

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Janie Robertson

Case No.: FEC 16-017

TO: Janie Robertson
611 Gulf Drive North C-29
Bradenton Beach, FL 34217

Jack Clarke
P.O. Box 14711
Bradenton, FL 34280

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.

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**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,
Petitioner,**

v.

**Agency Case No.: FEC 16-017
F.O. No.: FOFEC <#>**

**Janie Robertson,
Respondent.**

_____ /

CONSENT ORDER

Respondent, Janie Robertson, 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 July 15, 2016, 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 August 17, 2016, 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 September 27, 2015, Janie Robertson violated Section 106.07(5), Florida Statutes, when she certified that the campaign's 2015 G4 Report was true, correct, and complete when it was not.

Count 2:

On or around September 27, 2015, Janie Robertson violated Section 106.19(1)(b), Florida Statutes, when she failed to report a contribution required to be reported by Chapter 106, Florida Statutes, on the campaign's 2015 G4 Report.

Count 3:

On or around September 27, 2015, Janie Robertson violated Section 106.19(1)(c), Florida Statutes, when she deliberately failed to include information required by Chapter 106, Florida Statutes, on the campaign's 2015 G4 Report.

Count 4:

On or around September 27, 2015, Janie Robertson violated Section 106.19(1)(c), Florida Statutes, when she falsely reported information required by Chapter 106, Florida Statutes, on the campaign's 2015 G4 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 a 2015 candidate for re-election to the Bradenton Beach City Commission, Ward 3.
 - B. Respondent certified that the campaign's 2015 G4 Report was true, correct, and complete when it was not.
 - C. Respondent failed to report a contribution required to be reported by Chapter 106, Florida Statutes, on the campaign's 2015 G4 Report.

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. The Commission staff and the Respondent stipulate that although the violations charged in the Order of Probable Cause may not have been knowingly committed all elements of the violations can be proven by clear and convincing evidence.

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 and the penalty by October 28, 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 \$75.


Therefore it is

ORDERED that the Respondent shall remit to the Commission a civil penalty in the

amount of \$75, 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.

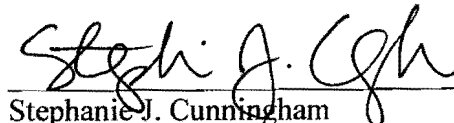
Respondent hereby agrees and consents to the terms of this Consent Order on

October 17, 2016.


Janie Robertson
611 Gulf Drive North C-29
Bradenton Beach, FL 34217

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

October 21, 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
Janie Robertson, Respondent
Jack Clarke, Complainant

THIS DOCUMENT CONTAINS A TRUE WATERMARK - HOLD UP TO LIGHT TO VIEW

WESTERN UNION **WU** **MONEY ORDER**
moving money for better

WESTERN UNION FINANCIAL SERVICES INC. - ISSUER - Englewood, Colorado
Payable at Wells Fargo Bank Grand Junction - Downtown, N.A., Grand Junction, Colorado

PUBLIX #0681 17-434604703

A 326708 D 101716
L 1102 03
174346047035 L 000681 \$ 75.00

PAY EXACTLY SEVENTY-FIVE DOLLARS AND NO CENTS
PAY TO THE ORDER OF FLORIDA ELECTIONS COMMISSION FEV 16 2017
611 GULF DR BRADENTON BEACH FL 34217
James A. Roberts
PURCHASER'S SIGNATURE
ENCLOSURE BY SIGNING YOU AGREE TO THE TERMS ON THE REVERSE SIDE

Janie Robertson
611 Gulf Drive North, Unit C29
Bradenton Beach, FL 34217

RECEIVED
2016 OCT 21 P 1:35
STATE OF FLORIDA
ELECTIONS COMMISSION

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

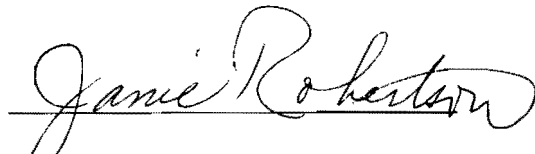
Dear General Counsel:

10-17-2016

I would like to compliment you and the process for being so very thorough in your investigation.

Although the infraction/error was relatively quite small, I realize it took many hours of staff time and taxpayer dollars to resolve this issue.

Respectfully,


Janie Robertson

FILED

16 AUG 31 PM 1:10

STATE OF FLORIDA
ELECTIONS COMMISSION

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,
Petitioner,**

Case No.: FEC 16-017

v.

**Janie Robertson,
Respondent.**

_____ /

ORDER OF PROBABLE CAUSE

THIS MATTER was heard by the Florida Elections Commission (Commission) at its regularly scheduled meeting on August 17, 2016, in Tallahassee, Florida.

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

Count 1:

On or about September 27, 2015, Janie Robertson violated Section 106.07(5), Florida Statutes, when she certified that the campaign's 2015 G4 Report was true, correct, and complete when it was not.

Count 2:

On or around September 27, 2015, Janie Robertson violated Section 106.19(1)(b), Florida Statutes, when she failed to report a contribution required to be reported by Chapter 106, Florida Statutes, on the campaign's 2015 G4 Report.

Count 3:

On or around September 27, 2015, Janie Robertson violated Section 106.19(1)(c), Florida Statutes, when she deliberately failed to

include information required by Chapter 106, Florida Statutes, on the campaign's 2015 G4 Report.

Count 4:

On or around September 27, 2015, Janie Robertson violated Section 106.19(1)(c), Florida Statutes, when she falsely reported information required by Chapter 106, Florida Statutes, on the campaign's 2015 G4 Report.

DONE AND ORDERED by the Florida Elections Commission on August 17, 2016.



M. Scott Thomas, Chairman
Florida Elections Commission

Copies furnished to:
Stephanie J. Cunningham, Assistant General Counsel
Janie Robertson, Respondent
Jack Clarke, 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: Janie Robertson

Case No.: FEC 16-017

TO: Janie Robertson
611 Gulf Drive North C-29
Bradenton Beach, FL 34217

Jack Clarke
P.O. Box 14711
Bradenton, FL 34280

NOTICE OF HEARING (PROBABLE CAUSE DETERMINATION)

A hearing will be held in this case before the Florida Elections Commission on, **August 17, 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**

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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
August 1, 2016

Dear Florida Elections Commission,

7/24/2016

RECEIVED

RE: Case No.: FEC-16-017; Respondent: Janie Robertson

After reading Keith Smith's report, I finally understand what this investigation was all about:

In my G4 report, I wrote CH instead of CA. Guilty! All transactions were cash out of pocket. See enclosed report which has been amended and submitted to SOE.

My TR did not "zero out" on the form. Guilty! However, I never received any communication from Sharon Stief at the Supervisor of Elections advising me that it needed to be corrected. I certainly would have responded immediately if I had been aware of it. See enclosed report which has been amended and submitted to SOE.

At no time did I deliberately deliver a false report. No dollar amounts are disputed.

I apologize for being sloppy. I was. Mr. Clarke was very meticulous in preparing his complaint. As far as the "in kind" issue is concerned, the mailing only included 1 sheet of paper from me. Mr. Shearon had multiple sheets and therefore his expenses were higher. There was no "in kind" to report.

I regret that your commission had to spend the hours required to investigate this, in my opinion, frivolous complaint.

Sincerely,



Janie Robertson

2016 JUL 27 A 9 35
STATE OF FLORIDA
ELECTIONS COMMISSION

CAMPAIGN TREASURER'S REPORT SUMMARY

(1) Janie Robertson

Name

(2) 611 Gulf Dr N C-29

Address (number and street)

Bradenton Beach, FL 34217

City, State, Zip Code

☐ Check here if address has changed

(3) ID Number: 1315

(4) Check appropriate box(es):

☒ Candidate Office Sought: BRADENTON BEACH COMMISSION WARD 3

☐ Political Committee (PC)

☐ Electioneering Communications Org. (ECO)

☐ Party Executive Committee (PTY)

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

☐ Check here if PC or ECO has disbanded

☐ Check here if PTY has disbanded

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

(5) Report Identifiers

Cover Period: From 10 / 30 / 2015 To 2 / 1 / 2016 Report Type: TR

☐ 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 \$, , 0 . 00

Transfers to Office Account \$, , 0 . 00

Total Monetary \$, , 0 . 00

(8) Other Distributions

\$, , 0 . 00

(9) TOTAL Monetary Contributions To Date

\$, , 648 . 00

(10) TOTAL Monetary Expenditures To Date

\$, , 613 . 00

(11) Certification

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

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

(Type name)

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

X

Signature

(Type name)

☐ Candidate ☐ Chairperson (only for PC and PTY)

X

Signature

CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

(1) Name Janie Robertson (2) I.D. Number 1315

10/30/2015

2-1/2016

(3) Cover Period / / through / / (4) Page 1 of 0

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor Type Occupation		(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
/ /							
/ /							
/ /							
/ /							
/ /							
/ /							
/ /							
/ /							

CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES

(1) Name Janie Robertson

(2) I.D. Number 1315

(3) Cover Period 10/30/2015 through 2/1/2016

(4) Page 1 of 1

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
(6) Sequence Number					
1/31/2016 //	Robertson, Janie S 611 Gulf Dr. N 224 Bradenton Beach, FL 34217	repay loan	DI	Add	\$39.00
1					
//					
//					
//					
//					
//					
//					

CAMPAIGN TREASURER'S REPORT SUMMARY

(1) Janie Robertson

Name

(2) 611 Gulf Dr N C-29

Address (number and street)

Bradenton Beach, FL 34217

City, State, Zip Code

☐ Check here if address has changed

(3) ID Number: 1315

OFFICE USE ONLY

[1113916]

Submitted on:

7/24/2016 18:04:15 (eastern)

(4) Check appropriate box(es):

☒ Candidate Office Sought: BRADENTON BEACH COMMISSION WARD 3

☐ Political Committee (PC)

☐ Electioneering Communications Org. (ECO)

☐ Party Executive Committee (PTY)

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

☐ Check here if PC or ECO has disbanded

☐ Check here if PTY has disbanded

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

(5) Report Identifiers

Cover Period: From 9 / 26 / 2015 To 10 / 2 / 2015 Report Type: G4

☐ Original

☒ Amendment

☐ Special Election Report

(6) Contributions This Report

Cash & Checks \$, , 300 . 00

Loans \$, , 0 . 00

Total Monetary \$, , 300 . 00

In-Kind \$, , 0 . 00

(7) Expenditures This Report

Monetary Expenditures \$, , 265 . 00

Transfers to Office Account \$, , 0 . 00

Total Monetary \$, , 265 . 00

(8) Other Distributions

\$, , 0 . 00

(9) TOTAL Monetary Contributions To Date

\$, , 648 . 00

(10) TOTAL Monetary Expenditures To Date

\$, , 578 . 00

(11) Certification

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

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

(Type name)

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

X

Signature

(Type name)

☐ Candidate ☐ Chairperson (only for PC and PTY)

X

Signature

CAMPAIGN TREASURER'S REPORT - ITEMIZED CONTRIBUTIONS

(1) Name Janie Robertson (2) I.D. Number 1315

9/26/2015 10/2/2015

(3) Cover Period 9/26/2015 through 10/2/2015 (4) Page 1 of 1

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor Type Occupation	(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
(6) Sequence Number						
9/26/2015 / /	Robertson, Janie 411 Gulf Drive N Bradenton Beach, FL 34217	I retired	CA		Add	150.00
1						
9/27/2015 / /	Robertson, Janie 411 Gulf Drive N Bradenton Beach, FL 34217	I retired	CA		Add	850.00
2						
9/28/2015 / /	Robertson, Janie 411 Gulf Drive N Bradenton Beach, FL 34217	I retired	CA		Add	150.00
3						
9/29/2015 / /	Robertson, Janie 411 Gulf Drive N Bradenton Beach, FL 34217	I retired	CA		Add	150.00
4						
9/30/2015 / /	Robertson, Janie 411 Gulf Drive N Bradenton Beach, FL 34217	I retired	CA		Add	850.00
5						
10/1/2015 / /	Robertson, Janie 411 Gulf Drive N Bradenton Beach, FL 34217	I retired	CA		Add	850.00
6						
/ /						
/ /						
/ /						
/ /						

CAMPAIGN TREASURER'S REPORT - ITEMIZED EXPENDITURES

(1) Name Janie Robertson

(2) I.D. Number 1315

(3) Cover Period 9/26/2015 through 10/2/2015

(4) Page 1 of 1

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
9/26/2015 / /	Robertson, Janie 611 Gulf Drive N C-22 Bradenton Beach, FL 34217	mailing supplies	PW	Add	\$50.00
1					
9/27/2015 / /	Robertson, Janie 611 Gulf Drive N C-22 Bradenton Beach, FL 34217	mailing supplies	PW	Add	\$50.00
2					
9/28/2015 / /	Robertson, Janie 611 Gulf Drive N C-22 Bradenton Beach, FL 34217	mailing supplies	PW	Add	\$50.00
3					
9/29/2015 / /	Robertson, Janie 611 Gulf Drive N C-22 Bradenton Beach, FL 34217	mailing supplies	PW	Add	\$50.00
4					
9/30/2015 / /	Robertson, Janie 611 Gulf Drive N C-22 Bradenton Beach, FL 34217	mailing supplies	PW	Add	\$50.00
5					
10/1/2015 / /	Robertson, Janie 611 Gulf Drive N C-22 Bradenton Beach, FL 34217	mailing supplies	PW	Add	\$50.00
6					
/ /					
/ /					
/ /					
/ /					

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Janie Robertson

Case No.: FEC 16-017

STAFF RECOMMENDATION FOLLOWING INVESTIGATION

Pursuant to Section 106.25(4)(c), Florida Statutes, undersigned staff counsel files this written recommendation for disposition of the complaint in this case recommending that there is **probable cause** to charge Respondent with violating **Sections 106.07(5), 106.19(1)(b), and 106.19(1)(c), Florida Statutes**. Based upon a thorough review of the Report of Investigation submitted on June 10, 2016, the following facts and law support this staff recommendation:

1. On January 19, 2016, the Florida Elections Commission (“Commission”) received a sworn complaint from Jack Clarke (“Complainant”), alleging that Janie Robertson (“Respondent”) violated Chapter 106, Florida Statutes.

2. Respondent was a 2015 candidate for re-election to the Bradenton Beach City Commission, Ward 3. Respondent’s Statement of Candidate form (“DS-DE 84”) was filed on April 8, 2015. (ROI Exhibit 8)¹

3. By letter dated April 13, 2016, the Executive Director notified Respondent that Commission staff would investigate the following statutory provisions:

Section 106.07(5), Florida Statutes: Respondent, a 2015 candidate for re-election to the Bradenton Beach City Commission, Ward 3, filed one or more campaign treasurer reports that were either incorrect or incomplete, as alleged in the complaint.

Section 106.19(1)(b), Florida Statutes: Respondent, a 2015 candidate for re-election to the Bradenton Beach City Commission, Ward 3, failed to report one or more contributions required to be reported by Chapter 106, Florida Statutes, as alleged in the complaint.

Section 106.19(1)(c), Florida Statutes: Respondent, a 2015 candidate for re-election to the Bradenton Beach City Commission, Ward 3, falsely reported or deliberately failed to include information in one or more campaign reports required by Chapter 106, Florida Statutes, as alleged in the complaint.

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

Alleged Violation: Section 106.07(5), Florida Statutes

4. Complainant alleged that Respondent violated Florida's election laws by certifying that the campaign's 2015 G4 Report was true, correct, and complete when it was not. More specifically, Complainant alleged that Respondent failed to report an in-kind contribution from William Shearon, a 2015 candidate for Mayor of Bradenton Beach, for mailing related expenses. Complainant's allegations are based on Complainant's assertion that Respondent mailed a political advertisement to electors in the same envelope that contained a political advertisement by Mr. Shearon's campaign.

5. Complainant provided a copy of a political advertisement that was paid for and approved by Respondent and an envelope with the return address of William "Bill" Shearon of Bradenton Beach, Florida, postmarked as of October 22, 2015. Respondent's advertisement asks her electors to vote for her and for William Shearon in the upcoming election. (ROI Exhibits 2-3)

6. The campaign's 2015 G4 Report (September 26, 2015 – October 2, 2015) disclosed a \$300 check contribution from Respondent to her campaign on September 27, 2015, and a \$265 expenditure to Respondent for mailing supplies on September 27, 2015. (ROI Exhibit 4)

7. Respondent stated that her political advertisement was included in the same mailing envelope as William Shearon's political advertisement, and that the parties agreed to share in the mailing costs. She stated that Mr. Shearon paid for the paper, printing, envelopes, and postage. Respondent stated that Mr. Shearon's treasurer told her what her portion of the shared cost for the mailing supplies was, and that she paid the treasurer in cash. She stated that she paid the cash out-of-pocket and that the campaign did not reimburse her. (ROI Exhibit 6) Respondent stated that her 2015 G4 Report shows a contribution in the amount of \$300 and an expenditure in the amount of \$265 for the mailing supplies, and that there was no in-kind contribution to report. (ROI Exhibit 5)

8. Respondent stated that she made the \$300 contribution to her campaign in the form of cash and not a check. She stated that she did not deposit the \$300 in the campaign account. Respondent stated that the \$265 that she paid Mr. Shearon's campaign for her portion of the mailing supplies was in cash out-of-pocket and that it did not go through the campaign account. She stated that Mr. Shearon's treasurer, Tjet Martin did not provide her with receipts or an itemization of costs and that she did not ask for one as the costs seemed reasonable. (Attachment A, Phone Log Entry 6)

9. The campaign's 2015 G4 Report incorrectly disclosed a check contribution in the amount of \$300 from Respondent to her campaign, and an expenditure in the amount of \$265 to Respondent. The report failed to disclose an in-kind contribution from Respondent to her campaign for the \$265 in cash that she personally paid out-of-pocket to the Shearon campaign for her portion of the mailing supplies.

10. Respondent certified that the campaign's 2015 G4 Report was true, correct, and complete when it was not.

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

11. Complainant alleged that Respondent violated Florida's election laws by failing to report contributions required to be reported by Chapter 106, Florida Statutes. The reporting period at issue is the 2015 G4 reporting period (September 26, 2015 – October 2, 2015).

12. Based on the above analysis, Respondent failed to disclose an in-kind contribution from Respondent to her campaign for the \$265 in cash that she personally paid out-of-pocket to the Shearon campaign for her portion of the mailing supplies.

13. Respondent stated that her 2015 G4 Report shows a contribution in the amount of \$300 and an expenditure in the amount of \$265 for the mailing supplies, and that there was no in-kind contribution to report. (ROI Exhibit 5)

14. Respondent failed to report a contribution required to be reported by Chapter 106, Florida Statutes, on the campaign's 2015 G4 Report.

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

15. Complainant alleged that Respondent violated Florida's election laws by falsely reporting or deliberately failing to include information required by Chapter 106, Florida Statutes. The reporting period at issue is the 2015 G4 reporting period (September 26, 2015 – October 2, 2015).

16. Based on the above analysis, Respondent deliberately failed to disclose an in-kind contribution from Respondent to her campaign for the \$265 in cash that she personally paid out-of-pocket to the Shearon campaign for her portion of the mailing supplies. Also, Respondent falsely reported a check contribution in the amount of \$300 from Respondent to her campaign, and an expenditure in the amount of \$265 to Respondent.

17. Respondent stated that her 2015 G4 Report shows a contribution in the amount of \$300 and an expenditure in the amount of \$265 for the mailing supplies, and that there was no in-kind contribution to report. (ROI Exhibit 5)

18. Respondent deliberately failed to include information required by Chapter 106, Florida Statutes, on the campaign's 2015 G4 Report. Respondent falsely reported information required by Chapter 106, Florida Statutes, on the campaign's 2015 G4 Report.

19. "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).

20. The facts set forth above show that Respondent was a 2015 candidate for re-election to the Bradenton Beach City Commission, Ward 3. Respondent certified that the campaign's 2015 G4 Report was true, correct, and complete when it was not. Respondent failed to report a contribution required to be reported by Chapter 106, Florida Statutes, on the campaign's 2015 G4 Report. Respondent deliberately failed to include information required by Chapter 106, Florida Statutes, on the campaign's 2015 G4 Report. Respondent falsely reported information required by Chapter 106, Florida Statutes, on the campaign's 2015 G4 Report.

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

Count 1:

On or about September 27, 2015, Janie Robertson violated Section 106.07(5), Florida Statutes, when she certified that the campaign's 2015 G4 Report was true, correct, and complete when it was not.

Count 2:

On or around September 27, 2015, Janie Robertson violated Section 106.19(1)(b), Florida Statutes, when she failed to report a contribution required to be reported by Chapter 106, Florida Statutes, on the campaign's 2015 G4 Report.

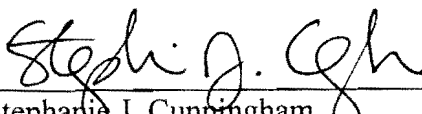
Count 3:

On or around September 27, 2015, Janie Robertson violated Section 106.19(1)(c), Florida Statutes, when she deliberately failed to include information required by Chapter 106, Florida Statutes, on the campaign's 2015 G4 Report.

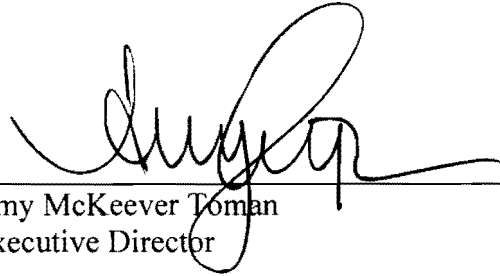
Count 4:

On or around September 27, 2015, Janie Robertson violated Section 106.19(1)(c), Florida Statutes, when she falsely reported information required by Chapter 106, Florida Statutes, on the campaign's 2015 G4 Report.

Respectfully submitted on July 15, 2016.


Stephanie J. Cunningham
Assistant General Counsel

I reviewed this Staff Recommendation this 15th day of July 2016.

A handwritten signature in black ink, appearing to read "Amy McKeever Toman", written over a horizontal line.

Amy McKeever Toman
Executive Director

**FLORIDA ELECTIONS COMMISSION
PHONE LOG
Case No.: FEC 16-017**

Respondent: Janie Robertson

Complainant: Jack Clarke

1. **Date and time:** 04/20/16 @ 2:02 p.m.
Name: Complainant
Phone #: 941-779-9798
Summary: I called Complainant for the purpose of introducing myself and to review his complaint with him. I left a message on his voice-mail explaining the purpose of my telephone call and asked that he return my call at his convenience.
Memo to File? No
Entered by: KS
2. **Date and time:** 04/20/16 @ 2:36 p.m.
Name: Complainant
Phone #: 941-779-9798
Summary: Complainant returned my telephone call from earlier.

I brought it to his attention that I had made a review of his complaint and attachments. I reviewed with him the complaint and explained to him that it was my understanding that two letters, one from Respondent and one from candidate Shearon, were both included in one envelope, which had a return address belonging to candidate Shearon; Complainant said that was correct.

I inquired of him about the envelope and that the name of the person receiving the mailing was redacted. Complainant said that a friend who received it in the mail brought it to his attention. When asked, Complainant said that to his knowledge, everyone in his "Ward" received the mailing. Complainant estimated that there are about 200 people in his ward, or district; Complainant, when asked, said that he did not receive one personally.

Complainant added that he has a copy of another envelope from another person who received the mailing and that he could forward to my attention. It was agreed that he would scan and e-mail the copy of the envelope to me this afternoon.

Memo to File? No

Entered by: KS

3. **Date and time:** 05/16/16 @ 10:49 a.m.
Name: Scott Farrington -- Asst. SOE
Phone #: 941-741-3823
Summary: I called the Manatee Co. SOE's office and spoke with Mr. Farrington. I brought it to his attention that back on April 20th I had mailed an affidavit to Supervisor of Elections Bennett for him to complete and return to me by May 9, 2016; however, as of today, I have yet to receive the affidavit.

Mr. Farrington said that he would research it for me and let me now. Additionally, I asked for Respondent's 2015 G4 summary page that would include her signature as certifying the report as the report on-line does not include her signature.

Also, I brought it to his attention that it appeared, based on what was on-line, that Respondent never filed a TR, the last report being her 2015 G7. He said that he would review her campaign file and e-mail me the G4 summary page with her signature as well as advising me on her 2015 TR.

Memo to File? No

Entered by: KS

4. **Date and time:** 05/16/16 @ 11:37 a.m.
Name: Sharon Stief – Manatee Co. SOE's office
Phone #: 941-741-3823

Summary: Ms. Stief, a representative with the Manatee Co. SOE's office, called to advise me that she has just completed the filing-officer affidavit and that she will scan and e-mail me the completed affidavit and place the hard-copy version in today's mail. She said that she had to do go back and research the number of times Respondent had sought elective office within their jurisdiction and that her research took some time to complete.

In addition, she said that Mr. Farrington had asked her about Respondent's 2015 G4 summary and the TR. She said that the 2015 G4 report was filed electronically with their office so there would be no paper-version showing that Respondent certified the report. She said that when the report is filed electronically, Respondent is basically certifying the report because she had to enter her pin number to file the report.

In addition, she said that Respondent's TR is now uploaded to their website and that the report was basically a waiver.

Memo to File? No

Entered by: KS

5. **Date and time:** 06/02/16 @ 3:20 p.m.
Name: Sharon Stief – MCSOE/Chief Deputy
Phone #: 941-741-3823 x6437

Summary: I called Ms. Stief to ask her a few follow-up questions relative to her response to the filing officer affidavit that she completed and returned to me recently.

I brought it to her attention that on the affidavit it was asked how publications—Chapter 106, Florida Statutes, and the Candidate Handbook—are provided to the candidates, whether available in the office for pick-up or the candidate is advised to download copies for themselves. When asked, she said that she does not have the candidates sign anything acknowledging that he/she received the law book and/or the handbook. She explained that both publications are in a candidate's packet that is given to a candidate but she has not established a check-list indicating that a candidate picked-up/received the packet. She added that the office has the publications in their office as well and candidates are also told that the information is available in the website.

In addition, I inquired of her as to Respondent's termination report that was filed as a waiver. I brought it to her attention that Respondent only reported two contributions—each from herself—totaling \$348, and two expenditures, totaling \$313. I further brought it to her attention that the termination report did not zero-out as termination reports should. When asked, Ms. Stief said that she thought she recalled that she called Respondent and told her that she needed to come in and amend the termination report, filed as a waiver, but that Respondent never came in to amend the report. She said that she held off on posting Respondent's waiver for the termination report to the website because she assumed Respondent would have come in to amend the report.

Further, I brought it to her attention that Respondent had stated that she consulted with her (Stief) about two candidates publishing ads and placing the ads in the same mailing. When asked, Ms. Stied said that she vaguely recalled having a conversation regarding that matter but she thought she had the conversation with the other candidate. She said that she reviewed the statutes and did not see where it was prohibited and advised the other candidate that as long as both candidates reported it in their campaign reports as show equal amount spent, she believed it was permissible.

Memo to File? No

Entered by: KS

6. **Date and time:** 06/08/16 @ 10:58 a.m.

Name: Respondent

Phone #: 941-778-7201

Summary: I called Respondent for the purpose of reviewing her response to the questionnaire-affidavit that she recently completed and returned. I advised her that I had reviewed her responses to some of the questions within the affidavit and that I wanted to clarify some of her answers.

