

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

In Re: Philip Nichols

Case No.: FEC 12-132

TO: Philip Nichols  
5865 Branch Valley Way  
Cumming, GA 30040-7090

Division of Elections  
500 S Bronough Street, Room 316  
Tallahassee, FL 32399

**NOTICE OF HEARING (INFORMAL HEARING)**

A hearing will be held in this case before the Florida Elections Commission on **February 25, 2014, at 10:30 am, or as soon thereafter as the parties can be heard**, at the following location: **Senate Office Building, Room S-110, 404 South Monroe Street, Tallahassee, FL 32399.**

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

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 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  
February 4, 2014

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  
ELECTIONS COMMISSION

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

In Re: Philip Nichols  
\_\_\_\_\_ /

Case No.: FEC 12-132

ORDER CONTINUING CASE

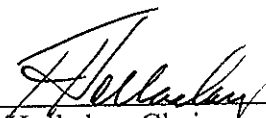
**THIS MATTER** was scheduled to be heard before the Florida Elections Commission at its regularly scheduled meeting held on November 13, 2013, in Tallahassee, Florida

The Commission was unable to complete this case at its meeting.

Therefore, it is

**ORDERED** that the case is continued until the next available meeting of the Florida Elections Commission.

**DONE AND ORDERED** by the Florida Elections Commission on November 13, 2013.

  
\_\_\_\_\_  
Tim Holladay, Chairman  
Florida Elections Commission

Copies furnished to:

Jaakan A. Williams, Assistant General Counsel  
Philip Nichols, Respondent  
Kristi Reid Bronson, Filing Officer

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

In Re: Philip Nichols

Case No.: FEC 12-132

TO: Philip Nichols  
5865 Branch Valley Way  
Cumming, GA 30040-7090

Division of Elections  
500 S Bronough Street, Room 316  
Tallahassee, FL 32399-1050

**NOTICE OF HEARING**

A hearing will be held in this case before the Florida Elections Commission on **November 13, 2013, at 11:00 am**, or as soon thereafter as the parties can be heard, at the following location: **Senate Office Building, Room 110-S, 404 South Monroe Street, Tallahassee, FL 32399.**

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

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 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  
October 24, 2013

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. Pursuant to Rule 2B-1.005 F.A.C., you may file supplemental documents related to your appeal up to five business days before the hearing for consideration by the Commission.

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.

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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.

**AFFIDAVIT OF SERVICE**

Case Number: **FEC 12-132**

**FLORIDA ELECTIONS COMMISSION**

Plaintiff(s),

vs.

**PHILIP NICHOLS**

Defendant(s)

I Frank James, being duly sworn, deposes and says: that deponent is not a party to this action, is over 18 years of age and resides in the State of Georgia.

That on **7/13/2013 at 10:54 pm**, at **5865 Branch Valley Way, Cumming, GA 30040**  
Deponent served the within **Order of Probable Cause**

On **PHILIP NICHOLS**

**INDIVIDUAL:** By delivering a true copy of each to said personally, deponent knew the person so served to be the person described as said defendant therein.

**DESCRIPTION:**

Gender: Male Race/Skin: White Age: 40 Weight: Over 200 Lbs. Height: 5'9" Hair: Black Other:

Subscribed and Sworn to before me on 7/13/2013 by the affiant who is personally known to me

NOTARY PUBLIC



X

**FRANK JAMES**  
Job # **130695**

FILED

13 MAY 31 PM 2:48

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

STATE OF FLORIDA  
ELECTIONS COMMISSION

In Re: Philip Nichols

Case No.: FEC 12-132

ORDER OF PROBABLE CAUSE

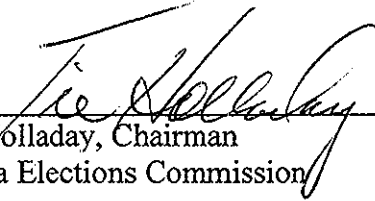
**THIS CAUSE** came on to be heard before the Florida Elections Commission at its meeting held on May 14, 2013, in Tallahassee, Florida

The Commission has reviewed the complaint, Report of Investigation, Staff Recommendation, all documents submitted by the Respondent, any relevant documents, and considered all oral statements made at the probable cause hearing. Based on the facts set forth in the Staff Recommendation, which is incorporated herein and attached to this order, the Commission finds that there is probable cause that Respondent committed one count of violating Chapter 106, Florida Statutes:

Count 1:

On or about May 22, 2012, Philip Nichols violated Section 106.07(2)(b)1., