTAL		

EXHIBIT 10 (6 of 24)

Front Image



Account Number	[redacted]	Routing Number	63115958
Amount	\$3,500.00	OF6	0
Post Date	20121025	Serial Number	0
Sequence Number	4902861	Tran	0

Back Image

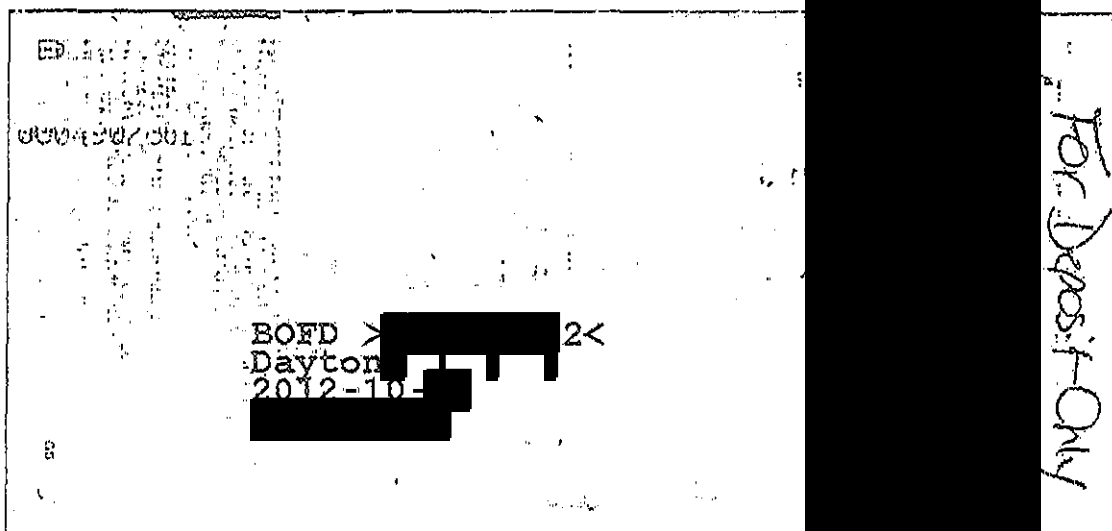


EXHIBIT 10 (7 of 24)

Conserv. Committee

CURRENCY >

63-1214/631

COIN >

CHECKS >

DATE Oct. 26, 2012
DEPOSITS MAY NOT BE AVAILABLE FOR IMMEDIATE WITHDRAWAL

DEPOSIT TICKET

PLEASE PRINT AMOUNT OF CASH AND CHECKS
ATTACH ACCORDING MACHINE TAPE OR DEPOSIT SLIP

\$

6500.

6500.

43,159.57
631

Florida
Capital Bank, N.A.
Daytona Beach Office
1350 Daytona Road • Daytona Beach, FL 32110

CHECKS AND OTHER

Capture Date 20121026

Optional Field 6 0

Sequence Number 4904518

Amount \$6,500.00

Serial Number 0

Routing Number 063112142



Account Number

Transaction Code 9

BOFD
Daytona
2012-10-26

ATM/DEBIT CARD/STRIKING SLIDE
CALLING CODE
CODE

Front Image

 REPUBLICAN CLUB OF DAYTONA BEACH P.O. BOX 2526 DAYTONA BEACH, FLORIDA 32115		63 1595/631 1136 DATE <u>OCT 26 2012</u>
PAY TO THE ORDER OF <u>CONSERVATIVE COMMITTEE of Volusia County</u> <u>Six thousand five hundred and no/100</u>		\$ <u>6500.00</u> DOLLARS
FLORIDIAN BANK FOR <u>DONATION</u>		 AUTHORIZED SIGNATURE

Account Number	[REDACTED]	Routing Number	63115958
Amount	\$6,500.00	OF6	0
Post Date	20121026	Serial Number	1136
Sequence Number	4904519	Tran	0

Back Image

4904519 BOED [REDACTED] Daytona 2012-10-26	[REDACTED] for deposit only
---	--------------------------------

EXHIBIT 10(9 of 24)

Conservative Committee
of Volusia County
Campaign account

1002

DATE 10-26-12 63-1214/831

PAY TO THE ORDER OF Hometown News \$ 3,145.35

Three Thousand One Hundred Forty-five and 35/100 DOLLARS

FOR Newspaper insert Rebecca Price

Florida Capital Bank NA
Daytona Beach Office
1315 Seville Road • Daytona Beach, FL 32119

Capture Date	20121029	Optional Field 6	0
Sequence Number	99000193	Amount	\$3,145.35
Serial Number	0	Routing Number	063112142
Account Number	[REDACTED]	Transaction Code	52

TRN_DEBIT MHAHN 314535
Holly Hill 0370 94004 3371 1 0090

Conservative Committee
of Volusia County
Campaign Account

1001

DATE 10-26-'12 63-1214/631

PAY TO THE ORDER OF Daytona Beach News Journal \$4,619.14

Four Thousand Six Hundred Nineteen & 14/100 DOLLARS

FOR News Journal insert Rebecca Price

Florida Capital Bank, N.A.
Daytona Beach Office
1005 De Soto Road • Daytona Beach, FL 32119

Capture Date	20121029	Optional Field 6	0
Sequence Number	99000350	Amount	\$4,619.14
Serial Number	0	Routing Number	063112142
Account Number		Transaction Code	52

ENDORSE HERE



**Florida
Capital Bank, N.A.**

P.O. BOX 551390
JACKSONVILLE, FL 32255-1390
1-800-318-3159

945 00048 01

ACCOUNT:

DOCUMENTS:

PAGE:

1

11/30/2012

5

CONSERVATIVE COMMITTEE
OF VOLUSIA COUNTY
661 BEVILLE RD
S DAYTONA FL 32119

30
0
5

NOTICE: By federal law, as of 01/01/2013, funds in a noninterest-bearing transaction account (including an IOLTA/IOLA) will no longer receive unlimited deposit insurance coverage, but will be FDIC-insured to the legal maximum of \$250,000 for each ownership category. For more information, visit: <http://www.fdic.gov/deposit/deposits/unlimited/expiration.html>

SMALL BUSINESS [90125] ACCOUNT

MINIMUM BALANCE	1,399.61	LAST STATEMENT 10/31/12	2,235.51
AVERAGE BALANCE	1,427.47	CREDITS	.00
		6 DEBITS	855.90
		THIS STATEMENT 11/30/12	1,379.61

CHECKS			
CHECK #	DATE	AMOUNT	CHECK #
*11/02		150.00	*11/02
*11/02		150.00	*11/02

(*) INDICATES A GAP IN CHECK NUMBER SEQUENCE

OTHER DEBITS		DATE	AMOUNT
DESCRIPTION			
SERVICE CHARGE		11/30	20.00

ITEMIZATION OF SERVICE CHARGE PAID THIS PERIOD

TOTAL CHARGE FOR MONTHLY MAINT FEE: 20.00

*** CONTINUED ***



EXHIBIT 10(12 of 24)





**Florida
Capital Bank, N.A.**

P.O. BOX 551390
JACKSONVILLE, FL 32255-1390
1-800-318-3159

945 00048 01
ACCOUNT:
DOCUMENTS:

PAGE: 2
11/30/2012
5

CONSERVATIVE COMMITTEE

=====

SMALL BUSINESS [90125] ACCOUNT [REDACTED]

=====

- - - ITEMIZATION OF OVERDRAFT AND RETURNED ITEM FEES - - -

```

*****
*                                     |          TOTAL FOR          |          TOTAL          *
*                                     |          THIS PERIOD         |          YEAR TO DATE   *
*-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
* TOTAL OVERDRAFT FEES:             |          $.00              |          $.00           *
*-----|-----|-----|-----|-----|-----|-----|-----|-----|
* TOTAL RETURNED ITEM FEES:         |          $.00              |          $.00           *
*****

```

- - - DAILY BALANCE - - -

DATE.....	BALANCE	DATE.....	BALANCE	DATE.....	BALANCE
11/02	1,399.61	11/30	1,379.61		



EXHIBIT 10(13 of 24)



Conservative Committee
of Volusia County
Campaign account

1005

DATE 10-31-12 63-1214/831

PAY TO THE ORDER OF Deborah Denny Campaign \$ 150.00

One Hundred Fifty and 00/100 DOLLARS

FOR Campaign

Florida
Capital Bank
Daytona Beach Office
1300 Seville Road • Daytona Beach, FL 32118

Rebecca Price

Capture Date	20121102	Optional Field 6	0
Sequence Number	99000705	Amount	\$150.00
Serial Number	0	Routing Number	063112142
Account Number		Transaction Code	52

DO NOT WRITE IN THESE SPACES

DEB Denny Campaign

Conservative Committee
of Volusia County
campaign account

1004

DATE 10-31-12 63-1214/631

PAY TO THE ORDER OF Linda Costello Campaign \$ 150.00

One Hundred Fifty and 00/100 DOLLARS

FOR Campaign

Florida Capital Bank, N.A.
Daytona Beach Office
1205 Decker Road • Daytona Beach, FL 32119

Reborn Price

Capture Date	20121102	Optional Field 6	0
Sequence Number	99000738	Amount	\$150.00
Serial Number	0	Routing Number	063112142
Account Number	[REDACTED]	Transaction Code	52

ENDORSE HERE

Linda Costello

[REDACTED]

Conservative Committee
of Volusia County
Campaign account

1006

DATE 10-31-12 63-1214/631

PAY TO THE ORDER OF Jason Davis Campaign

One Hundred Fifty and

\$ 150.00

DOLLARS

FOR

Rebecca Price

Florida Capital Bank, Inc.
Daytona Beach Office
1005 Dayton Road • Daytona Beach, FL 32119

Capture Date	20121102	Optional Field 6	0
Sequence Number	99000989	Amount	\$150.00
Serial Number	0	Routing Number	063112142
Account Number		Transaction Code	52

* FEDERAL RESERVE BOARD OF GOVERNORS REG. NO. 1

THE SECURITIES AND EXCHANGE COMMISSION
NOTHING HEREIN IS TO BE CONSIDERED
AN OFFICIAL ENDORSEMENT OR GUARANTEE
BY THE SECURITIES AND EXCHANGE COMMISSION
OR THE FEDERAL RESERVE BOARD OF GOVERNORS

10/31/12

0106 363125

ENDORSE HERE

For Deposit Only
Do Not Write

conservative Committee
of Volusia County
Campaign account

1007

DATE 10-31-12 63-1214/831

PAY TO THE ORDER OF Richard Bailey Campaign \$ 150.00

One Hundred Fifty and 00/100 DOLLARS

FOR Campaign

Florida Capital Bank
1000 South Road • Daytona Beach, FL 32118

Rebecca Price

Capture Date	20121102	Optional Field 6	0
Sequence Number	99001004	Amount	\$150 00
Serial Number	0	Routing Number	063112142
Account Number		Transaction Code	52

* FEDERAL RESERVE BOARD OF GOVERN

NOV-1-12 11

2221 75999

ENDORSE HERE

er'

100



P.O. BOX 551390
JACKSONVILLE, FL 32255-1390
1-800-318-3159

945 00048 01
ACCOUNT:
DOCUMENTS:

PAGE: 1
12/31/2012
4

CONSERVATIVE COMMITTEE
OF VOLUSIA COUNTY
661 BEVILLE RD
S DAYTONA FL 32119

<C> 30
0
4

*** FINAL STATEMENT ***

NOTICE: By federal law, as of 01/01/2013, funds in a noninterest-bearing transaction account (including an IOLTA/IOLA) will no longer receive unlimited deposit insurance coverage, but will be FDIC-insured to the legal maximum of \$250,000 for each ownership category. For more information, visit: <http://www.fdic.gov/deposit/deposits/unlimited/expiration.html>

SMALL BUSINESS [90125] ACCOUNT

LAST STATEMENT 11/30/12 1,379.61
CREDITS .00
4 DEBITS 1,379.61
THIS STATEMENT 12/31/12 .00

CHECK #	DATE	AMOUNT	CHECK #	DATE	AMOUNT	CHECK #	DATE	AMOUNT
*12/05		150.00	*12/10		150.00	9998	12/18	1,079.61

(*) INDICATES A GAP IN CHECK NUMBER SEQUENCE

DESCRIPTION	DATE	AMOUNT
CLOSING WITHDRAWAL	12/19	.00

--- ITEMIZATION OF OVERDRAFT AND RETURNED ITEM FEES ---

*	TOTAL FOR	TOTAL	*
*	THIS PERIOD	YEAR TO DATE	*

* TOTAL OVERDRAFT FEES:	\$.00	\$.00	*

* TOTAL RETURNED ITEM FEES:	\$.00	\$.00	*

*** CONTINUED ***



EXHIBIT 10 (19 of 24)





Florida
Capital Bank, N.A.

P.O. BOX 551390
JACKSONVILLE, FL 32255-1390
1-800-318-3159

945 00048 01
ACCOUNT:
DOCUMENTS:

PAGE: 2
12/31/2012
4

CONSERVATIVE COMMITTEE

SMALL BUSINESS [90125] ACCOUNT

DAILY BALANCE

DATE.....	BALANCE	DATE.....	BALANCE	DATE.....	BALANCE
12/05	1,229.61	12/18	.00		
12/10	1,079.61	12/19	.00		

EXHIBIT 10 (20 of 24)



Conservative Committee
of Volusia County
campaign account

1009

DATE 11-29-12 63-1214/631

PAY TO THE ORDER OF Horace Anderson \$ 150.00

One Hundred Fifty and 00/100 DOLLARS

Florida Capital Bank, N.A.
Daytona Beach Office
1305 Beville Road • Daytona Beach, FL 32118

FOR Campaign donation Rebecca Price

Capture Date	20121205	Optional Field 6	0
Sequence Number	99000169	Amount	\$150.00
Serial Number	0	Routing Number	063112142
Account Number	[REDACTED]	Transaction Code	52


TRN_DEBIT FMURRAY 15000
Beville Nova 0320 94004 9321 4 0051


Conservative Committee
of Volusia County
campaign account


1008

DATE 11-29-12 63-1214/631



PAY TO THE ORDER OF Teressa Valdes \$ 150.00

One Hundred Fifty and 00 100 DOLLARS 

 Florida
Capital Bank NA
Daytona Beach Office
1005 Beville Road • Daytona Beach, FL 32119

FOR Rebecca Price 

[illegible]

NAME Conservative Comm. 1010
ACCOUNT NO. of Volusia Cty
DATE Dec 5, '12 63-1214/631
PAY TO THE ORDER OF Daytona Beach Republican Club \$ 1,079.61
One Thousand seventy-nine & $\frac{61}{100}$ DOLLARS 

Florida Capital Bank NA
Daytona Beach Office
1300 Beville Road • Daytona Beach, FL 32118
Donation / Education Deanna Price

Capture Date	20121218	Optional Field 6	0
Sequence Number	99001409	Amount	\$1,079.61
Serial Number	9998	Routing Number	063112142
Account Number		Transaction Code	52

DO NOT WRITE IN THESE SPACES

ENDORSE HERE

PAY TO THE ORDER OF

121712 6362 6669499417663113336

EXHIBIT 10(23 of 24)

FLORIDA CAPITAL BANK, N.A.

DDA - DEBIT TRANSACTION FORM

ACCOUNT NAME Conservative Committee

DATE 12/1/12

PREPARED BY D. Macri

CUSTOMER SIGNATURE: Close / Ed

AMOUNT

0.00

TRAN CODE

061

REGULAR DEMAND DEPOSIT TRANSACTIONS

024 - INTEREST ACCRUAL DECREASE
033 - OVERDRAFT CHARGE
034 - CHECK HANDLING CHARGE
035 - FEDERAL WITHHOLDING
036 - STATE WITHHOLDING
037 - MISC DEBIT
043 - OFFICER APPROVED CHECK

044 - LOAN PAYMENT
045 - PAY FIRST CHECK
052 - PAY LAST CHECK
053 - SERVICE CHARGE
054 - SALES TAX
061 - CLOSE ACCOUNT WITHDRAWAL

ACCOUNT NUMBER

[REDACTED]

[REDACTED]

061

Capture Date 20121219

Optional Field 6 0

Sequence Number 5085123

Amount \$0.00

Serial Number 0

Routing Number 511100004

Account Number [REDACTED]

Transaction Code 61

BOFD > [REDACTED] <
Daytona
2012-12-19
[REDACTED]

AFFIDAVIT OF BACKGROUND INFORMATION

Case Number: FEC 14-357

RECEIVED

2015 APR 24 A 9:06

STATE OF FLORIDA

County of Volusia

STATE OF FLORIDA
ELECTION COMMISSION

Patricia Fahey, 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 None as Housewife

3 Have you ever run for public office? If so, please name the office(s) you ran for; the date(s) of the election(s) you ran in; and the outcome(s) of the election(s); also, include any races from which you withdrew as a candidate noting if you withdrew before or after qualifying.

Not in Florida. In 1976 I was elected
to the Village of Weedsport N.Y. school
board for 5 years

4 Have you ever been appointed to act as a campaign treasurer and/or deputy treasurer for a candidate? If so, please name the candidate(s) you served as treasurer/deputy treasurer including your candidacy; the office(s) the candidate ran for; and the dates of the election(s)

No

5 Have you ever held the office of chairperson or campaign treasurer (or deputy treasurer) for a political committee? If so, please list the names and addresses of the committees, the position you held, and dates you held the position(s).

No except the Conservative Committee in 2012

6 Have you ever held the office of chairperson or campaign treasurer (or deputy treasurer) for a committee of continuous existence (CCE)? (Committee of continuous existence is defined in Section 106 04, Florida Statutes (2012)) If so, please list the name and addresses of the committees, the position(s) you held, and date(s) when you held the position(s)

No

7. What action have you taken to determine your responsibilities as an officer of a political committee under Florida's election laws? (Please explain what you did to determine what was required of you as an officer of a committee under Florida's election laws, such as the following: contact your local filing officer; contact the County Supervisor of Elections; contact the Division of Elections; contact an attorney; review documents provided by the filing officer; review documents available on the County Supervisor of Elections (SOE) website; review documents on the Division of Elections' website; etc)

We had the guidance of an attorney
and relied on telephone calls to
the Division of Elections as shown
by the notes I filed with FEC.

8 Please explain if you sought guidance from anyone (supervisor of elections, Division of Elections, an attorney, etc.) prior to certifying any campaign treasurer's reports (CTRs). If so, please include in your explanation the following: when you sought guidance; from whom you sought guidance; and the specific guidance they provided concerning Florida's election laws.

Yes. The reports were done pursuant to
instructions and guidance of Mr Randolph
and Teresa

9 Do you possess a copy of Chapter 106, Florida Statutes? ☐ Yes ☒ No

10. If so, when did you obtain it? _____

11. Have you read Chapter 106, Florida Statutes? ☐ Yes ☒ No

12. Do you possess a copy of the *Candidate and Campaign Treasurer Handbook*? ☒ Yes ☐ No

13. If so, when did you obtain it? sent by DOE after we filed organization

14. Have you read the *Candidate and Campaign Treasurer Handbook*? ☒ Yes ☐ No

15. If so, please identify the most recent version of the *Candidate and Campaign Treasurer Handbook* you have read including the month and year of the publication
the Jan 2012 edition was sent to us

16. Please describe any discussions or correspondence you had with the filing officer or a member of her/his staff during the 2012 campaign, and include the date(s) of the contact(s); identify the subject matter, and reason for the contact(s).

See notes filed with initial response
in this case

EXHIBIT 11(2 of 6)

17. Please identify your skills and abilities that made you comfortable accepting appointment as chairman of the political committee.

I am a well organized person

18. Please explain if you understood that you were responsible for all filings of the committee even if the committee's sign-on credentials were provided to someone other than the duly authorized chairperson, campaign treasurer or deputy treasurer to file the political committee's CTRs as noted by the filing officer's acknowledgement letter to you dated November 6, 2012.

The Nov. 6 letter from Mr Bronson said to let her know if we needed additional information. When we called we were referred to Mr ~~Bronson~~ Randolph or Teresa

19. Did you personally review the political committee's 2012 Q4 Report covering the reporting period of November 2 through December 31, 2012 prior to certifying the report as true, correct, and complete? () Yes or () No If not, please explain.

I don't remember seeing it and it was done electronically. We were told to just put pin numbers in for signature

20. Please describe the review process and or any checks and balances in place to ensure that each CTR accurately reflected the campaign contributions (including monetary and in-kind contributions) received and the campaign expenditures made by the political committee prior to certifying each CTR.

we relied on the phone instructions from DOE.

21. Please explain if you sought guidance from anyone (supervisor of elections, Division of Elections, an attorney, etc.) concerning the requirement to accurately report all contributions received and expenditures made by your political committee on each CTR. If so, please include in your explanation the following: when you sought guidance; from whom you sought guidance; and the specific guidance they provided.

we believe the \$10000 was an independent expenditure and not a contribution

22. Please explain if you sought guidance from anyone (supervisor of elections, Division of Elections, an attorney, etc.) concerning the provisions of Section 106 07(5), Florida Statutes, and the requirement to 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 Section 775 082 or Section 775 083, Florida Statutes, prior to the Complainant's filing of the instant complaint.

Everything in the reports filed were accurate. If the Commission decides that the \$10000 was a contribution instead of an independent expenditure, the cure would be to file an amended report. We did not willfully or knowingly not file that form.

EXHIBIT 11(4 of 6)

23. Complainant alleges that you, in your official capacity as chairwoman, certified to the correctness of a CTR as true, correct and complete, when it was not. Specifically, Complainant alleged that your 2012 Q4 Report was incorrect or incomplete. (Alleged violation of Section 106.07(5), Florida Statutes.)

24. Complainant alleged that you failed to report a campaign contribution or contributions. (Alleged violation of Section 106.19(1)(b), Florida Statutes.)

25. Did you understand you were required to disclose all campaign contributions on your 2012 Q4 Report for the relevant reporting period? () Yes or () No *dispute*

26. Did you understand you were required to disclose all campaign expenditures on your 2012 Q4 Report for the relevant reporting period? (X) Yes or () No.

27. Based upon your 2012 Q4 Report covering the reporting period of November 2 through December 31, 2012, it appears that your political committee reported approximately \$10,000.00 in campaign expenditures; however, no contributions were reported. Based upon your 2012 Q4 Report, it appears you spent money or made campaign expenditures without receiving any campaign contributions. Please explain why you failed to report contributions on your 2012 Q4 Report.

*because we believe independent expenditures
are not contributions and we strictly
followed the instructions of the DOE*

✓ 28. Please provide copies of the political committee's monthly bank statements from the opening of the bank account through the closing of the bank account. *done*

29. Please provide copies (front and back) of any and all campaign contributions to the political committee. *no contribution, we filed all records we have*

✓ 30. Please provide copies (front and back) of any and all campaign expenditures written on the political committee's bank account.

31. Please provide any additional comments you wish to make in the space below.

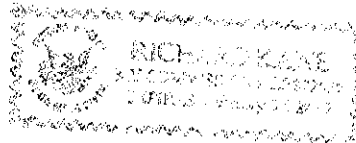
*The Complaint is essentially no Contribution
form DS-DE 13 was filed. This case could
be simply closed with a request for the
filing, as the filing officer is required
to do by FS 106.07(2)(b)1.*

EXHIBIT 11(5 of 6)

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

Patricia P. Lopez
Signature of Affiant
Sworn to (or affirmed) and subscribed before me this 4th day of
April, 2015

Richard K. Kane
Signature of Notary Public - State of Florida
Print, Type, or Stamp Commissioned Name of Notary Public



Personally Known or Produced Identification _____

Type of Identification Produced: _____

Case Investigator: HH

EXHIBIT 11 (6 of 6)

FLORIDA ELECTIONS COMMISSION
PHONE LOG
Case No.: FEC 14-357

Respondent: Patricia Fahey, Chairwoman of Conservative Committee of Volusia County

Complainant: Jean Jenner

1. **Date and time:** Friday, January 23, 2015; 11:00
Name: Richard Kane, Esq.—Attorney for R
Phone #: 386-760-1720
Summary: I phoned and reached a telephone answering machine; I identified myself, provided my contact number and explained that I wished to reach Mr. Kane regarding the instant case; I again provided my contact number
Memo to File? No
Entered by: HH
2. **Date and time:** Friday, January 23, 2015; 1:43 p.m.
Name: Complainant—Mr. Jean Jenner
Phone #: 386-675-0100
Summary: I phoned; however, the line was busy and no provision to leave a voice-mail message.
Memo to File? No
Entered by: HH
3. **Date and time:** Friday, January 23, 2015; 1:44 p.m.
Name: Complainant—Mr. Jean Jenner
Phone #: 386-795-0712 (cell phone)
Summary: I phoned, identified myself and explained that I am investigating the instant case. C urged me to listen to the audio in Case No.: FEC 12-285 and then our call was disconnected.
Memo to File? No
Entered by: HH
4. **Date and time:** Friday, January 23, 2015; 1:48 p.m.
Name: Complainant—Mr. Jean Jenner
Phone #: 386-795-0712 (cell phone)
Summary: I phoned and reached his voice-mailbox; I identified myself, provided my contact number and explained that our call was disconnected and requested he return my call
Memo to File? No
Entered by: HH
5. **Date and time:** Monday, 01/26/15; 1:45 p.m. (64:35 min.)
Name: Richard Kane, Esq.—Respondent's attorney
Phone #: 386-882-0502
Summary: Mr. Kane returned my call from Friday, January 23, 2015; he does not believe this is a willful violation of the statutes. He believes (in error) the instant case is similar to

EXHIBIT 12(1 of 8)

FEC 14-285 and should be dismissed. He included in his response that this was an independent expenditure for electioneering communications. However, I pointed out the instant case involves the PC not disclosing contributions on its CTR for expenditures for a political advertisement (containing express advocacy) identifying federal, state and municipal candidates and issues including to vote "NO" for retention of three Florida Supreme Court Justices. Mr. Kane intimated that perhaps the PC should not have included that in the political advertisement in case the instant case goes to the Florida Supreme Court. We both laughed.

Mr. Kane intimated that a check in the amount of \$10,000.00 from the Republican Club was deposited into the PC's bank account. He said a volunteer secretary (?Jeanie Reynolds?) completed the CTR using the EFS and filed the CTR using the chair's and treasurer's log-in credentials. He noted the credentials were mailed to the office where she worked. He acknowledged that he and the Daytona Beach Republican Club's officers were not computer savvy—using the EFS. He noted this Republican Club has been around 50 years or more. He does not believe anyone including the chair and or treasurer should be held accountable. He will provide an affidavit stating same.

Mr. Kane and I reviewed the complaint and his earlier response. He pointed out that his response did not include a response to s. 106.07(5), F.S., since Complainant cited in error s. 107.07(5), F.S. I pointed out that Complainant does not have to correctly identify in his complaint specific sections of law; the complaint narrative is used to determine legal sufficiency of the allegations rather than specific sections of law identified by the Complainant. On several occasions I corrected Mr. Kane when he identified the DOE and the FEC interchangeably. Mr. Kane referred to the notes kept by the PC's staff. He pointed out that "Theresa" (formerly employed at the DOE) was identified as the "filing officer" and said the PC's reporting (??) requirements had been met. (It appears we do not know if Theresa meant correctly completing and filing the PC's Statement of Organization, which appears to have been done or reporting contributions and or expenditures; however, since there were almost \$10,000 worth of expenditures and NO contributions reported, it appears this was not the case.) I noted to Mr. Kane it appears the PC staff did not know all the right questions to ask the DOE staff regarding their CTR—failing to report contributions.