I reminded her that according to her DS-DE 9 form, she designated Suncoast Credit Union as her campaign depository; she agreed. I inquired of her whether she opened a campaign account with the credit union; she answered in the affirmative. I reminded her that according to her G4 campaign report, she reported making a \$300 contribution to her campaign from herself. When asked, she said that the contribution was in the form of cash, not a check. When asked, she said that the money did not go through the campaign account, that she did not deposit the \$300 in the campaign.

I reviewed with her the reported expenditure of \$265 for mailing supplies listed on her campaign report. She stated that she paid the Shearon campaign for her portion of the mailing in cash, out of pocket and not through the campaign account.

Regarding the expenditure, I informed her that it appeared that the Shearon campaign initially went out and paid for the paper, printing, postage and envelopes and that she, in turn, when informed of her portion, gave cash to the Shearon campaign for her part of the mailing; she stated that was correct.

I inquired of her whether Tjet Martin, Shearon's campaign treasurer, provided her with any receipts or an itemization of the costs, as to all of the costs involved; she said that she did not, that Ms. Martin just told her what her portion of the costs was. When asked,

Respondent said that she did not request anything in writing from Ms. Martin to substantiate her part of the costs. Respondent added that she has done plenty of mailings over the many years for her previous campaigns and that her mailing costs have usually been around the costs that Ms. Martin told her and the costs seemed reasonable.

I informed Respondent that based on how the expenditure was reported—an expenditure reported to herself and not to Ms. Martin or the Shearon campaign—that it appeared that she made the expenditure to herself. Having advised her of this, I informed her that it could be construed to be a possible violation of Section 106.07(5), FS., in that the report may be false, incorrect or incomplete because of how it was reported. Having been informed of this, she said that she could now understand the reporting issue.

I inquired of her as to whether she asked anyone as to how to report the expenditure; she said that she did not. She added that in the past, Sharon [Stief] of the Manatee County SOE's office has usually advised her on issues. She further added that she did inquire of Ms. Stief about whether it was permissible to join another candidate in a mailing and was told that it was acceptable. When asked whether or not she consulted with Ms. Stief as to how to report the expenditure, she said she did not.

Respondent added that she had been on the city commission eight of the past ten years but she lost the most recent election in November 2015. She added that she does not plan to run for office again. When asked, Respondent stated that she is 73-years old.

Memo to File? No

Entered by: KS

7. **Date and time:** 06/10/16 @ 1:06 p.m.

Name: Respondent

Phone #: 941-778-7201

Summary: I called Respondent for the purpose of providing her with a brief overview of the case and to afford her an opportunity for any questions or comments.

I reminded her that the investigation focused on her letter advertisement that was included in the same mailing as William Shearon. Further, I reminded her that with the way the expenditure for mailing supplies was reported, it gave the appearance that she made an expenditure to herself instead of paying the Shearon campaign for her portion of the mailing, a possible violation of Section 106.07(5), FS.

In addition, I brought it to her attention that the investigation also focused on Section 106.19(1)(b), FS., in that the allegation is that she did not report a contribution. I explained to her that with a review of her campaign report and a review of Mr. Shearon's campaign reports, it appears as if the Shearon campaign may have invested more in that mailing than she did, which could be construed as a possible in-kind contribution to her campaign.

When asked, Respondent said that she did not have anything to add at this time. I advised Respondent that she would receive correspondence from our office sometime within the next week or so and that she can respond to the report of investigation if she chooses to do so. Respondent added that she would be out of town until around July 7 or July 8, 2016.

**FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Case No.: FEC 16-017**

Respondent: Janie Robertson

Complainant: Jack Clarke

On January 19, 2016, the Florida Elections Commission received a sworn complaint alleging that Respondent violated Chapter 106, Florida Statutes. The Commission staff investigated whether Respondent violated the following statutes:

Section 106.07(5), Florida Statutes, prohibiting a candidate from certifying to the correctness of a campaign treasurer's report that is incorrect, false, or incomplete;

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; and,

Section 106.19(1)(c), Florida Statutes, prohibiting a person or organization from falsely reporting or deliberately failing to report information required by Chapter 106, Florida Statutes.

I. Preliminary Information:

1. Respondent, Janie Robertson, was the incumbent candidate for Bradenton Beach City Commission, Ward 3; she was defeated in the November 3, 2015 election. Respondent had served on the city commission for a number of years previously; she is 73 years-old.

2. On April 8, 2015, Respondent's "APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY FOR CANDIDATES" form (DS-DE 9) was filed with the Manatee County Supervisor of Elections' office. Respondent appointed herself as campaign treasurer. To review the DS-DE 9 form, refer to Exhibit 1.

3. Complainant, Jack Clarke, was the incumbent candidate for Mayor for the City of Bradenton Beach; the election was held on November 3, 2015. A recount was held on November 4, 2015, which resulted in a tie between Complainant and his opponent, William T. Shearon. To break the tie, Complainant and Mr. Shearon drew cards; Complainant drew the losing card.

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

4. I investigated whether Respondent violated this section of the election laws by certifying to the correctness of a campaign treasurer's report as true, correct and complete, when

it was not.

5. Complainant alleges that Respondent did not report an in-kind contribution, in the form of postage, from another candidate. Specifically, Complainant questioned Respondent's letter-type advertisement, which was included in the same mailing envelope as that of another candidate, but not reported by Respondent as an in-kind contribution.

6. Complainant included with his complaint a copy of Respondent's letter-type advertisement. Respondent's letter begins, "Hello my fellow resident voters! I am running again! I also have an opponent again, so I am asking for your vote AGAIN! Respondent's letter also encourages the recipient to consider Bill¹ Shearon as Mayor. The letter reads, in part, "While I am asking you to return me to commission, most importantly I am asking you to return Bill Shearon as our Mayor. He lost by 13 votes. That is NOT a mandate for Clarke!" The remainder of Respondent's letter includes unfavorable comments directed toward Complainant. The last statement of Respondent's letter-type advertisement reads, "Please vote for Robertson and Shearon and bring integrity and experience back to the City" and concludes with a political disclaimer that reads, "POLITICAL ADVERTISEMENT PAID FOR AND APPROVED BY JANIE ROBERTSON FOR BRADENTON BEACH COMMISSIONER WARD 3." To review Respondent's letter-type advertisement, refer to Exhibit 2.

7. According to Complainant, Respondent's letter-type advertisement was included in the same mailing envelope along with an advertisement from another candidate, William Shearon, his opponent. Complainant included a copy of the envelope that he alleged contained both Respondent's and William Shearon's advertisements. The envelope included the return address of William Shearon in the upper-left portion and contained a regular postage-stamp; the mailing envelope is postmarked with a date of October 22, 2015². To review a copy of the envelope, submitted with the complaint, refer to Exhibit 3.

8. Respondent's campaign treasurer's reports were reviewed and no disclosure for postage was found. However, Respondent's 2015 G4 Report, covering the reporting period of September 26, 2015 to October 2, 2015, did include an expenditure of \$265 to herself on September 27, 2015, for the purpose of "mailing supplies." Table 1 is reflective of how the expenditure was reported. Respondent certified the report as true, correct and complete³. To review Respondent's 2015 G4 report, refer to Exhibit 4.

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¹ Also known as "William."

² William Shearon's 2015 G3 report discloses an expenditure of \$176.43 to Walmart on 09/13/15 for the purpose of "mailing supplies." His 2015 G4 report discloses an in-kind contribution for stamps valued at \$220.99 on 09/26/15 from "Tjet Martin."

³ According to Sharon Stief, Chief Deputy with the Manatee County Supervisor of Elections' office, the report is considered certified when it is filed electronically with their office.

TABLE 1: RESPONDENT'S 2015 G4 CTR – ITEMIZED EXPENDITURES				
Date	Full Name, Street Address & City, State, Zip Code	Purpose	Expenditure Type	Amount
Sequence #				
9/27/2015 1	Robertson, Janie 611 Gulf Drive N Unit C29 Bradenton Beach, FL 34217	mailing supplies	MO	\$265.00

9. In her response, Respondent stated, “There was no in-kind to report.” With her response, Respondent offered a copy of her 2015 G4 Report and alluded to a \$300 contribution⁴ from herself as well as the expenditure of \$265 to herself on September 27, 2015. To review Respondent’s response, refer to Exhibit 5.

10. In a questionnaire-affidavit, Respondent stated that after consulting with a representative from the Manatee County Supervisor of Elections’ office, her and the other candidate, William Shearon, agreed to share an expense for envelope and mailing costs. In addition, Respondent stated that all purchases, such as paper, printing and envelopes, were paid by the Shearon campaign. She added that Mr. Shearon’s treasurer told her what her portion of the costs was and she paid the treasurer in cash.

11. Respondent further added that she had no outside campaign funds and that her campaign was wholly “self-funded” out-of-pocket. Respondent stated, “There was no in-kind contribution from anyone.” To review Respondent’s questionnaire-affidavit, refer to Exhibit 6.

12. In a telephone interview, Respondent explained her campaign and the expenditure for mailing supplies. Respondent stated that the \$300 contribution reported in her name was from herself and that it was in the form of cash, not a personal check. She stated that the contribution did not go through the campaign account.

13. Respondent said that she paid the Shearon campaign \$265 in cash, out-of-pocket and not through the campaign depository, for her portion of the “mailing.” She explained that the Shearon campaign initially paid for the paper, printing, postage and envelopes and she was informed by Mr. Shearon’s campaign treasurer as to her part of the mailing. When asked, Respondent said that she did not secure any receipts or an itemization of costs listing the amount expended for each item, from Mr. Shearon’s campaign treasurer. In addition, when asked, she said that she did not request anything in writing from the Shearon campaign to substantiate the cost of each item⁵.

14. As part of the telephone interview, Respondent was advised that the expenditure was reported in her G4 campaign report to reflect that she made an expenditure to herself.

⁴ Respondent’s 2015 G4 campaign report, “Itemized-Contributions,” lists a single contribution as coming from Respondent on 09/27/15 in the amount of \$300.

⁵ Respondent also stated that she has done several mailings over the years as a candidate and that the \$265 for a mailing seemed reasonable.

Respondent again stated that she paid the Shearon campaign \$265 in cash for her part of the mailing. When asked whether she inquired of anyone as to how to report the expenditure, she said she did not. She added that she had asked Sharon Stief, a representative with the Manatee County Supervisor of Elections' office, as to whether it was permissible to join another candidate in a joint mailing. She further added that Ms. Stief informed her that it was permissible as long as her and the other candidate shared equally in the costs. She stated that she did not inquire of Ms. Stief as to how to report the expenditure⁶.

15. As part of her response to the questionnaire-affidavit, Respondent attested that she has served as her own campaign treasurer in her previous candidacies. Respondent had been asked to explain what she looks for when examining a campaign report prior to certifying the report as true, correct and complete. She attested, "That my personal contributions (out of pocket) equal my expenditures." To review Respondent's questionnaire-affidavit, refer to Exhibit 6.

16. Respondent's entire 2015 campaign consisted of two contributions and two expenditures. Each of the two contributions were from herself; one of the two expenditures was to the City of Bradenton Beach for her qualifying fee in which Respondent did write a check issued from her campaign account.

17. A review of her past campaign reports indicates that Respondent's 2015 campaign was similar to her past few campaigns for elective office. In 2007, Respondent's total campaign consisted of \$150, in which she funded her own campaign. In 2009, her campaign consisted of \$100, in which she funded her own campaign and in 2013, Respondent's campaign consisted of \$700, in which she funded her own campaign, with the exception of one other contribution.

18. No record was found to indicate that Respondent has previously violated this section of the 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 not reporting a contribution.

20. As to Complainant's allegation, refer to paragraph five.

21. As to information included with the complaint, Respondent's reporting of the expenditure for the mailing and the costs associated with the mailing, refer to paragraphs 6 through 15.

22. As per Table 1, Respondent reported an expenditure to herself in the amount of \$265 for mailing supplies. And, as previously noted, Respondent stated that she paid the Shearon campaign for her portion of the mailing.

⁶ In a telephone interview, Ms. Stief stated that Respondent or Mr. Shearon, she could not recall for sure, had inquired of her about joint advertising. Ms. Stief said that she advised either Respondent or Mr. Shearon that joint advertising was permissible as long as both candidates shared equally in the cost. Ms. Stief added that she did not advise Respondent on how to report the expenditure.

23. As denoted in Footnote 2, the Shearon campaign disclosed an expenditure in the amount of \$176.43 to Walmart on September 13, 2015 for the purpose of "mailing supplies." In addition, he reported an in-kind contribution of stamps, valued at \$220.99, from Tjet Martin on September 26, 2015.

24. The total value reported by the Shearon campaign for mailing supplies, \$176.43, plus the value of the in-kind contribution of stamps, \$220.99, equals \$397.42. As per Table 1, Respondent reported her portion of the mailing as \$265.00. Respondent's campaign reports are void of any entry relating to an in-kind contribution from the Shearon campaign.

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

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

26. I investigated whether Respondent violated this section of the election laws by falsely reporting or deliberately failing to report information.

27. As to information that may have been falsely reported or information that Respondent failed to report, refer to paragraphs 6 through 15.

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

IV. FEC History:

29. Respondent has had no prior history with the Florida Elections Commission.

Conclusion:

30. On June 10, 2016, I interviewed Respondent for the purpose of providing her with a brief overview of the case and to afford her an opportunity for any questions or comments about the case. When asked, Respondent said that she did not have anything to add to the case at this time.

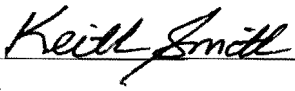
31. In an affidavit, Sharon Stief, Manatee County Chief Deputy Supervisor of Elections, attested that Respondent had previously served Ward 3 on the Bradenton Beach City Commission. According to Ms. Stief, Respondent was elected in 2005, 2007, 2009 and 2013. To review the affidavit of Sharon Stief, refer to Exhibit 7.

32. In an affidavit, Respondent attested that she does possess and has read Chapter 106, Florida Statutes, as well as the *Candidate and Campaign Treasurer Handbook*. Respondent was asked what action had she taken to determine her responsibilities under Florida's election laws. She stated, "Studied 106 FS, Studied Handbooks issued by MCSOE." In addition, Respondent stated that she consulted with a representative of the Manatee County Supervisor of Elections' office. To review Respondent's questionnaire-affidavit, refer to Exhibit 6.

33. Respondent executed the "Statement of Candidate" form indicating that she had been provided access to read and understand the requirements of Chapter 106, Florida Statutes;

the form is dated as having been signed April 8, 2015. To review Respondent's Statement of Candidate form, refer to Exhibit 8.

Respectfully submitted on June 10, 2016.



Keith Smith
Investigation Specialist

Current address of Respondent

The Honorable Janie Robertson
611 Gulf Drive, North C-29
Bradenton Beach, Florida 34217

Current address of Complainant

The Honorable Jack Clarke
2601 Gulf Drive, North
Bradenton Beach, Florida 34217

Name and Address of Filing Officer:

The Honorable Michael Bennett
Manatee County Supervisor of Elections
600 301 Boulevard West – Suite 108
Bradenton, Florida 34205

Copy furnished to: David Flagg, Investigations Manager

FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Janie Robertson -- FEC 16-017

LIST OF EXHIBITS	
Exhibits #s	Description of Exhibits
Exhibit 1	Respondent's DS-DE 9 form
Exhibit 2	Respondent's letter-ad
Exhibit 3	Copy of envelope
Exhibit 4	Respondent's 2015 G4 CTR
Exhibit 5	Respondent's response to the allegations
Exhibit 6	Respondent's response to Q/A
Exhibit 7	Affidavit of Sharon Stief
Exhibit 8	Statement of Candidate form

APPOINTMENT OF CAMPAIGN TREASURER
AND DESIGNATION OF CAMPAIGN
DEPOSITORY FOR CANDIDATES

(Section 106.021(1), F.S.)

(PLEASE PRINT OR TYPE)

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

RECEIVED

2015 APR 8 PM 1 31

SUPERVISOR OF ELECTIONS

OFFICE USE ONLY

1. CHECK APPROPRIATE BOX(ES):

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

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

JANE SCHEMBER ROBERTSON

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

611 GULF DR. N C-29
BRADENTON BEACH, FL 34217

4. Telephone

(941) 778-7201

5. E-mail address

JSRFLA@HOTMAIL.COM

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

CITY OF BRADENTON BEACH
COMMISSIONER WARD 3

7. If a candidate for a nonpartisan office, check if applicable:

☐ My intent is to run as a Write-In candidate.

8. If a candidate for a partisan office, check block and fill in name of party as applicable: My intent is to run as a

☐ Write-In ☐ No Party Affiliation ☐ _____ Party candidate.

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

10. Name of Treasurer or Deputy Treasurer

JANE ROBERTSON

11. Mailing Address

611 GULF DR N C-29

12. Telephone

(941) 778-7201

13. City

BRADENTON BEACH

14. County

MANATEE

15. State

FL

16. Zip Code

34217

17. E-mail address

JSRFLA@HOTMAIL.COM

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

19. Name of Bank

SUNCOAST CREDIT UNION

20. Address

P.O. Box 11904

21. City

TAMPA

22. County

HILLSBOROUGH

23. State

FL

24. Zip Code

33680

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

25. Date

4-8-15

26. Signature of Candidate

X Jane S. Robertson

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

I, JANE S. ROBERTSON, do hereby accept the appointment

(Please Print or Type Name)

designated above as: ☒ Campaign Treasurer ☐ Deputy Treasurer.

4-8-15

Date

X Jane S. Robertson

Signature of Campaign Treasurer or Deputy Treasurer

EXHIBIT



Hello my fellow resident voters!

I am running again! I also have an opponent again, so I am asking for your vote AGAIN!

I have been the Ward 3 Commissioner for 8 out of the last 10 years. I had to sit out 2 years because of term limits, and you chose to return me to office against an incumbent. I thank you and hope you are not unhappy that you did so. During those 10 years, I have seen my opponent inside City Hall, only once, at the September 17th meeting.

For the last 2 years, I have been in the minority vote on commission. However, I was able to fight successfully to secure our public beach front property at 1st St. North, keeping it from becoming a private commercial parking lot after 5 PM daily. It was quite a battle, but now it belongs to us again, the public, with no parking. It's an open window to our Gulf of Mexico, as it should be. If I hadn't been on commission, we would have lost it!

While I am asking you to return me to commission, most importantly I am asking you to return Bill Shearon as our Mayor. He lost by 13 votes. That is NOT a mandate for Clarke!