Mr. Kane is willing to have the CTR amended and provide copies of any bank records including bank statements, deposit item(s), etc., if required. I wish copies of the PC's bank records. Mr. Kane realizes no contributions were disclosed; however, he did not believe any were required to be reported since the PC's Form DS-DE 5 identifies the Republican Club of Daytona Beach as "Supporter," and all monies came from it. He also believes entering into negotiations directed toward settlement (pre-PCCO) and paying a fine to the FEC will only encourage the Complainant and Commission legal staff. He thanked me for my professionalism and courtesies.

Memo to File? No

Entered by: HH

6. **Date and time:** Monday, 01/26/15; 4:15 p.m.
Name: Lenard Randolph at the DOE

EXHIBIT 12(2 of 8)

Phone #: 245-6249

Summary: I phoned, identified myself and asked if he recalled speaking with or emailing Respondent and or Dick Kane; he did not. However, while I was on the phone he checked his emails (he asked me to identify officers and or members of the PC from whom emails were received and or to whom emails were sent) for the period between October 1, 2012 and December 31, 2012, in addition to electronic history notes, and "annotation."

Lenard found his "annotation" note where he spoke with someone from the PC and "Dick Kane" on October 29, 2012, regarding the PC's Form DS-DE 5, Statement of Organization of Political Committee, and issues with boxes 3, 7 and 8. Lenard noted this was a very busy period for the DOE staff leading up to and following the 2012 general election and some staff may not have made "annotation" entries. He's uncertain if these entries are considered public records and provided in response to a public records request.

Memo to File? No

Entered by: HH

7. **Date and time:** Tuesday, 02/10/15; 3:25 p.m.

Name: Lenard Randolph at the DOE

Phone #: 245-6249

Summary: I phoned Lenard, identified myself and requested a copy of his annotation dated October 29, 2012 between him and Dick Kane and or another member of the PC, Conservative Committee of Volusia County, Identification Number 60098. He queried if I had contacted Joel for my request; I noted I had but Joel said there were no records responsive to my request. Lenard noted their system is currently down and asked to place my call on hold for a moment; I agreed.

Joel Mynard came on the line and identified himself; I explained that Lenard had made an "annotation" entry on October 29, 2012 with the PC/Respondent but it was not provided in response to my earlier request. He informed me that their system was having technical difficulties and agreed to provide it when the system was available; he requested my telephone extension, which I provided to him. I explained if I need to use another term to identify my request (annotation, electronic history notes, etc.) to please let me know.

Memo to File? No

Entered by: HH

8. **Date and time:** Thursday, 02/12/15; 4:20 p.m.

Name: Joel Mynard at the DOE

Phone #: 245-6245 (caller I.D.)

Summary: He phoned, identified himself, and explained that after their system came back up he was able to view the "annotation" but is unable to print it; he remarked that it appears as a "sticky note" on the Statement of Organization for the PC. I explained to Joel that I thought Lenard was able to print the annotation. He will send an email to Lenard, explain the situation and see if Lenard is able to print it for me, or will make an entry in the history notes with this information so Joel can provide the information to me.

Memo to File? No

Entered by: HH

EXHIBIT 12(3 of 8)

9. **Date and time:** Wednesday, 03/25/15; 9:32 a.m.
Name: Richard Kane, Esq.—Respondent's attorney
Phone #: 386-882-0502
Summary: I phoned and reached his voice-mailbox; I identified myself, explained that I have an affidavit-questionnaire for his client, Patricia Fahey, requested he return my call to confirm his email address; I provided my contact information including email address.
Memo to File? No
Entered by: HH
10. **Date and time:** 03/25/15; 9:40 a.m.
Name: Richard Kane, Esq.—Respondent's attorney
Phone #: 386-882-0502
Summary: He returned my call and reached the office general voice-mailbox
Memo to File? No
Entered by: HH
11. **Date and time:** 03/25/15; 9:41 a.m.
Name: Richard Kane, Esq.—Respondent's attorney
Phone #: 386-882-0502
Summary: I phoned, explained that I have an affidavit-questionnaire to send to him, requested his email address; he provided kanedick@yahoo.com. I confirmed it is the same as that provided at The Florida Bar. He noted that he has limited office resources and requested that I mail the affidavit-questionnaire; he confirmed his mailing address and asked if documents were required. I noted that we had discussed this previously and was expecting him to return bank records; he apologized for the misunderstanding. Mr. Kane said the bank was small and has since closed; he is unsure how he may obtain the records if the PC has no copies
Memo to File? No
Entered by: HH
12. **Date and time:** 03/25/15; 10:30 a.m.
Name: Florida Capital Bank
Phone #: 800-318-3159
Summary: I phoned to speak with their Compliance Officer, Ms. Perry Wilson; my call was transferred to her voice-mailbox. I identified myself, explained that I wish to obtain information as to how to direct a subpoena/request for records for a former client, and provided my contact information
Memo to File? No
Entered by: HH
13. **Date and time:** Wednesday, 03/25/15; 3:30 p.m.
Name: Ms. Perry Wilson, Compliance Officer, Florida Capital Bank
Phone #: UNK
Summary: She returned my call, reached my voice-mailbox, provided her contact information: 4815 Executive Park Court, Ste. 103, Jacksonville, FL 32216; Direct PH: 904-245-7089. She noted I may call her if I have additional questions.
Memo to File? No

EXHIBIT 12 (4 of 8)

Entered by: HH

14. **Date and time:** 05/01/15; 11:55 a.m. (31:44)
Name: Richard Kane, Esq —Respondent's attorney
Phone #: 386-882-0502 (caller I.D.)

Summary: He phoned and asked if I had received his submissions; I confirmed I received R's submission (sworn affidavit-questionnaire) earlier this week; and copies of bank records he/Mr. Kane submitted by mail. He continued to state "when you determine willfulness"—I interjected that I do not determine willfulness that is the responsibility of the Commission—he added that it's determined by my investigation. Mr. Kane asked if the notes of discussions by R and or PC volunteers with the DOE staff were legible; I explained they are difficult to read and asked him to provide clearer copies, if available, noting as they are copied by Commission staff (ROI and SR exhibits, and copies available to the Commission) it is harder to read them. He noted a transcript of the notes was also included with his earlier submission in response to the instant complaint.

Mr. Kane wishes to drive home the point that members of the PC had contacted the DOE, completed the statement of organization with assistance of Mr. Lenard Randolph, and filed the report with assistance of Theresa (Holdeen), "the filing officer." Mr. Kane alleges R and or PC volunteers only did as they were instructed by the DOE staff. I noted that Ms. Holdeen is no longer employed at the DOE; he affirmed the same. He alleged that "Theresa" informed R and or PC volunteers that she/Holdeen was the filing officer and could override any errors on the report. Therefore, Mr. Kane believes R was not required to report any contributions since the DOE did not inform R and or the PC of same. I suggested that the DOE staff only answer the questions they are asked; and R and or other volunteers for the PC may not have asked all the right questions. I explained that it appears from the handwritten phone notes he submitted that calls placed to the DOE staff including Lenard Randolph and Theresa Holdeen were for problems associated with the original Form DS-DE 5 (Statement of Organization). Mr. Kane said Ms. Fahey transcribed the notes because the handwritten notes may be unclear.

I reminded Mr. Kane that the instant case is not related to an audit of the report and a referral by the DOE pursuant to s. 106.07(2)(b)1, F.S. (failure to amend a report after notice); however, the sections of law I am investigating are sections 106.07(5) and 106.19(1)(b), F.S., for reporting issues and failing to report contributions. However, I noted the DOE may conduct an audit in the future if they wish and may refer any issues found by its audit to this office. (Note Mr. Kane was uncertain of Theresa Holdeen's last name.)

Mr. Kane pointed out that s. 106.071, F.S., only refers to expenditures and they made independent expenditures for electioneering communications. It appears Mr. Kane believes that the PC can make independent expenditures for electioneering communications and is not required to report any contributions. However, that does not appear to be what happened. I pointed out to him that the PC also made expenditures (contributions) to candidates. He intimated that the PC spent \$7K before the November 6, 2012 general election (he was uncertain of the exact date) and several "minor candidates" asked for money and the PC made contributions at \$150 each (after the general election) to

EXHIBIT 12(5 of 8)

the "minor candidates" who were defeated (It appears that \$150 contributions to four candidates were made before the general election and \$150 contributions to two candidates were made after the general election.) The PC then returned the excess in the campaign depository (approx. \$1,700) to the "affiliated" political club.

Mr. Kane asked if I had examined the bank records he provided and noted he did not have a copy of the final statement "showing a zero balance"; I affirmed same. I explained that the bank records (I obtained from the bank) show two contributions were received by the PC from the political club on separate days: \$3,500 on October 25, 2012; and \$6,500 on October 26, 2012. Mr. Kane believed they were deposited on the same day and had provided copies of the deposit tickets for my review. I noted the contribution limits for the PC appear to be \$500 (for 2012) at the time of the two contributions totaling \$10,000.

Mr. Kane asked if I required anything further; I explained that I wish to conduct a final interview after I've had time to update my ROI draft. I confirmed the contact numbers for Mr. Kane: cell phone: 386-882-0502; and 386-760-1720. Mr. Kane noted that R/Patricia Fahey, Chair, will not be available as she leaves town each year for the summer.

Memo to File? No

Entered by: HH

15. **Date and time:** 06/16/15; 10:44 a.m.

Name: Richard Kane, Esq.—Respondent's attorney

Phone #: 386-882-0502 (cell phone)

Summary: I phoned Mr. Kane and reached his voice-mailbox; I identified myself, explained that I have completed my investigation, have additional follow up questions, wish to give him an opportunity to respond to the information gathered during the course of the investigation and wish him to return my call; I provided my contact information.

Memo to File? No

Entered by: HH

16. **Date and time:** 06/16/15; 10:47 a.m. (63:34 min.)

Name: Richard Kane, Esq.—Respondent's attorney

Phone #: 386-882-0502 (caller ID)

Summary: Mr. Kane returned my call so I may conduct a final interview by telephone, and give him an opportunity to respond to the information gathered during the course of the investigation concerning the allegations made in the complaint against his client; I reviewed with Mr. Kane the information I had gathered during my investigation. Mr. Kane did not understand how my ROI could indicate that the bank records and CCVC's report did not agree, and he wishes the filing officer's letter to be reflected in the file; I acknowledged that it is included as an Exhibit to my ROI.

Mr. Kane explained the filing officer's letter provided the dates of November 2, 2012 through December 31, 2012 for the cover period of the first report to be filed by CCVC; I acknowledged same. Mr. Kane explained that two Statements of Organization were submitted by Respondent to the DOE: one signed (dated) October 24, 2012; and one signed (dated) October 30, 2012; I acknowledged same. I noted the first Form DS-DE 5 had deficiencies and required the completion of the second form as filed with the DOE. I

EXHIBIT 12(6 of 8)

also noted this was indicated in telephone notes kept by CCVC's volunteers provided by Mr. Kane in an earlier response: CCVC's telephone notes entry dated October 29, 2012 indicated that Lenard Randolph at the DOE had informed CCVC (Mr. Kane) that there were issues with boxes 3, 7 and 8 on the Form DS-DE 5, and the DOE required a correct form to be filed. The filing officer acknowledged its (correct Form DS-DE 5) receipt on November 2, 2012, by her acknowledgment letter dated November 6, 2012.

I indicated to Mr. Kane, as discussed in my ROI, the campaign depository was opened prior to the DOE's receipt of the Statement of Organization on November 2, 2012, and contributions totaling \$10,000 (\$3,500 and \$6,500) were deposited into the depository (not disclosed in the CTR) and expenditures were made prior to November 2, 2012, (potential violation of section 106.021(1)(a), F S), as indicated by the bank records. Mr. Kane believes the DOE has a 10-day rule that permits a campaign/political committee to accept contributions or make expenditures within ten days prior to the filing of the Form DS-DE 5; however, I was unable to identify any rule or formal opinion on the DOE's website to substantiate his claim.

Mr. Kane said the \$10,000 was an independent expenditure from the political club and was not required to be reported. I suggested the two contributions totaling \$10,000 from the political club do not appear to be an independent expenditure as Mr. Kane had declared; there were two expenditures made by CCVC for a political advertisement containing express advocacy that appeared in two publications; an expenditure for t-shirts; in addition to six expenditures made to local candidates (campaign contributions). I suggested it also appears the contribution limit at the time in 2012 was \$500 per person/entity.

Mr. Kane suggested that the public should know there was money in the bank account since there were expenditures (Mr. Kane called them "contributions to candidates") disclosed in the CTR. Mr. Kane also suggested that the public should know the money came from the Republican Club of Daytona Beach since they are identified on the Form DS-DE 5 as a connected or affiliated organization. I pointed out to Mr. Kane that the public reviewing the CTR including Complainant would not know (who gave it and or who got it) without the proper disclosure(s) in the CTR.

Mr. Kane admitted that the contributions to CCVC found in the bank records and not disclosed on the CTR were "obviously an omission." Mr. Kane suggested it was the DOE's fault because they/the DOE did not audit CCVC's CTR [pursuant to s 106.07(2)(b)1., F S. (failure to amend a report after notice)] and provide a certified letter instructing CCVC to amend its CTR and disclose all contributions.

I pointed out to Mr. Kane that it appears the DOE was not required to complete an audit and inform the CCVC to disclose contributions before there was a potential violation. Mr. Kane acknowledged that an audit was not required for us (FEC) to investigate as a complaint had been filed. Mr. Kane said, "This is 'Much Ado About Nothing.'" Mr. Kane wishes to vigorously defend Respondent and will provide a written response because CCVC's volunteers only did what the DOE staff instructed them to do step-by-step and Ms. Reynolds, another volunteer, filed the CTR using Respondent's and the treasurer's PINs.