Clarke was an unknown when he became a Commissioner with no opposition. He had no prior public service. In a planned legal coup, he, City Attorney Perry, and Commissioners Straight and Vosburgh manipulated him into the position of Vice Mayor, and he immediately began forfeiture proceedings against Mayor Shearon. He kept his accusations secret for 6 months. Clarke backed off when a recall movement was successful with NO PROVEN ALLEGATIONS against Mayor Shearon. The total legal costs were astronomical to the City. Clarke said, "We need to find the money to do this", meaning get rid of Shearon. After a successful recall, a person in his administration said, "We got Shearon, now we have to get rid of Robertson".

City staff was very instrumental in claiming "work place harassment" against Shearon via "street rumor". Staffs' attempts at formal harassment charges against Shearon were found to have no legal ground. However, the City paid their legal fees. On the night of his recall victory, Clarke proclaimed on video that it was time for him to reorganize and set up his own management style. He promoted and gave huge raises to 2 marginal clerks who had vaguely claimed harassment by Shearon and manipulated commission into a 3% raise to all staff, many of whom spread the "street rumors".

Clarke appears to have no respect for taxpayer dollars. He spends freely claiming "mayoral discretion". We have no accounting for the money he has spent since June 1 for his personal projects; none of which are brought to commission for approval in an open meeting. I have asked for a monthly accounting and I have been ignored. This is the management style he promised to

implement. He has eliminated open Commission workshops with staff; he meets alone with them. Commission gets no reports of these meetings, and the public cannot attend nor comment resulting in no public disclosure in the form of minutes.

Currently, there is an ethics complaint against Clarke submitted to the Florida Commission on Ethics by a citizen. If you don't follow or attend City meetings, you probably are not aware of Clarke's "shutdown" of an open, transparent approach to government.

He blatantly disregards our City laws, and even State Statutes.

His negotiations of a long term lease of City property outside the Sunshine Laws along with City Attorney Perry have been challenged. Such negotiations require an open, public meeting with Commission.

This is government "by Jack Clarke and for Jack Clarke", not "the people". Clarke reveals little about his background and credentials for running the business of a City. He has lived here for 11 years and never volunteered for any City boards, nor even attended meetings. I have served with 5 mayors, and in 3 months he has proven himself to be the worst ever. He is secretive, lawless, manipulative, ruthless, untrustworthy, and unethical. I have never known any Mayor as blatantly controlling, in my opinion, as he is. He fails miserably in the adherence to our City laws. He breaks them first, instructs the City Attorney to write new ones without Commission direction, presents them to Commission, then limits public discussion.

He has refused to speak to certain media, and one commissioner admits they were told not to speak to certain citizens and media. Is this open government by the people? As a City Commissioner, I feel it is my responsibility to respond to ALL media and citizen questions.

Voters, if the City continues under Clarke, I anticipate continued citizen lawsuits and claims of ethics violations, including Sunshine Law. I also see MAJOR fiscal problems. Clarke doesn't show the ethics to be legally and fiscally responsible to us. He has demonstrated that he is more concerned about funding City staff interests, and the non-voting commercial donors to his campaign, than the needs and wishes of the resident taxpayers. **AND THAT IS US!**

Please vote for Robertson and Shearon and bring integrity and experience back to the City.

Respectfully,



POLITICAL ADVERTISEMENT PAID FOR AND APPROVED BY JANIE ROBERTSON FOR BRADENTON BEACH
COMMISSIONER WARD 3

EXHIBIT 2 (2 of 2)

William "Bill" Shearon
302 Gulf Drive South
Bradenton Beach, Florida 34217

TAMPA, FL 336
SAINT PETERSBURG, FL
22 OCT 2015 PM 7:1

~~2601 Gulf Dr N LOT 2~~
Bradenton Beach FL 34217

34217263853

EXHIBIT

3

CAMPAIGN TREASURER'S REPORT SUMMARY

(1) Janie Robertson

Name

(2) 611 Gulf Dr N C-29

Address (number and street)

Bradenton Beach, FL 34217

City, State, Zip Code

☐ Check here if address has changed

(4) Check appropriate box(es):

☒ Candidate Office Sought: BRADENTON BEACH COMMISSION WARD 3

☐ Political Committee (PC)

☐ Electioneering Communications Org. (ECO)

☐ Party Executive Committee (PTY)

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

☐ Check here if PC or ECO has disbanded

☐ Check here if PTY has disbanded

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

(3) ID Number: 1315

OFFICE USE ONLY
ONLINE SUBMISSION

[1091589]

Submitted on:

2/27/2015 18:39:32 (eastern)

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CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

(1) Name Janie Robertson (2) I.D. Number 1315

(3) Cover Period 9/26/2015 through 10/2/2015 (4) Page 1 of 1

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor Type Occupation		(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
9/27/2015 / /	Robertson, Janie 611 Gulf Drive N Unit C29 Bradenton Beach, FL 34217	I	self	CH			\$300.00
1							
/ /							
/ /							
/ /							
/ /							
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CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES

(1) Name Janie Robertson (2) I.D. Number 1315
 9/26/2015 10/2/2015
 (3) Cover Period 9/26/2015 through 10/2/2015 (4) Page 1 of 1

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
9/27/2015 1	Robertson, Janie 611 Gulf Drive N Unit C29 Bradenton Beach, FL 34217	mailing supplies	MO		\$265.00
//					
//					
//					
//					
//					
//					
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JSR

From: "JSR" <JSRFLA@hotmail.com>
Date: Monday, January 25, 2016 4:53 PM
To: <fec@myfloridalegal.com>
Cc: "JSR" <JSRFLA@hotmail.com>
Subject: Case No.: FEC 16-017; Respondent Janie Robertson attn: Erin Riley

Dear Ms. Riley,

I am sending you a copy of my 9/27/2015 campaign treasurer's report showing a contribution of \$300. and an expenditure of \$265. for mailing materials. There was no "in-kind" to report.

FYI Jack Clarke was not an "opposing candidate". I ran against Ralph Cole.

I believe the complaint filed by Jack Clarke against me is false and frivolous.

Janie Robertson

EXHIBIT

5

K

AFFIDAVIT OF BACKGROUND INFORMATION
Case Number: FEC 16-017

STATE OF FLORIDA
County of Manatee

Janie Robertson, 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 NO ONE as _____.
3. What action have you taken to determine your responsibilities under Florida's election laws?

Studied 106 FS, Studied Handbooks issued by MCSOE

Consulted with Sharon Stief at Manatee Co. SOE

4. Do you possess a copy of Chapter 106, Florida Statutes? ☒ Yes ☐ No
5. If so, when did you first obtain it? 2006, 2008, 2010, 2012, 2014
6. Have you read Chapter 106, Florida Statutes? ☒ Yes ☐ No
7. Do you possess a copy of the *Candidate and Campaign Treasurer Handbook*? ☒ Yes ☐ No
8. If so, when did you first obtain it? 2006 as above
9. Have you read the *Candidate and Campaign Treasurer Handbook*? ☒ Yes ☐ No
10. Allegedly, your letter (enclosed as attachment A), was included in the same mailing envelope as an advertisement generated by candidate Bill Shearon. Is this correct? ☒ Yes () No. If "no," please explain otherwise.

Two Candidates for office shared an envelope and mailing costs. Permitted by MCSOE

11. Please explain the circumstances surrounding how your letter was included in the same mailing envelope as Mr. Shearon's advertisement? (e.g. – did you and Mr. Shearon discuss ahead of time that your letter and his advertisement would be included in the same envelope, etc.).

After consulting MCSOE, Shearon and I agreed to share an envelope and mailing costs.

EXHIBIT

12. According to your response, you alluded to an entry in your 2015 G4 Report in which you reported an expenditure of \$265 to yourself on 09/27/15 for "mailing supplies." In the space below, please explain what all "mailing supplies" this expenditure covered (i.e. – paper, printing, postage, etc.). Additionally, please provide copies of any and all receipts to substantiate the purchases you made relative to "mailing supplies."

All purchases were paid by Shearon i.e. paper, printing, postage envelopes. His treasurer told me what my portion was and I paid the treasurer in cash from me.

13. Based on how the expenditure was reported (enclosed as Attachment B), it appears that you personally paid out-of-pocket for the "mailing supplies." Is this correct? ☒ Yes () No. If your answer is "yes," please answer the following questions and disregard question #19. If your answer is "no," go directly to question #19. *I do not see a question #19*

If "yes," did the campaign reimburse you for the expenditure? () Yes ☒ No.

If "yes," please provide a copy of the check issued from the campaign account to yourself for reimbursement and a copy of the "Other Distributions" page detailing to whom you made the expenditure(s), when the expenditures were paid, and for what and how much each payment was for.

If "no," the campaign did not reimburse you, was this an in-kind contribution to your campaign? () Yes ☒ No.

If "yes," please explain why you did not report the expenditure as an in-kind contribution to your campaign. If "no," please explain otherwise.

I had no outside campaign funds. I was wholly "self-funded" - out of pocket. There was no in-kind contribution from anyone.

14. If your answer to question ^{??} #18 was no—you did not pay out-of-pocket for the mailing supplies but instead you issued a check from the campaign account—please provide a copy of the check and explain why the expenditure is reported as having been made to you rather than the vendor(s).

EXHIBIT

6 (2013)

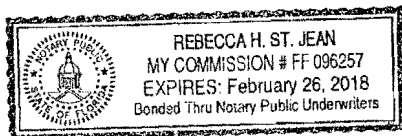
Page 43 of 61

15. In your previous campaigns for elective office, have you served as your own campaign treasurer? ☒ Yes () No.

16. When you examine a campaign report, prior to certifying the report to be true, correct and complete, what exactly do you look for?

(out of pocket)
That my personal contributions equal my expenditures

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



Jane L. Robertson
Signature of Affiant

Sworn to (or affirmed) and subscribed before me this 26 day of May, 2016

Rebecca H St Jean
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: Drivers licence

Case Investigator: KS

EXHIBIT 6 (3 & 3)

AFFIDAVIT OF FILING OFFICER
Case Number: FEC 16-017

STATE OF FLORIDA
County of Manatee

2016 MAY 23 P 3:22

Michael Bennett, 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 Manatee County Supervisor of Elections as Chief Deputy.

3. Please check each item provided to the candidate or her staff, and list the date that the item was provided. (If the item is published by the Division of Elections, it is unnecessary to provide a copy of the item. If your office published the item, please send a copy of the item with this affidavit.)

Check	ITEM	DATE
	Chapter 106, <i>Florida Statutes</i>	
	<i>Candidate and Campaign Treasurer Handbook</i> <u>Please indicate Year</u>	

4. Relative to Chapter 106, *Florida Statutes* and the *Candidate and Campaign Treasurer Handbook*, how are these publications provided to the candidate and/or her staff?

- ☐ Publications are given directly to the candidate and/or her staff.
- ☒ Publications are available in the office, candidate and/or her staff are advised to pick-up the publications for themselves.
- ☒ Candidate and/or his staff are advised to download copies of the publications from our website or the Division of Elections' website.
- ☐ Other, please explain. _____

5. Did your office offer any candidate workshops or training seminars prior to the November 2015 election? ☒ No () Yes. If yes, please list all workshops/training seminars that were attended by the candidate and/or her staff, along with the date of attendance. If a staff member attended for the candidate, list his/her name and position. If available, please attach a copy of any attendance sheets from the workshops/training seminars and if available, please provide a copy of the syllabus and outline for the workshops/seminars.

EXHIBIT

7
Page 45 of 64 (103)

6. Does your office have any record of Janie Robertson having sought elective office within your jurisdiction prior to 2015 election? () Yes () No. If yes, please list the previous office(s) she ran for, the date(s) of the election(s), and the result(s) of the election(s).

11/3/15 - City of Bradenton Beach City Commission - Defeated

11/5/15 - City of Bradenton Beach City Commission - Elected

← See over

7. Does your office have any record of Janie Robertson having been named as a chairperson or campaign treasurer of a political committee or electioneering communication organization within your jurisdiction? () Yes ☒ No. If yes, please list the name(s) of the committees.

8. Did you or any member from your staff have any conversations with Janie Robertson concerning a provision of Chapter 106, Florida Statutes at any time during her 2015 campaign? () Yes ☒ No. If yes, please indicate whether the conversation was in person, in writing, or by telephone and the subject matter of the conversation. If applicable, please provide copies documenting the discussion.

I SWEAR OR AFFIRM THAT THE INFORMATION CONTAINED IN THIS DOCUMENT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

Sharon Stuy
Signature of Affiant

Sworn to (or affirmed) and subscribed before me this 16th day of

May, 2016

Laura M. Panico
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: KS

EXHIBIT

7 (2 of 3)
Page 16 of 61

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2016 APR 25 AM 10:30

WILLIAM KELLY
SUPERVISOR OF COLLECTIONS

11/3/09- City of Bradenton Beach City Commission- Unopposed
Ward 3

11/6/07- City of Bradenton Beach City Commission- Unopposed
Ward 3

11/8/05- City of Bradenton Beach City Commission- Unopposed
Ward 3



EXHIBIT

7 (3 of 3)

**STATEMENT OF
CANDIDATE**

(Section 106.023, F.S.)

(Please print or type)

OFFICE USE ONLY

2015 APR 8 PM 1 31

SUPPLEMENTAL ELECTIONS

I, JANE S. ROBERTSON,
candidate for the office of COMMISSIONER WARD 3 CITY OF BRADENTON
BEACH
have been provided access to read and understand the requirements of
Chapter 106, Florida Statutes.

X Jane S. Robertson
Signature of Candidate

4-8-15
Date

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



FLORIDA ELECTIONS COMMISSION

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

April 13, 2016

Janie Robertson
611 Gulf Drive North C-29
Bradenton Beach, FL 34217

RE: Case No.: FEC 16-017; Respondent: Janie Robertson

Dear Janie Robertson:

On January 19, 2016, the Florida Elections Commission received a complaint alleging that you violated Florida's election laws. I have reviewed the complaint and find that it contains one or more legally sufficient allegations. The Commission staff will investigate the following alleged violations:

Section 106.07(5), Florida Statutes: Respondent, a 2015 candidate for re-election to the Bradenton Beach City Commission, Ward 3, filed one or more campaign treasurer reports that were either incorrect or incomplete, as alleged in the complaint.

Section 106.19(1)(b), Florida Statutes: Respondent, a 2015 candidate for re-election to the Bradenton Beach City Commission, Ward 3, failed to report one or more contributions required to be reported by Chapter 106, Florida Statutes, as alleged in the complaint.

Section 106.19(1)(c), Florida Statutes: Respondent, a 2015 candidate for re-election to the Bradenton Beach City Commission, Ward 3, falsely reported or deliberately failed to include information in one or more campaign reports required by Chapter 106, Florida Statutes, as alleged in the complaint.

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

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.

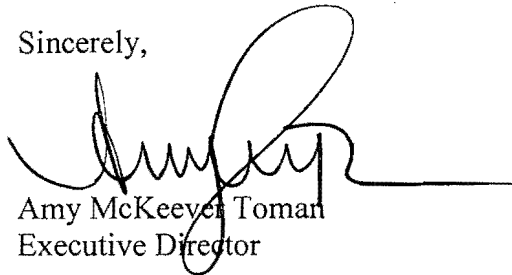
At any time before a probable cause finding, you may notify us in writing that you want to enter into negotiations directed towards reaching a settlement via consent agreement.

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 **Keith Smith**, the investigator assigned to this case.

Sincerely,



Amy McKeever Toman
Executive Director

AMT/enr

JSR

From: "JSR" <JSRFLA@hotmail.com>
Date: Monday, January 25, 2016 4:53 PM
To: <fec@myfloridalegal.com>
Cc: "JSR" <JSRFLA@hotmail.com>
Subject: Case No.: FEC 16-017; Respondent Janie Robertson attn: Erin Riley

Dear Ms. Riley,

I am sending you a copy of my 9/27/2015 campaign treasurer's report showing a contribution of \$300. and an expenditure of \$265. for mailing materials. There was no "in-kind" to report.

FYI Jack Clarke was not an "opposing candidate". I ran against Ralph Cole.

I believe the complaint filed by Jack Clarke against me is false and frivolous.

Janie Robertson

CAMPAIGN TREASURER'S REPORT SUMMARY

(1) Janie Robertson

Name

(2) 611 Gulf Dr N C-29

Address (number and street)

Bradenton Beach, FL 34217

City, State, Zip Code

☐ Check here if address has changed

(3) ID Number: 1315

(4) Check appropriate box(es):

☒ Candidate Office Sought: BRADENTON BEACH COMMISSION WARD 3

☐ Political Committee (PC)

☐ Electioneering Communications Org. (ECO)

☐ Party Executive Committee (PTY)

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

☐ Check here if PC or ECO has disbanded

☐ Check here if PTY has disbanded

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

(5) Report Identifiers

Cover Period: From 9 / 26 / 2015 To 10 / 2 / 2015 Report Type: G4

☒ Original

☐ Amendment

☐ Special Election Report

(6) Contributions This Report

Cash & Checks \$, , 300 . 00

Loans \$, , 0 . 00

Total Monetary \$, , 300 . 00

In-Kind \$, , 0 . 00

(7) Expenditures This Report

Monetary Expenditures \$, , 265 . 00

Transfers to Office Account \$, , 0 . 00

Total Monetary \$, , 265 . 00

(8) Other Distributions

\$, , 0 . 00

(9) TOTAL Monetary Contributions To Date

\$, , 348 . 00

(10) TOTAL Monetary Expenditures To Date

\$, , 313 . 00

(11) Certification

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

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

(Type name)

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

X

Signature

(Type name)

☐ Candidate ☐ Chairperson (only for PC and PTY)

X

Signature

CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

(1) Name Janie Robertson (2) I.D. Number 1315

9/26/2015 10/2/2015

(3) Cover Period / / through / / (4) Page 1 of 1

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor Type Occupation		(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
(6) Sequence Number							
9/27/2015 / / 1	Robertson, Janie 611 Gulf Drive N Unit C29 Bradenton Beach, FL 34217	I	self	CH			\$300.00
/ /							
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CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES

(1) Name Janie Robertson

(2) I.D. Number 1315

(3) Cover Period 9/26/2015 through 10/2/2015

(4) Page 1 of 1

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
(6) Sequence Number					
9/27/2015 //	Robertson, Janie 611 Gulf Drive N Unit C29 Bradenton Beach, FL 34217	mailing supplies	MO		\$265.00
1					
//					
//					
//					
//					
//					
//					

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

CONFIDENTIAL COMPLAINT FORM

2016 JAN 19 A 9 56

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: Jack Clarke Work Phone: (941) 357-0546
Address: 2601 Gulf Dr. North Home Phone: (941) 779-9798
City: Bradenton Bch. County: Manatee State: FL Zip Code: 34217

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: Janie Robertson
Address: 611 Gulf Dr. North C-29 Phone: ()
City: Bradenton Bch. County: Manatee State: FL Zip Code: 34217

If individual is a candidate, list the office or position sought: Commission Ward 3

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 investigate 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.