EXHIBIT 12(7 of 8)

and passwords. Mr. Kane suggested candidates and political committees would be unable to get volunteers to serve as campaign treasurer since the law holds them accountable; Mr. Kane intimated, "This whole thing is a trap for people." Mr. Kane noted that Respondent is out of town (NY) for three months on vacation as she does this time each year.

Memo to File? No

Entered by: HH

17. **Date and time:**

Name:

Phone #:

Summary:

Memo to File? No

Entered by:

18. **Date and time:**

Name:

Phone #:

Summary:

Memo to File? No

Entered by:

19. **Date and time:**

Name:

Phone #:

Summary:

Memo to File? No

Entered by:

20. **Date and time:**

Name:

Phone #:

Summary:

Memo to File? No

Entered by:

21. **Date and time:**

Name:

Phone #:

Summary:

Memo to File? No

Entered by:

22. **Date and time:**

Name:

Phone #:

Summary:

Memo to File? No

EXHIBIT 12(8 of 8)

FLORIDA ELECTIONS COMMISSION

Case Nos. 14-357

14-358

INITIAL RESPONSE AND MOTION
TO DISMISS BY RESPONDENTS

Comes now the CONSERVATIVE COMMITTEE of VOLUSIA COUNTY, hereinafter "CCVC", and the Individual Respondents, by and through the undersigned Attorney, in response to the Complaint by Jean Jenner and say:

1. The complaint alleges violations of campaign contribution reporting laws: F.S. 106.19(1) a and b. This response will show that Jenner's Complaint is groundless and a result of a warped misinterpretation of the Election laws. He also alleges a violation of F.S. 107.07 which is facially groundless and non-existent.
2. The simple facts of the case are that the Republican Club of Daytona Beach (the Club) decided to make an independent expenditure for electioneering communications, to promote voter education and support for all Republican candidates, principally Mitt Romney, and to endorse the Republican "ticket". While the Club is not covered by Chapter 106 F.S., as the FEC ruled in Case #12-285, it elected to form a subordinate committee and file a report as provided in F.S. 106.071 which requires a report of expenditures for electioneering communications. No contributions were received and the sum of \$10,000 was allocated by the Club to promote the Republican "ticket". Pages 28-29 of the Complaint show the communication, and the expenditures were properly filed as shown on page 8 of the complaint, except that all of the funds were not expended. The last entry of "\$1079.61 to Republican Club of Daytona Beach" was a return of unexpended funds to close out the subordinate committee.
3. Since the Club was an exempt organization, the CCVC was formed in accordance with F.S. 106.071 for reporting to distinguish the funds from the Club activities. As suggested by the Division of Elections, the Club was shown in Box 2 of the Statement of Organization of Political Committee filed by the CCVC.
4. On October 24, 2012 the first Statement of Organization was sent to DOE. The staff called the Chairman and required changes to Boxes 3, 7 and 8. The changes were promptly made and submitted and the

Committee was approved November 2, 2012 by a letter of 11/7/12 from DOE Chief Kristi Bronson.

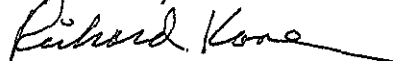
5. Due to the inexperience of the Committee members, all of whom were volunteer Club members, and the complexity and seeming inconsistencies of Chapter 106, the Chairman welcomed the letter that said "Please let me know if you need additional information". The staff were very courteous and helpful and every subsequent step of the committee was with the guidance and direction of DOE staff.
6. Copious notes of the staff instructions were kept. Those notes are attached hereto along with the Chairman's typed summary of pertinent portions of the notes keyed to numbers added to the original notes to aid in reference and interpretation. (the originals are in pencil and do not copy well). The notes show that all steps were guided and approved by DOE and are evidence of total compliance by the CCVC. There is no basis for a Complaint and certainly no evidence of willful violation.
7. Section 106.07(2)(b) is relevant to this matter as the filing officer, if a report is incomplete, "shall" notify the campaign treasurer and give 7 days to file an addendum. Per the notes, Nos. 9-10 the filing officer "Teresa" advised that all requirements for the Committee's reports had been met. (telephone conversation Dec. 31, 2012) and the reports were accepted as complete.

IN CONCLUSION: The Complaint is based upon a misconception that there is a \$500 limit for independent expenditures and that a person's independent expenditures for electioneering communications must be a "contribution", when it is clear the Committee carefully complied with the law and the interpretations of the Division of Elections.

In addition, F.S. 106.021(3)(d) provides that any expenditure for endorsements of 3 or more candidates (ours endorsed all (28) Republican candidates) "shall not" be covered by Chapter 106.

Should any clarifications be desired by DOE, the Committee (now dissolved) or the former officers will be happy to file any addendums if notified pursuant to F.S. 106.07(2)(a).

Respectfully submitted



928 George Hecker Dr
South Daytona FL 32119
Phone 386 760 1720

November 5, 2014

Transcribed Conservative Committee of Volusia County notes by Patricia Fahey

1. Oct. 24- meeting to form committee. Minutes submitted. Made application to Fl. State
2. Oct. 29 Leonard Randolph from Fl. St. Bd. Of Elections called to say we had to resubmit DSD5, box 3, 7 & 8. Talked with Dick Kane
3. Oct. 30 Called Leonard Randolph- rewrote box 3, 7 & 8 as per L.R. directions and sent to FL St. Bd. Of Elections att. L. Randolph
4. Nov. 2 @ 1:00 Called Mr. Gary Holland (850)245-6535 who transferred me to (850)245-6280 Teresa- Clerk at Bd. Of Elections. She only had the first paperwork from Oct. 28, not the DSD5. Therefore she cannot give certification and no financial report. The next filing is in Jan. & cannot file sooner.
5. Nov. 2 @ 1:30 Spoke with Lenard Randolph (850)245-6249. He received the resubmitted DSD5 today. Our certification will be in the 4th quarter and we will file a financial statement in January. Letters with passwords will be mailed to each officer Nov. 4-9th
6. Dec. 3 Asked Jeanie Renolds to help send final statements to Bd. Of Elect. She called Mr. Lenard Randolph to be sure we have the correct address. Mr. Randolph (850)245-6249 said to send Notice of Disbandment to him. The Bd. Of Elect. will send further instructions. Do not send a financial report.
7. Dec. 7 Faxed "notice of Disbandment" to Mr. Lenard Randolph (850)245-6258. Sent letter to Mr. Lenard Randolph at Dept. of State by US mail.
8. Dec. 12th Received confirmation of "letter of Disbandment" from Kristi Ried.
9. Dec 31. Met with Jeanne Reynolds to submit treasurers report. Called Kristi Ried (850)245-6280. Spoke with Teresa. Was told to change password assigned to another, file electronically, no hard copy. Attach with Rebecca Price & Pat Fahey's pin# along in the signature space. Teresa told us the report would & could cover 10 days prior to the 4Q (Nov. 1st) was OK since she does the audits. Teresa also said that when reports came up as "incomplete detail record" she will override and accept the report.
10. Dec. 31 Campaign Treasurers Report Summary & Itemized Expenditures filed 12-31-12. Requirements have been met per Teresa. J.R.

PNote: Numbers added and keyed to numbers added to hand written notes. Exhibit A

P91

Conservative Committee of Volusia County

- ① Oct. 24 - meeting to form committee.
Minutes submitted. Made application to FL. State
- Oct 25 - opened account at Florida Capital Bank
with a donation of \$3500.00 from DBRC
- Oct. 25 - deposited a donation of \$6500 from DBRC
- Oct. 26. wrote a check # 1001 to News Journal for \$4, 618.10
for newspaper insert
- Oct. 26 wrote a check # 1002 to News Journal
for \$3, 145.35 for newspaper insert
- Oct. 28 wrote check # 1003 for \$235.90 for T-shirts
- ② Oct. 29. Leonard Randolph from FL St. Bd. of Elections
called to say we had to resubmit DSD5.
box 3, 7 & 8.
Talked with Dick Kane.
- ③ Oct. 30. Called Leonard Randolph -
rewrote box 3, 7 & 8 as per L.R. directions
and sent to FL St. Bd. of Elections att. L. Randolph
- Oct. 31 - contacted, Barb Price, Jennifer Stoltz,
Doreen, Bill Martin to approve a donation to
Taco Davis, Deborah Long, Rick Bailey &
Linda Corbett for their campaigns.
So approved & sent.
- ④ Nov. 2. ^{11:00} Called Mr. Gary Holland who transferred me to
Teresa - Clerk at Bd of Elections. She only has the first
paper work from Oct. 28 not the DSD5. Therefore she cannot
give certification and no financial report. The next
filing is in Jan. & cannot file sooner.
- 850-245-6536
- 850-
245-
6280

6249

850-245-~~6556~~

Nov. 2

(5)

1:30 Spoke with Lenard Randolph (helpdesk)
He received the resubmitted DSDS today.
Our Certification will be in the 4th quarter
and we will file a financial statement
in January. Letters with passwords will
be mailed to each officer Nov. 4-9th.

Nov. 5

Received notices from IRS/EFTPS
instructions - Tin/lin 80-0861294;
pin 3212, still waiting for Fl. State pin

Nov. 13-14

Closed offices on Devillo Rd
received certificates from Fl. state
Lois Porter has all info

Nov. 16

Received request from Ken Alb. for a
donation to Horace Anderson Dist. Sch. Bd. money

Nov. 17

Found Teresa Valdez is also running

Nov. 27

Met with Lois Porter to obtain all info packet
sent emails to Jennifer St. John, Becky Price,
Don Kane & spoke with Mitt Martin about
going to go, to each committee
for Jennifer, Becky, Mitt, Port, Dick

Nov. 29.

Mailed \$150.00 check to Horace Anderson &
Teresa Valdez \$150.

Met with Dick Kane to prepare Financial
report & decided to dissolve Comm on 12-10-15

EXHIBIT 13(5 & 14)

Dec 3 Asked Jeannie Arnold to help send
⑥ final statements to the Elect. He called
Mr. Leonard Randolph to be sure we have
correct codes. Mr. Randolph 850-245-6249
said to send Notice of Disbandment to him.
The BoElet. will send further instructions.
Do Not send a financial report

Dec. 4. Wrote check to DBRC for \$1,079.61.
final check to close account after getting
balance from bank

Dec. 5. Sent check to DBRC.

Dec. 7. Taped "Notice of Disbandment" to
⑦ Mr. Leonard Randolph (850-245-6259).
sent letter to Mr. Leonard Randolph
at Dept of State by US mail.

Dec. 12th received confirmation of letter of
⑧ Disbandment from State Dept. -

Dec. 31 Met with Jeannie Arnold to discuss
⑨ treasurers report. Called Kristi Lind (850) 245-6280
about the report.

would to change process & assigned to another
file electronically no hard copy.
attach with Rebecca Price. Put to day 4th
along with the signature since, T-horn on told
with report it would be ready 10 days prior
to the 10th. report was OK since it was
Theresa also said that when you have a
"disbandment" report, should be ready
within 10 days.

⑪ Campaign Treasurers report from Mary & Marked
Expenditures filed 12/31/12, Requirements have been
met for Teresa.

**RICHARD KANE ESQ.
928 GEORGE HECKER DR.
SOUTH DAYTONA, FL 32119**

RECEIVED

2015 JAN -2 A 10:03

December 30, 2014

STATE OF FLORIDA
ELECTIONS SC&P 5012

Amy McKeever Toman
Florida Elections Commission
107 W. Gaines Street
Tallahassee, FL 32399

RE: Case Nos. FEC 14-357
FEC 14-258

Dear Ms. Toman

The "two cases" above are in the investigation stage as we understand it. I have previously filed responses to show the "cases" are indetical and involve one filing and one state of facts having to do with a filing on December 31, 2012. The then Chairman kept copious notes which I have furnished to your file. They show that the Committee called upon the Division for instruction and guidance, filed the report as instructed, then had the report approved by the filing officer, Teresa, who said she does the audits and can override any "incompletes" and would accept the reports. She told us she received the the reports filed and "requirements had been met" and she accepted and filed the report. We appreciate the cooperation of the Division and do not seek to assign blame, but only seek to show that the Committee officers did all they reasonable could to comply with the rules and acted in good faith in relying on their instructions.

The simple facts of the case(s) is that the Daytona Beach Republication Club decided to make an independent expenditure to support Federal, State and local candidate in the 2012 election, pursuant to F.S. 106.071 (page 00029 of the record). As the notes show they sought guidance from the Division and Mr. Lenard Randolph and Teresa, who were very helpful on both the filing requirements and the complications of the new electronic filing system.

The complaints do not show any violation for numerous reasons, among them are the following:

EXHIBIT 13 (7 of 14)

- a) F.S. 106.19 requires a finding of "knowing and willful" activity.
- b) F.S. 106.071 requires reports of independent expenditures for electioneering communications but does not require reports of contributions as alleged in Jenner's Complaint.
- c) No contributions are involved. Only an independent expenditure by an individual "person" –the Club. While this is a fine point easily confused, reference to F.S. 106.21(3)(d) explains expenditures such as shown by page 000029 are not contributions and more than 3 candidates are supported.
- d) Please note that the bulk of the Communication involves Federal candidates beyond the jurisdiction of the FEC.
- e) Appros to the issue is the fact that the filing officer deemed the report complete, but that is deemed an estoppel because F.S. 106.07(2)(b)1. requires the officer to notify the Treasurer by certified mail that an addendum is needed. Actually the Treasurer was notified the report was complete and accepted.
- f) Finally, this matter seems much adieu about nothing as the Statement of Organization filed shows the Republican Club of Daytona Beach as the Affiliated or Connected organization and the expenditure report shows it as the recipient of unexpended funds when the Committee was disbanded on December 7 2012.

If I can furnish any additional information or make any clarifications, please let me know. I hope this matter can be closed soon without additional inconvenience and expense to all parties.

Very truly yours



HH

RICHARD KANE ESQ.
928 GEORGE HECKER DR.
SOUTH DAYTONA, FL 32119

RECEIVED
2015 APR 15 10 51

April 10 2015 EL

Helen Hinson
Florida Elections Commission
107 W. Gaines Street
Tallahassee, FL 32399

RE Case No. FEC 14-357 and 14-358

Dear Ms. Hinson

You requested financial records in the above cases which involve identical facts and indential records. I enclose all the records we have and find that the facts are simple.

The Committee was formed and filed on October 24, 2012 showing the Republican Club of Daytona Beach (RCDB) as the "Affiliated or Connected Organization" in Box 2 of the Form 5. On the 25th the Committee received \$10,000 in 2 checks from the RCDB, opened the bank account and deposited the checks on the 26th. It immediately began to write 10 checks for electioneering communications in the local papers and a few small donations to local Republicans as reported. Copies of deposit tickets are enclosed along with copies of the checks totaling \$9080 are enclosed. That is all we have and the Bank did not return copies of checks. Also enclosed is the only bank statement we have. Florida Capital is no longer in Volusia County but we think they may still be in Jacksonville.

You should understand that the funds were an independent expenditure of the RCDB and no contributions were solicited or received and the reports were in strict accordance with the directions of the Florida Elections Commission. There is no evidence of any willful violation of the election laws.

These cases should be summarily dismissed. If you need further, just let me know. We will answer your written questions ASAP.

Yours truly

Richard Kane

EXHIBIT 13(9 of 14)

000915

CONSERVATIVE COMMITTEE
OF VOLUSIA COUNTY
661 BEVILLE RD
S DAYTONA FL 32119

30
2
2

SMALL BUSINESS [90125] ACCOUNT

		LAST STATEMENT 10/25/12	.00
MINIMUM BALANCE	2,235.51	2 CREDITS	10,000.00
AVERAGE BALANCE	5,743.79	2 DEBITS	7,764.49
		THIS STATEMENT 10/31/12	2,235.51

DEPOSITS			
REF #.....DATE.....AMOUNT	REF #.....DATE.....AMOUNT	REF #.....DATE.....AMOUNT	
10/25 3,500.00	10/26 6,500.00		

CHECKS			
CHECK #..DATE.....AMOUNT	CHECK #..DATE.....AMOUNT	CHECK #..DATE.....AMOUNT	
*10/29 3,145.35	10/29 4,619.14		

(*) INDICATES A GAP IN CHECK NUMBER SEQUENCE

--- ITEMIZATION OF OVERDRAFT AND RETURNED ITEM FEES ---

*	TOTAL FOR	TOTAL	*
*	THIS PERIOD	YEAR TO DATE	*

* TOTAL OVERDRAFT FEES:	\$.00	\$.00	*

* TOTAL RETURNED ITEM FEES:	\$.00	\$.00	*

DAILY BALANCE					
DATE.....BALANCE	DATE.....BALANCE	DATE.....BALANCE			
10/25 3,500.00	10/26 10,000.00	10/29 2,235.51			

EXHIBIT 13(10 of 14)

DEPOSITED WITH



Florida
Capital Bank, N.A.

BANKERS SUPPLY, INC.

All items are credited subject to verification, collection and conditions of the Rules and Regulations of this Bank and as otherwise provided by law. Payments are accepted when credit is applied to outstanding balances and not upon issuance of this receipt. Transactions received after the Bank's posted cut-off time or Saturday, Sunday and Bank Holidays are dated and considered received as of the next business day. Please retain this receipt until you receive your account statement.

Daytona Bch
482 17 10/25/12 T014:10
DDA Dep [REDACTED]
Acct# [REDACTED] \$3,500.00

Go Green. Sign up for E-Statement

DEPOSITS MAY NOT BE AVAILABLE FOR IMMEDIATE WITHDRAWAL. BANK SYMBOL, TRANSACTION NUMBER AND AMOUNT OF DEPOSIT ARE SHOWN ABOVE.

DEPOSITED WITH



Florida
Capital Bank, N.A.

BANKERS SUPPLY, INC.

All items are credited subject to verification, collection and conditions of the Rules and Regulations of this Bank and as otherwise provided by law. Payments are accepted when credit is applied to outstanding balances and not upon issuance of this receipt. Transactions received after the Bank's posted cut-off time or Saturday, Sunday and Bank Holidays are dated and considered received as of the next business day. Please retain this receipt until you receive your account statement.

Daytona Bch
482 9 10/26/12 T008:33
DDA Deposit [REDACTED]
Acct# [REDACTED] \$6,500.00

Go Green. Sign up for E-Statement

DEPOSITS MAY NOT BE AVAILABLE FOR IMMEDIATE WITHDRAWAL. BANK SYMBOL, TRANSACTION NUMBER AND AMOUNT OF DEPOSIT ARE SHOWN ABOVE.

EXHIBIT 13(11 of 14)

DEPOSIT TICKET

10/25/12

Conservative Committee of Volusia Co.

\$ 3,500.00

Posted 10/25/12 \$3,500.00

STATEMENT - POSTING HISTORY

10/25/12

3,500.00

Conserv. Committee

CURRENCY

CHEQUES

6,500 -

6,500 -

DEPOSIT TICKET

Posted 10/26/12 \$6,500.00

STATEMENT - POSTING HISTORY

10/26/12

6,500.00

Conservative Committee 187535

of Volusia County

Campaign account

DATE 10-26-12

PAY TO THE ORDER OF HomeTown News

\$ 3,145.35

Three thousand One Hundred Forty-five and 35/100 DOLLARS

Revised Price

Posted 10/29/12 \$3,145.35

TRN DEBIT

Holly Hill 00370

MHAHN

94004 3371 1

314535

0090

Conservative Committee

of Volusia County

Campaign account

DATE 10-26-12

PAY TO THE ORDER OF Daytona Beach News Journal

\$ 4,619.14

Four thousand six hundred Nineteen and 14/100 DOLLARS

Posted 10/29/12 \$4,619.14

STATEMENT - POSTING HISTORY

10/29/12

4,619.14

Conservative Committee
of Volusia County
campaign account

1003

DATE October 28, '12 63-1214/631

PAY TO THE ORDER OF Art Reflections \$ 235.90

Two Hundred Thirty-five and ⁹⁰/₁₀₀ DOLLARS

FOR Political T-shirts Rebecca Price

Florida Capital Bank N.A.
Daytona Beach Office
1305 Beville Road • Daytona Beach, FL 32119

NAME Conservative Comm. 1010

ACCOUNT NO of Volusia Cty DATE Dec. 5, '12 63-1214/631

PAY TO THE ORDER OF Daytona Beach Republican Club \$ 1,079.61

One Thousand Seventy-nine & ⁶¹/₁₀₀ DOLLARS

FOR Political T-shirts Rebecca Price

Florida Capital Bank N.A.
Daytona Beach Office
1305 Beville Road • Daytona Beach, FL 32119

\$235.90 - conservative Comm Volusia County

rk { r neck 7+7.50
4 med
5 lg
4 XL
2 2X

same
sizes
blue

EXHIBIT 13(13 of 14)

114.50 pwt
2.00 blue

DEPOSITED WITH



Florida
Capital Bank, N.A.

All items are credited subject to verification, collection and conditions of the Rules and Regulations of this Bank and as otherwise provided by law. Payments are accepted when credit is applied to outstanding balances and not upon issuance of this receipt. Transactions received after the Bank's posted cut-off time or Saturday, Sunday and Bank Holidays are dated and considered received as of the next business day. Please retain this receipt until you receive your account statement.

Daytona Bch
482 17 10/25/12 T014:10
DDA Deposit
Acct# [REDACTED] \$3,500.00

Go Green. Sign up for E-Statement

DEPOSITS MAY NOT BE AVAILABLE FOR IMMEDIATE WITHDRAWAL. BANK SYMBOL TRANSACTION NUMBER AND AMOUNT OF DEPOSIT ARE SHOWN ABOVE

DEPOSITED WITH



Florida
Capital Bank, N.A.

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Daytona Bch
482 9 10/26/12 T008:33
DDA Deposit
Acct# [REDACTED] \$6,500.00

Go Green. Sign up for E-Statement

DEPOSITS MAY NOT BE AVAILABLE FOR IMMEDIATE WITHDRAWAL. BANK SYMBOL TRANSACTION NUMBER AND AMOUNT OF DEPOSIT ARE SHOWN ABOVE

EXHIBIT 13(14 of 14)

ER

**RICHARD KANE ESQ.
928 GEORGE HECKER DR.
SOUTH DAYTONA, FL 32119**

RECEIVED

2015 JAN -2 A 10:03

December 30, 2014

STATE OF FLORIDA
ELECTIONS COMMISSION

Amy McKeever Toman
Florida Elections Commission
107 W. Gaines Street
Tallahassee, FL 32399

RE: Case Nos. FEC 14-357
FEC 14-258

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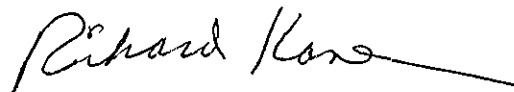
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- c) No contributions are involved. Only an independent expenditure by an individual "person" –the Club. While this is a fine point easily confused, reference to F.S. 106.21(3)(d) explains expenditures such as shown by page 000029 are not contributions and more than 3 candidates are supported.
- d) Please note that the bulk of the Communication involves Federal candidates beyond the jurisdiction of the FEC.
- e) Appros to the issue is the fact that the filing officer deemed the report complete, but that is deemed an estoppel because F.S. 106.07(2)(b)1. requires the officer to notify the Treasurer by certified mail that an addendum is needed. Actually the Treasurer was notified the report was complete and accepted.
- f) Finally, this matter seems much adieu about nothing as the Statement of Organization filed shows the Republican Club of Daytona Beach as the Affiliated or Connected organization and the expenditure report shows it as the recipient of unexpended funds when the Committee was disbanded on December 7 2012.

If I can furnish any additional information or make any clarifications, please let me know. I hope this matter can be closed soon without additional inconvenience and expense to all parties.

Very truly yours

A handwritten signature in cursive script, appearing to read "Richard Kane", followed by a horizontal line extending to the right.



FLORIDA ELECTIONS COMMISSION

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

November 26, 2014

Richard Kane, Esquire
928 George Hecker Drive
South Daytona, FL 32119

RE: Case No.: FEC 14-357; Respondent: Patricia Fahey, Chairwoman of Conservative Committee of Volusia County

Dear Mr. Kane:

On October 9, 2014, 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 106.07(5), Florida Statutes: Patricia Fahey, chairwoman of Conservative Committee of Volusia County, a political committee, certified that the committee's 2012 Q4 report was true, correct, and complete when it was not, as alleged in the complaint.

Section 106.19(1)(b), Florida Statutes: Patricia Fahey, chairwoman of Conservative Committee of Volusia County, a political committee, failed to report contributions required to be reported by Chapter 106, Florida Statutes, as alleged in the complaint.

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

When we conclude the investigation, a copy of the Report of Investigation will be mailed to you at the above address. You may file a response to the report within 14 days from the date the report is mailed to you. Based on the results of the investigation, legal staff will make a written recommendation to the Commission on whether there is probable cause to believe you have violated Chapter 104 or 106, Florida Statutes. A copy of the Staff Recommendation will be mailed to you and you may file a response within 14 days from the date the recommendation is

mailed to you. Your timely filed response(s) will be considered by the Commission when determining probable cause.

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

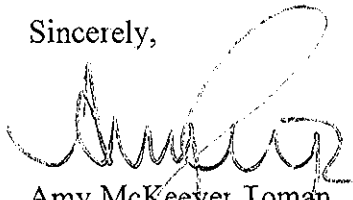
At any time before a probable cause finding, you may notify us in writing that you want to enter into negotiations directed towards reaching a settlement via consent agreement.

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

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

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

Sincerely,



Amy McKeever Toman
Executive Director

AMT/enr

FLORIDA ELECTIONS COMMISSION

RECEIVED

Case Nos. 14-357

14-358

2014 NOV 12 A 9:40

INITIAL RESPONSE AND MOTION

TO DISMISS BY RESPONDENTS

Comes now the CONSERVATIVE COMMITTEE of VOLUSIA COUNTY, hereinafter "CCVC", and the Individual Respondents, by and through the undersigned Attorney, in response to the Complaint by Jean Jenner and say:

1. The complaint alleges violations of campaign contribution reporting laws: F.S. 106.19(1) a and b. This response will show that Jenner's Complaint is groundless and a result of a warped misinterpretation of the Election laws. He also alleges a violation of F.S. 107.07 which is facially groundless and non-existent.
2. The simple facts of the case are that the Republican Club of Daytona Beach (the Club) decided to make an independent expenditure for electioneering communications, to promote voter education and support for all Republican candidates, principally Mitt Romney, and to endorse the Republican "ticket". While the Club is not covered by Chapter 106 F.S., as the FEC ruled in Case #12-285, it elected to form a subordinate committee and file a report as provided in F.S. 106.071 which requires a report of expenditures for electioneering communications. No contributions were received and the sum of \$10,000 was allocated by the Club to promote the Republican "ticket". Pages 28-29 of the Complaint show the communication, and the expenditures were properly filed as shown on page 8 of the complaint, except that all of the funds were not expended. The last entry of "\$1079.61 to Republican Club of Daytona Beach" was a return of unexpended funds to close out the subordinate committee.
3. Since the Club was an exempt organization, the CCVC was formed in accordance with F.S. 106.071 for reporting to distinguish the funds from the Club activities. As suggested by the Division of Elections, the Club was shown in Box 2 of the Statement of Organization of Political Committee filed by the CCVC.
4. On October 24, 2012 the first Statement of Organization was sent to DOE. The staff called the Chairman and required changes to Boxes 3, 7 and 8. The changes were promptly made and submitted and the

Committee was approved November 2, 2012 by a letter of 11/7/12 from DOE Chief Kristi Bronson.

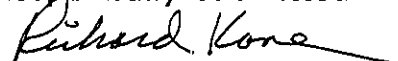
5. Due to the inexperience of the Committee members, all of whom were volunteer Club members, and the complexity and seeming inconsistencies of Chapter 106, the Chairman welcomed the letter that said "Please let me know if you need additional information". The staff were very courteous and helpful and every subsequent step of the committee was with the guidance and direction of DOE staff.
6. Copious notes of the staff instructions were kept. Those notes are attached hereto along with the Chairman's typed summary of pertinent portions of the notes keyed to numbers added to the original notes to aid in reference and interpretation. (the originals are in pencil and do not copy well). The notes show that all steps were guided and approved by DOE and are evidence of total compliance by the CCVC. There is no basis for a Complaint and certainly no evidence of willful violation.
7. Section 106.07(2)(b) is relevant to this matter as the filing officer, if a report is incomplete, "shall" notify the campaign treasurer and give 7 days to file an addendum. Per the notes, Nos. 9 & 10. The filing officer "Teresa" advised that all requirements for the Committee's reports had been met. (telephone conversation Dec. 31, 2012) and the reports were accepted as complete.

IN CONCLUSION: The Complaint is based upon a misconception that there is a \$500 limit for independent expenditures and that a person's independent expenditures for electioneering communications must be a "contribution", when it is clear the Committee carefully complied with the law and the interpretations of the Division of Elections.

In addition, F.S. 106.021(3)(d) provides that any expenditure for endorsements of 3 or more candidates (ours endorsed all (28) Republican candidates) "shall not" be covered by Chapter 106.

Should any clarifications be desired by DOE, the Committee (now dissolved) or the former officers will be happy to file any addendums if notified pursuant to F.S. 106.07(2)(a).

Respectfully submitted



928 George Hecker Dr
South Daytona FL 32119
Phone 386 760 1720

November 5, 2014

Transcribed Conservative Committee of Volusia County notes by Patricia Fahey

- ① Oct. 24- meeting to form committee. Minutes submitted. Made application to Fl. State
- ② Oct. 29 Leonard Randolph from Fl. St. Bd. Of Elections called to say we had to resubmit DSD5, box 3, 7 & 8. Talked with Dick Kane
- ③ Oct. 30 Called Leonard Randolph- rewrote box 3, 7 & 8 as per L.R. directions and sent to FL St. Bd. Of Elections att. L. Randolph
- ④ Nov. 2 @ 1:00 Called Mr. Gary Holland (850)245-6535 who transferred me to (850)245-6280 Teresa- Clerk at Bd. Of Elections. She only had the first paperwork from Oct. 28, not the DSD5. Therefore she cannot give certification and no financial report. The next filing is in Jan. & cannot file sooner.
- ⑤ Nov. 2 @ 1:30 Spoke with Lenard Randolph (850)245-6249. He received the resubmitted DSD5 today. Our certification will be in the 4th quarter and we will file a financial statement in January. Letters with passwords will be mailed to each officer Nov. 4-9th
- ⑥ Dec. 3 Asked Jeanie Renolds to help send final statements to Bd. Of Elect. She called Mr. Lenard Randolph to be sure we have the correct address. Mr. Randolph (850)245-6249 said to send Notice of Disbandment to him. The Bd. Of Elect. will send further instructions. Do not send a financial report.
- ⑦ Dec. 7 Faxed "notice of Disbandment" to Mr. Lenard Randolph (850)245-6258. Sent letter to Mr. Lenard Randolph at Dept. of State by US mail.
- ⑧ Dec. 12th Received confirmation of "letter of Disbandment" from Kristi Ried.
- ⑨ Dec 31. Met with Jeanne Reynolds to submit treasurers report. Called Kristi Ried (850)245-6280. Spoke with Teresa. Was told to change password assigned to another, file electronically, no hard copy. Attach with Rebecca Price & Pat Fahey's pin# along in the signature space. Teresa told us the report would & could cover 10 days prior to the 4Q (Nov. 1st) was OK since she does the audits. Teresa also said that when reports came up as "incomplete detail record" she will override and accept the report.
- ⑩ Dec. 31 Campaign Treasurers Report Summary & Itemized Expenditures filed 12-31-12. Requirements have been met per Teresa. J.R.

PNote: Numbers added and keyed to numbers added to hand written notes. Exhibit A

Exhibit A

Conservative Committee of Volusia County

P9.1

- ① Oct. 24 - meeting to form committee.
Minutes were submitted. Made application to Fl. State
Oct 25 - Opened account at Florida Capital Bank
with a donation of \$3500.00 from DBRC
Oct. 25 - deposited a donation of \$6500 from DBRC
Oct. 26. wrote a check #1001 to News Journal for \$4,617.14
for newspaper insert

Oct. 26 wrote a check #1002 to HomeTown News
for \$3,145.35 for newspaper insert

Oct 28 wrote check #1003 for \$235.90 for T-shirts

- ② Oct. 29. Leonard Randolph from Fl. St. Bd of Elections
called to say we had to resubmit DSD5
box 3, 7 & 8.
Talked with Dick Kane

- ③ Oct. 30. Called Leonard Randolph -
rewrote box 3, 7 & 8 as per L.B. directions
and sent to Fl. St. Bd. of Elections att. L. Randolph

Oct. 31 - contacted, Rick Liles, Jennifer St. John,
Dick Kane, Rita Martin to approve a donation to
Tara Liles, Barbara Liles, Rick Liles &
Linda Coitello for their campaign.
So approved & sent.

- ④ Nov. 2. ^{11:00} Called Mr. Gary Holland who transferred me to
Teresa - Clerk at Bd of Elections. She only has the first
paper work from Oct. 28 not the DSD5. Therefore she cannot
give certification and no financial report. The next
filing is in Jan. & cannot file sooner.

850-245-6536

850
245
6280

6249

850-245-~~6536~~

Nov. 2

(5)

1:30 Spoke with Lenard Randolph (helpdesk).
He received the resubmitted DSDS today.
Our Certification will be in the 4th quarter
and we will file a financial statement
in January. Letters with passwords will
be mailed to each officer Nov. 4-9th.

Nov. 5

Received notices from IRS/EFTPS
instructions - Tin/lin 80-0861294;
pin 3212, still waiting for Fl. State pin

Nov. 13+14

Closed office on - Bevillo Rd
received certificates from Fl. state
Lois Porter has all exp

Nov. 16

Received request from Ken Ali for a
donation to Horace Anderson Dist Sch Bd comp

Nov. 1

Found Teresa Valdez is also running

Nov. 27

Met with Lois Porter to obtain all info packet
sent emails to Jennifer Stotch, Becky Price,
Don Kane & spoke with Kitt Mortain about
giving \$50. to each candidate
Lois, Jennifer, Becky, Kitt, Pat, Dick

Nov. 29.

Mailed \$150. check to Horace Anderson &
Teresa Valdez \$150.

Met with Dick Kane to prepare Financial
report. Decided to dissolve Comm on 12-10-17

Dec. 3 Asked Jeannie Genable to help send final statements to Bof Elect. She called Mr. Leonard Randolph to be sure we have correct codes. Mr. Randolph 850-245-6249 said to send Notice of Disbandment to him. The Bof Elect. will send further instructions. Do Not send a financial report.

Dec. 4. Wrote check to DBRC for \$1,079.61.
final check to close account after getting balance from bank

Dec. 5. Sent check to DBRC

Dec. 7. Taped "Notice of Disbandment" to Mr. Leonard Randolph (850-245-6259).
sent letter to Mr. Leonard Randolph at Dept of State by US mail.

Dec. 12TH received confirmation of letter of Disbandment from District Chief. -

Dec 31. Met with Jeannie Fry, called her to discuss treasurer report. Called Keshith Kish (850) 245-6220

Theresa
asked to change password assigned to another file electronically no hard copy.
attach with Rebecca Price & get Parker & Lett along in the signature space, Theresa said with report should & could come today & give to the Bof. Don't want OK from Bof. Theresa said that for now she will send "Incomplete Disbandment". She will send with next week's report.

Dec 31. Campaign Treasurers report summary & statement of expenditures filed 12/31/12. Requirements have been met. Wm. Teresa.

14-357

STATE OF FLORIDA

FLORIDA ELECTIONS COMMISSION

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

Telephone Number: (850) 922-4539

www.fec.state.fl.us

2014 OCT - 9 - A 9:52

CONFIDENTIAL COMPLAINT FORM

The Commission's records and proceedings in a case are confidential until the Commission rules on probable cause. A copy of the complaint will be provided to the person against whom the complaint is brought.

1. PERSON BRINGING COMPLAINT:

Name: Jean Jenner Work Phone: (386) 675-0100
Address: 11 Pine Valley Circle Home Phone: (386) 795-0712
City: Ormond Beach County: Volusia State: FL Zip Code: 32174-3820

2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:

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

Name of individual or entity: Patricia Fahey, Chair, Conservative Committee of Volusia County
Address: 213 Ekana Court Phone: (386) 274-1971
City: Daytona Beach County: Volusia State: FL Zip Code: 32124

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

3. ALLEGED VIOLATION(S):

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

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

Florida Election Code 106.19(1)(b), 106.19(a), 107.07(5)

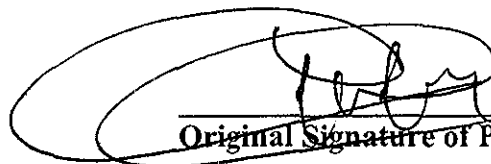
See attached complaint addendum and supporting evidences.

Additional materials attached (check one)? ☒ Yes ☐ No


4. OATH

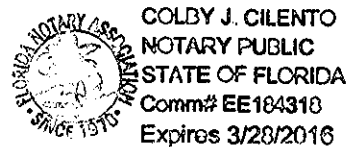
STATE OF FLORIDA
COUNTY OF VOLUSIA

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 6th day of
October, 20 14


Signature of Officer Authorized to Administer Oaths or Notary public



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

Personally known _____ Or Produced Identification X

Type of Identification Produced FL DRIVERS LICENSE

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

000002

This complaint by Jean G. Jenner (hereinafter referred to as Complainant) alleges that:

Patricia Fahey, in her official capacity of Conservative Committee of Volusia County Chair, violated Florida Election Statute 106.19(1)(b) by failing to report contribution or contributions.

Patricia Fahey, in her official capacity of Conservative Committee of Volusia County Chair, violated Florida Election Statute 106.19(1)(a) by accepting a contribution or contributions in excess of \$500.00.

Patricia Fahey, in her official capacity of Conservative Committee of Volusia County Chair, violated Florida Election Statutes 106.07(5) by certifying that the Treasurer's Report of the Conservative Committee of Volusia County, was true, correct and complete while it was not

According to the Florida Division of Elections (DoE) website, the Conservative Committee of Volusia County Political Committee reported \$10,000.00 in Expenditures. No Contributions, no Fund Transfers or Other Distributions are listed. Complainant verified the accuracy of the information posted on the Division of Election website with Bureau Chief Kristy Bronson who, in an August 16, 2013 email to Complainant replied, "You are correct. This political committee did not report any contributions, fund transfers, or other distributions"

In addition, during his investigative research Complainant unsuccessfully attempted to contact Mrs. Price by telephone on two separate occasions. A message left on Mrs. Fahey answering machine was not returned. Complainant contacted Mr. Kane an Attorney who is the registered Agent for the committee by email. Mr. Kane declined to reveal the source of funding for the committee replying, in part "Do not look to me for assistance. I would (sic) not associate with your kind. You can consider me an enemy who will challenge your every move and hold you accountable. Richard Kane Esq."

It appears that this Political Committee was created in for the sole purpose of promoting a political advertisement titled "CONSERVATIVE COMMITTEE OF VOLUSIA COUNTY VOTING RECOMMENDATIONS" which was widely distributed within Volusia County shortly before the November 6th 2012 General Elections, as an insert in the Daytona Beach News Journal and the Volusia Hometown publication.

Out of the \$10,000.00 in expenditures, \$7,761.49 went for the printing and distribution of the committee Voting Recommendations. Specifically, the Daytona Beach News Journal was paid \$4,619.14 and the Volusia Hometown News was paid \$3,145.35 to print and circulate the inserts.

The committee also list a \$235.90 expenditure to a Silk printing business and a \$20.00 bank charge, the remainder of the money appears to have been distributed to various Republican candidates and, lastly, to the Daytona Beach Republican Club which received a contribution of 1,079.61 which brought the total expenditures of the Conservative Voters of Volusia County to an even \$10,000.00.

The section 2 of the "Statement of Organization" (Form DS-DE 5) filed by the Conservative Committee of Volusia County list the Republican Club of Daytona Beach as a "Supporter" of the committee.

It should also be noted that, on the political inserts, the Conservative Committee of Volusia County listed a street address of 661 Beville Road, South Daytona, FL, 32199 and a telephone number of 386-310-8701. The Republican Club of Daytona Beach Headquarters was located at this address and listed the same telephone number during the 2012 campaign.

In its filing document, the Conservative Committee of Volusia County list Mr. Richard Kane as the agent for the Political Committee. Kane is a long time member of the Republican Club of Daytona Beach and on the club website (daytonagop.com) he is listed as the "Legal Advisor".

The existence of the Conservative Committee of Volusia County Political Committee was a short lived. The statement of Organization and related documents were executed on 10/24/2012. The Committee was notified on November 6th, that the documents had been filed with the Division of Elections on November 2nd. On December 7th, 2012, Conservative Committee of Volusia County chairwoman Patricia Fahey filed a Notice of Disbandment with an effective date of December 10th, 2012.

The political advertisement consisted of a double sided, semi-gloss, color flier, which list the committee recommended candidates but also expressively advocated for the defeat of three Florida Supreme Court Justices.

EXHIBITS

Florida Department of State

Room 316, R.A. Gray Building
500 South Bronough Street
Tallahassee, FL 32399-0250
(850)245-6200

Division of Elections

*Committee Tracking System***Conservative Committee of Volusia County**

Type: Political Committee

Status: Closed

Address: 661 Beville Road
South Daytona, FL 32119

Phone: (386)308-0073

Chairperson: Patricia Fahey

Treasurer: Rebecca Price
661 Beville Road
South Daytona, FL 32119

Registered Agent: Richard Kane
928 George Hecker Drive
South Daytona, FL 32119

Purpose:

Affiliates:

Campaign Finance Activity

Campaign Documents

000005



Florida Department of State Division of Elections

Conservative Committee of Volusia County

Campaign Finance Activity

Note: The information presented below was obtained from the Committee's/Candidate's Campaign Treasurer's Report filed with the Division of Elections. About the Campaign Finance Data Base If all contributions for a reporting period are less than 1 dollar Then they may not be displayed.

	Filing Period	Contributions			Expend	Other	Transfers
		Monetary	Loans	InKind			
<input type="radio"/>	11/02/2012 - 12/31/2012	0.00	0.00	0.00	10,000.00	0.00	0.00
<input checked="" type="radio"/>	All Dates (Totals)	0.00	0.00	0.00	10,000.00	0.00	0.00

Note: (E) indicates that report was filed electronically

X Indicates that detail has not been released

W Indicates that a waiver was filed and **L** Indicates that a loan report was filed

Select Detail Type

Contributions ▼

Select Sort Order

Date(Ascending) ▼

Select Output Type

Display On Screen ▼

Submit Query Now

Query the Campaign Finance Data Base

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

000006

Florida Department of State
Division of Elections

Campaign Contributions

Conservative Committee of Volusia County

[About the Campaign Finance Data Base](#)

Rpt Yr	Rpt Type	Date	Amount	Contributor Name	Address	City State Zip	Occupation	Typ	InKind	Desc
0 00										

0 Contribution(s) Selected

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

000007



Florida Department of State
Division of Elections

Campaign Expenditures

Conservative Committee of Volusia County

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	Purpose	Typ Refnb
2012	Q4	10/26/2012	4,619.14	NEWS-JOURNAL	901 6TH STREET	DAYTONA BEACH, FL 32117	VOTER EDUCATION	MON
2012	Q4	10/26/2012	3,145.35	HOMETOWN NEWS	2480 S. RIDGEWOOD AVE	SOUTH DAYTONA, FL 32119	VOTER EDUCATION	MON
2012	Q4	10/28/2012	235.90	ART REFLECTIONS	4395 LAKE ASHBY RD	NEW SMYRNA BEACH, FL 32168	VOTER EDUCATION	MON
2012	Q4	10/31/2012	150.00	COSTELLO LINDA	1 TOMOKA COVE WAY	ORMOND BEACH, FL 32174	CAMPAIGN CONTRIBUTION - VOLUSIA COUNTY S	CAN
2012	Q4	10/31/2012	150.00	DENYS DEBORAH	P. O. BOX 714	NEW SMYRNA BEACH, FL 32178	CAMPAIGN CONTRIBUTION - VOLUSIA COUNTY C	CAN
2012	Q4	10/31/2012	150.00	DAVIS JASON P.	2931 YULE TREE DR	EDGEWATER, FL 32141	CAMPAIGN CONTRIBUTION - VOLUSIA COUNTY C	CAN
2012	Q4	10/31/2012	150.00	GATLEY RICHARD W	341 MAGNOLIA PL	DEBARY, FL 32713	CAMPAIGN CONTRIBUTION - VOLUSIA COUNTY C	CAN
2012	Q4	11/19/2012	150.00	VALDES TERESA	P. O. BOX 290263	PORT ORANGE, FL 32129	CAMPAIGN CONTRIBUTION - VOLUSIA COUNTY S	CAN
2012	Q4	11/29/2012	150.00	ANDERSON, JR. MORACE	1585 AVIATION CT#715	DAYTONA BEACH, FL 32114	CAMPAIGN CONTRIBUTION - VOLUSIA COUNTY S	CAN
2012	Q4	12/01/2012	20.00	FLORIDA CAPITAL BANK	1385 BEVILLE RD.	DAYTONA BEACH, FL 32119	BANK CHARGE	MON
2012	Q4	12/05/2012	1,079.61	REPUBLICAN CLUB OF DAYTONA BEA	P O BOX 2526	DAYTONA BEACH, FL 32119	CONTRIBUTION EDUCATION	MON
			10 800 00					

11 Expenditure(s) Selected

[Query the Campaign Finance Data Base](#)

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

000008

Florida Department of State
Division of Elections

Other Distributions

Conservative Committee of Volusia County

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	Distributed To	Address	City	State	Zip	Purpose
<hr/>									
0 00									

0 Other Distribution(s) Selected

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

000009



Florida Department of State
Division of Elections

Fund Transfers


Conservative Committee of Volusia County

This information is being provided as a convenience to the public. It 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	Entity Name	Address	City State Zip	Nature of Account
			0.00				
0 Fund Transfer(s) Selected				Query the Campaign Finance Data Base			
				(Department of State) (Division of Elections) (Candidates and Races) (Campaign Finance Information)			

000010

Para español,
seleccione de la lista abajo

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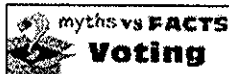
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Forms are available in Adobe's Acrobat PDF format for viewing or printing at your site. Accessing documents in PDF format requires use of Adobe's Acrobat Reader, which may be installed free of charge.

Account Num	
Account Name	
Account Type	all 
Form Desc	
Election Id	all 
Office Desc	
Submit	Clear

Name	Type	Received	Description	Select
Conservative Committee of Volusia County	PAC	12/11/12	Response to Disbandment Letter	PDF
Conservative Committee of Volusia County	PAC	12/07/12	Disbandment Letter	PDF
Conservative Committee of Volusia County	PAC	11/06/12	Acknowledgment Letter	PDF
Conservative Committee of Volusia County	PAC	11/02/12	PAC Statement of Organization	PDF
Conservative Committee of Volusia County	PAC	10/29/12	PAC Statement of Organization	PDF
Conservative Committee of Volusia County	PAC	10/29/12	PAC Appt of Campaign Treasurer	PDF
Conservative Committee of Volusia County	PAC	10/29/12	Registered Agent Appointment	PDF



STATEMENT OF ORGANIZATION OF POLITICAL COMMITTEE

(PLEASE TYPE)

OFFICE USE ONLY

2012 NOV -2 AM 10:10
FLORIDA STATE
DIVISION OF ELECTIONS

1. Full Name of Committee

Conservative Committee of Volusia County

Telephone

(386) 308-0073

Mailing Address (include city, state and zip code)

661 Beville Rd., South Daytona, FL 32119

Street Address (include city, state and zip code)

same

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

Name of Affiliated or
Connected Organization

Mailing Address

Relationship

Republican Club of
Daytona Beach

661 Beville Rd
South Daytona, FL 32119

Supporter

3. Area, Scope and Jurisdiction of the Committee

To recommend Federal, State, Volusia County and City Candidates and to support or oppose referendums as described in number 8 below

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

Political Committee

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

Rebecca Price

661 Beville Rd.
South Daytona, FL 32119

Treasurer

6. List by Name, Address and Position, Other Principal Officers, Including Officers and Members of the Finance Committee, If Any (include chairman's name)			
Full Name	Mailing Address	Committee Title or Position	
Patricia Fahey	661 Beville Rd., South Daytona, FL	Chairman	
Jennifer Stich	661 Beville Rd., South Daytona, FL	Secretary	
7. List by Name, Address, Office Sought and Party Affiliation Each Candidate or Other Individual that this Committee is Supporting (if none, please indicate)			
Full Name	Mailing Address	Office Sought	Party
To be determined			
8. List Any Issues this Committee is Supporting: Constitutional Amendments			
List Any Issues this Committee is Opposing: School Tax Referendum			
9. If this Committee is Supporting the Entire Ticket of a Party, Give Name of Party			
Republican Party			
10. In the Event of Dissolution, What Disposition will be Made of Residual Funds?			
To non-profit political organizations			
11. List all Banks, Safety Deposit Boxes, or Other Depositories Used for Committee Funds			
Name of Bank or Depository & Account Number		Mailing Address	
Florida Capital Bank Account [REDACTED]		1305 Beville Rd. Daytona Beach, F 32119	
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
Unknown			
STATE OF <u>Florida</u> <input checked="" type="checkbox"/> Volusia <u>Volusia</u> <input checked="" type="checkbox"/> COUNTY			
I, <u>Patricia Fahey</u> , certify that the information in this Statement of			
Organization is complete, true and correct			
X <u>Patricia Fahey</u> Signature of Chairman of Political Committee		<u>Oct. 30, 2012</u> Date	

STATEMENT OF ORGANIZATION OF POLITICAL COMMITTEE (PLEASE TYPE)		OFFICE USE ONLY	
1. Full Name of Committee Conservative Committee of Volusia County		Telephone (386) 308-0073	
Mailing Address (include city, state and zip code) 661 Beville Rd., South Daytona, FL 32119			
Street Address (include city, state and zip code) Same			
2. Affiliated or Connected Organizations (includes other committees of continuous existence and political committees)			
Name of Affiliated or Connected Organization	Mailing Address	Relationship	
Republican Club of Daytona Beach	661 Beville Rd. South Daytona, FL 32119	Supporter	
3 Area, Scope and Jurisdiction of the Committee Volusia County, Florida			
4. Nature of Organization or Organization's Special Interest (e.g., medical, legal, education, etc.) Political Committee			
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	
Rebecca Price	661 Beville Rd. South Daytona, FL 32119	Treasurer	

6. List by Name, Address and Position, Other Principal Officers, Including Officers and Members of the Finance Committee, If Any (include chairman's name)			
Full Name	Mailing Address	Committee Title or Position	
Patricia Fahey	661 Beville Rd., South Daytona, FL	Chairman	
Jennifer Stich	661 Beville Rd., South Daytona, FL	Secretary	
7. List by Name, Address, Office Sought and Party Affiliation Each Candidate or Other Individual that this Committee is Supporting (if none, please indicate)			
Full Name	Mailing Address	Office Sought	Party
See attached	Exhibit A		
8. List Any Issues this Committee is Supporting:			
List Any Issues this Committee is Opposing: Judicial Retention, School Tax Referendum			
9. If this Committee is Supporting the Entire Ticket of a Party, Give Name of Party			
Republican Party			
10. In the Event of Dissolution, What Disposition will be Made of Residual Funds?			
To non-profit political organizations			
11. List all Banks, Safety Deposit Boxes, or Other Depositories Used for Committee Funds			
Name of Bank or Depository & Account Number		Mailing Address	
Florida Capital Bank Account No. Applied For		1305 Beville Rd. Daytona Beach, FL 32119	
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
Unknown			
STATE OF <u>Florida</u> <input checked="" type="checkbox"/> Volusia <input checked="" type="checkbox"/> COUNTY			
I, <u>Patricia Fahey</u> , certify that the information in this Statement of			
Organization is complete, true and correct			
X <u>Patricia Fahey</u> Signature of Chairman of Political Committee		<u>10-24-2012</u> Date	

**APPOINTMENT OF CAMPAIGN TREASURER
AND DESIGNATION OF CAMPAIGN
DEPOSITORY FOR
POLITICAL COMMITTEES**
(Sections 106.011(1) and 106.021(1), F.S.)

CHECK APPROPRIATE BOX:

OFFICE USE ONLY



Original Appointment of Treasurer



Reappointment of Treasurer



Deputy Treasurer

1 Committee or Organization

Conservative Committee of Volusia County

2 Telephone

(386) 308-0073

3 Name of Treasurer or Deputy Treasurer

4 Email (optional)

Rebecca Price

5. Telephone (optional)

(386) 492-4682

6 Mailing Address

661 Beville Rd., South Daytona, FL 32119

7 Street Address

Same

8 The following bank has been designated as the



Primary Depository



Secondary Depository

9 Name of Bank

Florida Capital Bank

10. Street Address

1305 Beville Rd.

11 City

South Daytona

12 State

FL

13. Zip Code

32119

14 Signature of Chairman

X

Patricia Fahey

15. Name of Chairman (Print or Type)

Patricia Fahey

Campaign Treasurer's Acceptance of Appointment

I, Rebecca Price

(Please Print or Type)

do hereby accept the appointment as

treasurer or deputy treasurer for

Conservative Committee of Volusia County

(Committee or Organization)

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING CAMPAIGN TREASURER'S
ACCEPTANCE OF APPOINTMENT AND THAT THE FACTS STATED ARE TRUE.

10/24/12

Date

X

Rebecca Price

Signature of Campaign Treasurer or Deputy Treasurer

REGISTERED AGENT STATEMENT OF APPOINTMENT (Section 106 022, F.S.)	OFFICE USE ONLY
<input checked="checked" type="checkbox"/> Original Appointment <input type="checkbox"/> Change of Appointment <input type="checkbox"/> Change of Mailing Address <input type="checkbox"/> Change of Physical Address	
Registered Agent and Office Information	
Name: <u>Richard Kane, Esq.</u> Telephone: <u>(386) 760-1720</u>	
Street Address: <u>928 George Hecker Dr.</u>	
City: <u>South Daytona</u>	State: <u>FL</u> Zip Code: <u>32119</u>
Mailing Address: <u>Same</u>	
City: _____	State: _____ Zip Code: _____
I accept this appointment and confirm that I am familiar with and accept the obligations of the position as set forth in Section 106 022, F.S. I also understand that I may resign this appointment by executing a written statement of resignation and filing it with the applicable filing officer.	
<u>Richard Kane</u> Signature of Registered Agent	<u>10/24/2012</u> Date
Former Registered Agent and Office Information (for changes only)	
Name: <u>N/A</u> Telephone: _____	
Street Address: _____	
City: _____	State: _____ Zip Code: _____
Committee or Organization Information	
Name of Committee or Organization: <u>Conservative Committee of Volusia County</u>	
Street Address: <u>661 Beville Rd.</u> Telephone: <u>(386) 308-0073</u>	
City: <u>South Daytona</u>	State: <u>FL</u> Zip Code: <u>32119</u>
<u>Patricia Fahey</u> Signature of Chairperson	
<u>Patricia Fahey</u> Printed Name of Chairperson	<u>10/24/2012</u> Date



FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

November 6, 2012

Ms. Patricia Fahey, Chairperson
Conservative Committee of Volusia County
661 Beville Road
South Daytona, Florida 32119

Dear Ms. Fahey:

This will acknowledge receipt of the Statement of Organization and Appointment of Campaign Treasurer and Designation of Campaign Depository for **Conservative Committee of Volusia County**, which were placed on file in our office on November 2, 2012. 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 that supports issues.

Campaign Treasurer's Reports

Your first campaign treasurer's report will be due on **January 10, 2013**. The report will cover the period of November 2, 2012 - December 31, 2012. 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 Web site Address: <https://efs.dos.state.fl.us>
Identification Number: 60098

000018

Division of Elections

R.A. Gray Bldg., Rm. 316 • 500 S Bronough St. • Tallahassee, Florida 32399-0250
Telephone: (850) 245-6200 • Facsimile: (850) 245-6217 elections.myflorida.com
Commemorating 500 years of Florida history www.fl500.com



Ms. Patricia Fahey, Chairperson
November 6, 2012
Page Two

Pin Numbers

Pin numbers are confidential secure credentials that allow you to submit reports and update information. The enclosed sealed envelope provides a confidential pin number for the chairperson. By copy of this letter, a confidential PIN number to access the Division of Election's electronic filing system (EFS) was sent to the 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 no later than midnight, Eastern Standard Time, of the due date. Reports not filed by midnight 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.

Ms Patricia Fahey, Chairperson
November 6, 2012
Page Three

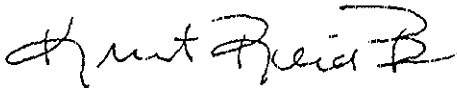
Instructions and Assistance

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 FFS Help Desk at (850) 245-6280.

All of the Division's publications and reporting forms are available on the Division of Elections' web site 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, *2012 Political Committee Handbook*, *2012 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

pc: Ms Rebecca Price, Treasurer

000020

Conservative Committee of Volusia County

661 Beville Rd.

South Daytona, FL 32119

(386) 308-0073

2012 NOV -2 AM 10:10

STATE
DIVISION OF ELECTIONS

October 30, 2012

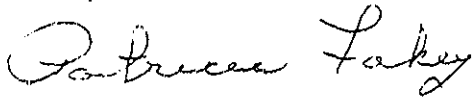
State of Florida
Bureau of Election
500 S. Bronough St.
Tallahassee, FL 32399

Attention: Lenard Randolph

Dear Mr. Randolph:

Please add this information to forms submitted and dated October 24, 2012

Thank you.



Patricia Fahey, Chairman
Conservative Committee of Volusia County

Attachment

Cover sheet

To - Mr. Leonard Randolph
Dept. of Elections - Election Records
(850)-245-6259 (fax)

From. Patricia Foley - chairman
Conservative Comm. of Volusia Cty.
60098
(386)-274-1971 (fax)

Subject. Notice of Disbandment

no. of pages 2
including cover

Mr Lenard Randolph

2012 DEC -7 PM 2:09

December 7, 2012

Division of Elections

DIVISION OF ELECTIONS

Election Records

500 South Bronough St.

Tallahassee, Fl. 32399

NOTICE OF DISBANDMENT ID# 60098

Dear Mr. Randolph,

The Conservative Committee of Volusia County, ID# 60098, hereby files this notice that it has elected to disband effective December 10, 2012.

Any future correspondence may be directed to the former chairman at the following information.

Patricia Fahey

213 Ekana Circle

Daytona Beach, Fl 32124

(386) 274-1971

ppf4862@hotmail.com

Sincerely yours,

Patricia Fahey - Chairman

Patricia Fahey

000023



FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

December 11, 2012

Ms. Patricia Fahey, Chairperson
Conservative Committee of Volusia County (60098)
213 Ekana Circle
Daytona Beach, Florida 32124

Dear Mr. Fahey :

This will acknowledge receipt of your committee's December 7, 2012 letter informing us of the disbandment of **Conservative Committee of Volusia County** as a political committee. This information has been placed on file in our office. Your final report may be filed at any time but is due no later than **January 10, 2013**. This report must be filed via the Division's electronic filing system. If you have no activity to report, you are still required to file a waiver. Should you need to file amendments after the final report has been filed, please contact our office to have your account activated.

If you have any questions, or if we may be of further assistance to you at any time, please do not hesitate to call (850) 245-6280.

Sincerely,

A handwritten signature in black ink, appearing to read "Kristi Reid Bronson".

Kristi Reid Bronson, Chief
Bureau of Election Records

KRB/ljr

pc: Ms. Rebecca Price, Treasurer

Division of Elections

R.A. Gray Bldg., Rm. 316 • 500 S Bronough St. • Tallahassee, Florida 32399-0250
Telephone: (850) 245-6200 • Facsimile: (850) 245-6217 elections.myflorida.com
Commemorating 500 years of Florida history www.fl500.com

000024





Jean Jenner <jean.jenner@gmail.com>

Question regarding PC #60098

6 messages

Jean Jenner <jean.jenner@gmail.com>

Mon, Aug 19, 2013 at 11:12 AM

To: DivElections@dos.state.fl.us

Good morning,

I am doing some investigative research on a Political Committee that was registered with the DoE in 2012.

The Conservative Committee of Volusia County , (PC #60098) was formed with an effective date of November 2nd and disbanded on December 10th, 2012.

The committee report on the DoE website shows \$10 000,00 in expenditures but does not show any Contributions, Fund Transfers or Other Distributions.

I am attempting to verify that the Conservative Committee of Volusia County did not report Contributions, Fund Transfers or Other Distributions to the Division of Elections.

Thank you for your assistance in this matter

--
Jean Jenner
Cell - 386.795 0712
Office - 386 675 0100
<http://www.facebook.com/jean.jenner>

Bronson, Kristi R. <Kristi.Bronson@dos.myflorida.com>

Mon, Aug 19, 2013 at 11:20 AM

To: jean.jenner@gmail.com

Cc: "Lawson, Terri S " <Terri.Lawson@dos.myflorida.com>

Ms Jenner –

You are correct. This political committee did not report any contributions, funds transfers, or other distributions

*Regards,**Kristi Reid Bronson, Chief**Division of Elections**Bureau of Election Records**(850) 245-6240*

000025

Jean Jenner

From: Jean Jenner <jean.jenner@gmail.com>
Sent: Sunday, September 21, 2014 6:33 PM
To: richard kane
Subject: Re: Conservative Committee of Volusia County

Mr. Kane,

Thank you for your response which I take as a refusal to divulge the source of the \$10,000.00 used by Conservative Committee of Volusia County

My reaching out to you as the registered Agent for the Conservative Committee of Volusia County, was simply an attempt to obtain a reasonable explanation as to why the committee did not report any contributions in violation of Florida Election laws.

I'm sure you would agree that for the committee to spend \$10,000.00, they had to receive \$10,000.00 and that under election laws, they were required to divulge the source or sources of their contributions.

I certainly plan on filing a complaint with the Florida Election Commission and the State Attorney's Office, as I strongly believe the public is entitled to know who financed this committee

As to the previous cases you mentioned - Three of the four "unfounded and baseless complaints" as you call them, resulted in fines ranging from \$400.00 to \$4,200.00. I alleged the Volusia County Executive Committee had violated Florida Elections laws 42 times, the FEC charged them with 46 counts. And, contrary to your statements, my previous complaint against your club was certainly not "baseless" as it was dismissed by the Florida legislature appointed board over the strong objections of Florida Election Commission General Counsel Eric Lipman and Assistant to the General Counsel, Jaakan Williams, who argued to the very end that the complaint should not be dismissed.

In fact, according to Eric Lipman, not only your club violated Election Laws by failing to file as a political committee as I charged, but also violated Florida Election laws (106.08 FS) by contributing earmarked funds to the Volusia County Republican Executive Committee.

But in the end, as you pointed out the case was dismissed because the board ignored FEC staff legal arguments and believed your claim that political clubs are exempt from election laws. The idea that because political clubs are not recognized under election laws they are therefore exempt from it is ridiculous and absurd.

Your request for Attorney's Fees (you introduced yourself as the Pro-Bono for the club) was frivolous and as one of the board member stated at the hearing "this is not even close to meeting the criterion for attorney's fees".

In the end, incredibly, the case was dismissed because the board ignored FEC staff legal arguments and believed your claim that political clubs are exempt from election laws. The idea that because political clubs are not recognized under election laws they are therefore exempt from it is ridiculous and absurd.

As to the threat of legal reprisal, I can assure that I am quite used to it and they will have absolutely no impact on my future actions. To keep a level playing field, I insist that local Democrats follow election laws and I expect Republicans to do the same.

000026

Sincerely

Jean Jenner

On Sun, Sep 21, 2014 at 10:46 AM, richard kane <kanedick@yahoo.com> wrote:

I guess its a good thing you are taking the time to investigate a matter as I am aware that you filed numerous unfounded complaints against rebuplications in th 2012 election and I had to get one summarilty dismissed as unfounded but unfortunately, the Elections Commission did not award attorney fees against you as they should have. Next time you will not be so lucky as your record of filing baseless charges against Republicans is well established. Do not look to me for assistance. I would not associate with your kind. You can consider me an enemy who will challenge your every move and hold you accountable. Richard Kane Esq.

On Sat, 9/20/14, Jean Jenner <jean.jenner@gmail.com> wrote:

Subject: Conservative Committee of Volusia County

To: kanedick@yahoo.com

Date: Saturday, September 20, 2014, 1:26 PM

Dear Mr. Kane, I am currently investigating the 2012 campaign finance activities of the Conservative Committee of Volusia County a now defunct political committee for which you served as the agent. On the Division of Election website, this committee listed \$10,000.00 in total expenditures but did not list a single contribution. Last year, I contacted Florida Division of Election Bureau Chief Kristy Bronson who confirmed that your committee did in fact not report any contributions.

I would appreciate you revealing the source(s) of the funding for the Conservative Committee of Volusia County. Sincerely, Jean Jenner 11 Pine Valley Cir Ormond Beach, FL 32174 386-675-0100

--
Jean Jenner

Cell - [386.795.0712](tel:386.795.0712)

Office - [386.675.0100](tel:386.675.0100)

<http://www.facebook.com/jean.jenner>

CONSERVATIVE COMMITTEE OF VOLUSIA COUNTY

VOTING RECOMMENDATIONS

Federal Candidates

US PRESIDENT: ● Mitt Romney

US HOUSE OF REPRESENTATIVES:

US SENATE: ● Connie Mack IV

DISTRICT 6: ● Ron DeSantis

DISTRICT 7: ● John Mica

State Candidates

FLORIDA STATE SENATE:

FLORIDA STATE HOUSE OF REPRESENTATIVES:

DISTRICT 6: ● John Thrasher

DISTRICT 25: ● Charles David Hood

DISTRICT 8: ● Dorothy Hukill

DISTRICT 27: ● David Santiago

Judicial Candidates

YES	NO	Retention Vote for Justice of the State of Florida Supreme Court
●	●	R. Fred Lewis VOTE NO! RETAIN IN OFFICE? VOTE NO!
●	●	Barbara J. Pariente VOTE NO! RETAIN IN OFFICE? VOTE NO!
●	●	Peggy A. Quince VOTE NO! RETAIN IN OFFICE? VOTE NO!

Volusia County Candidates

VOLUSIA CLERK OF CIRCUIT COURT: DISTRICT 4: ● Diane M. Matousek

VOLUSIA SCHOOL BOARD: (Dist. 4) ● Linda Costello

VOLUSIA SHERIFF: ● Ben F. Johnson

VOLUSIA COUNTY COUNCIL: COUNTY COUNCIL CHAIR: ● Jason Davis

COUNCIL DIST. 1: ● Jeff Allebach or ● Pat Patterson

COUNCIL DIST. 2: ● Nancy Epps

COUNCIL DIST. 3: ● Deborah (Deb) Denys

COUNCIL DIST. 5: ● Richard Galley

000028

037254

Municipal Candidates

CITY OF DAYTONA BEACH:

MAYOR: ● Edith Shelley

ZONE 1: ● Carl W. Lentz IV

ZONE 4: ● Robert Gilliland

CITY OF DAYTONA BEACH SHORES:

SEAT 2: ● Dr. Jennie Celona

SEAT 4: ● Henry Fehrmann

CITY OF DELTONA: CITY COMMISSION:

Dist. 2: ● Webster Barnaby

Dist. 4: ● Tom Premo

Dist. 6: ● Michael Wycuff

HOLLY HILL MAYOR:

(pick 1) ● Roy Johnson or ● Roland Via

ORMOND BEACH COMMISSION ZONE 1:

(pick 1) ● Alan Burton or ● James Stowers

YES	NO	REPUBLICAN CONSTITUTIONAL AMENDMENT VOTER GUIDE
●		#1. Health Care Services
●		#2. Combat Disabled Veterans Homestead Property Tax Discount
●		#3. State Revenue Limitation
●		#4. Property Tax Limitations
●		#5. State Courts
●		#6. Prohibition Public Funding
		No number 7 amendment
●		#8. Religious Freedom
●		#9. Homestead Exemption for Surviving Spouse of Military Veteran or First Responder
●		#10. Tangible Personal Property Tax Exemption
●		#11. Additional Homestead Exemption Low-Income Seniors
★	★	#12. Appointments State University System Board



NO RECOMMENDATION

YES	NO	INCREASING VOLUSIA COUNTY SCHOOL TAX
	●	Referendum Regarding Ad Valorem Tax Millage for Operational Purposes of School District

Pd Pol Adv. for federal, state, county and municipal offices by Conservative Committee of Volusia, County,
661 Beville Road, South Daytona, FL 32119, 386-310-8701, and not authorized by any candidate or candidate's committee.

000029