During the first week of October 2015, Ms. Robertson made or caused to be mailed a writing as a paid political advertisement which contained blatantly false statements against an opposing candidate, Jack Clarke, and did so with actual malice.

The writing is attached hereto as Exhibit 1. The false statements contained in the writing were included in a news article.


See Exhibit 2, attached hereto. The writing was included in a mailer provided by the campaign of another candidate, William Shearon, and not reported as an in-kind contribution by the campaign of Ms. Robertson in any filing since the activity occurred.

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

4. OATH

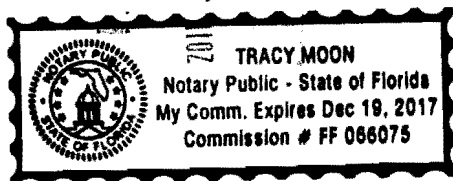
STATE OF FLORIDA
COUNTY OF MANATEE

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 26 day of
October, 2015


Signature of Officer Authorized to Administer Oaths or Notary public.



Tracy Moon

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

Personally known ☒ Or Produced Identification _____

Type of Identification Produced _____

Any person who files a complaint while knowing that the allegations are false or without merit commits a misdemeanor of the first degree, punishable as provided in Sections 775.082 and 775.083, Florida Statutes.



Hello my fellow resident voters!

I am running again! I also have an opponent again, so I am asking for your vote AGAIN!

I have been the Ward 3 Commissioner for 8 out of the last 10 years. I had to sit out 2 years because of term limits, and you chose to return me to office against an incumbent. I thank you and hope you are not unhappy that you did so. During those 10 years, I have seen my opponent inside City Hall, only once, at the September 17th meeting.

For the last 2 years, I have been in the minority vote on commission. However, I was able to fight successfully to secure our public beach front property at 1st St. North, keeping it from becoming a private commercial parking lot after 5 PM daily. It was quite a battle, but now it belongs to us again, the public, with no parking. It's an open window to our Gulf of Mexico, as it should be. If I hadn't been on commission, we would have lost it!

While I am asking you to return me to commission, most importantly I am asking you to return Bill Shearon as our Mayor. He lost by 13 votes. That is NOT a mandate for Clarke!

Clarke was an unknown when he became a Commissioner with no opposition. He had no prior public service. In a planned legal coup, he, City Attorney Perry, and Commissioners Straight and Vosburgh manipulated him into the position of Vice Mayor, and he immediately began forfeiture proceedings against Mayor Shearon. He kept his accusations secret for 6 months. Clarke backed off when a recall movement was successful with NO PROVEN ALLEGATIONS against Mayor Shearon. The total legal costs were astronomical to the City. Clarke said, "We need to find the money to do this", meaning get rid of Shearon. After a successful recall, a person in his administration said, "We got Shearon, now we have to get rid of Robertson".

City staff was very instrumental in claiming "work place harassment" against Shearon via "street rumor". Staffs' attempts at formal harassment charges against Shearon were found to have no legal ground. However, the City paid their legal fees. On the night of his recall victory, Clarke proclaimed on video that it was time for him to reorganize and set up his own management style. He promoted and gave huge raises to 2 marginal clerks who had vaguely claimed harassment by Shearon and manipulated commission into a 3% raise to all staff, many of whom spread the "street rumors".

Clarke appears to have no respect for taxpayer dollars. He spends freely claiming "mayoral discretion". We have no accounting for the money he has spent since June 1 for his personal projects; none of which are brought to commission for approval in an open meeting. I have asked for a monthly accounting and I have been ignored. This is the management style he promised to

implement. He has eliminated open Commission workshops with staff; he meets alone with them. Commission gets no reports of these meetings, and the public cannot attend nor comment resulting in no public disclosure in the form of minutes.

Currently, there is an ethics complaint against Clarke submitted to the Florida Commission on Ethics by a citizen. If you don't follow or attend City meetings, you probably are not aware of Clarke's "shutdown" of an open, transparent approach to government.

He blatantly disregards our City laws, and even State Statutes.

His negotiations of a long term lease of City property outside the Sunshine Laws along with City Attorney Perry have been challenged. Such negotiations require an open, public meeting with Commission.

This is government "by Jack Clarke and for Jack Clarke", not "the people". Clarke reveals little about his background and credentials for running the business of a City. He has lived here for 11 years and never volunteered for any City boards, nor even attended meetings. I have served with 5 mayors, and in 3 months he has proven himself to be the worst ever. He is secretive, lawless, manipulative, ruthless, untrustworthy, and unethical. I have never known any Mayor as blatantly controlling, in my opinion, as he is. He fails miserably in the adherence to our City laws. He breaks them first, instructs the City Attorney to write new ones without Commission direction, presents them to Commission, then limits public discussion.

He has refused to speak to certain media, and one commissioner admits they were told not to speak to certain citizens and media. Is this open government by the people? As a City Commissioner, I feel it is my responsibility to respond to ALL media and citizen questions.

Voters, if the City continues under Clarke, I anticipate continued citizen lawsuits and claims of ethics violations, including Sunshine Law. I also see MAJOR fiscal problems. Clarke doesn't show the ethics to be legally and fiscally responsible to us. He has demonstrated that he is more concerned about funding City staff interests, and the non-voting commercial donors to his campaign, than the needs and wishes of the resident taxpayers. **AND THAT IS US!**

Please vote for Robertson and Shearon and bring integrity and experience back to the City.

Respectfully,



POLITICAL ADVERTISEMENT PAID FOR AND APPROVED BY JANIE ROBERTSON FOR BRADENTON BEACH
COMMISSIONER WARD 3

William "Bill" Shearon
302 Gulf Drive South
Bradenton Beach, Florida 34217

TAMPA FL 335
SAINT PETERSBURG FL
22 OCT 2015 PM 7 1



2601 Gulf Dr N LOT 2
Bradenton Beach FL 34217

34217263653

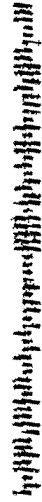


EXHIBIT 2

2 Bradenton Beach candidates fire round 1 missives

By Ed Scott, Islander Reporter

The campaigns for mayor and commissioner in Bradenton Beach turned to attack mode within the past week.

Both former Mayor Bill Shearon and Ward 3 Commissioner Janie Robertson posted letters to voters, attacking Mayor Jack Clarke.

Robertson called Clarke "secretive, lawless, manipulative, ruthless, untrustworthy, and unethical. I have never known any mayor as blatantly controlling. He fails miserably in the adherence to our city laws. He breaks them first, (then) instructs the city attorney to write new ones."

The letters also explained each candidate's reasons for seeking another term in office.

"I am honoring my promise to run for mayor to return transparency, evenhandedness, fiscal control and accountability" to city hall, wrote Shearon, who lost to Clarke by 13 votes May 19 in a recall election after losing the recall on the same ballot by eight votes. Shearon has said the recall effort was politically motivated.

Shearon's first term as mayor was halted and Clarke was sworn into office in June.

"By now, we have all had a taste of the direction that Mayor Clarke is taking the city. It is not a good one," Shearon wrote.

In the four months Clarke has been mayor, Shearon said he has "hired a city clerk who has no credentials, formal training or formal education for the job," in reference to Terri Sanclemente. Shearon added that Clarke disrupted city operations and violated a city ordinance by placing former city treasurer Sheila Dalton and her deputy under Sanclemente's supervision, resulting in their resignations.

Clarke has had two complaints against him at the Florida Commission on Ethics, Shearon wrote. One, based on his vote to pay a lawyer to defend his campaign for mayor, was dismissed. The other resulted from Clarke delegating himself and city attorney Ricinda Perry to negotiate the pier restaurant contract for the city in private. He added that Clarke proposed and approved deficit spending for the newly enacted city budget.

Robertson, who has been Ward 3 commissioner for eight of the past 10 years, wrote that she has seen her opponent, Ralph Cole, only once — Sept. 17 — at a commission meeting.

For the past two years, she wrote, she has been a minority vote. "However, I was able to fight successfully to secure our public beachfront property at First Street North, keeping it from becoming a private commercial parking lot after 5 p.m. daily."

Robertson said Clarke was "an unknown" when he became commissioner with no opposition, no campaign and no votes. She said that in a "planned legal coup," Clarke and others "manipulated him into the position of vice mayor and he immediately began forfeiture proceedings against Mayor Shearon. He kept his accusations secret for six months."

Robertson wrote she hopes voters return Shearon to the office of mayor.

"This is government by Jack Clarke and for Jack Clarke," Robertson wrote, "not the people."

To view Bill Shearon's campaign letter [click here](#)

To view Janie Robertson's campaign letter [click here](#)

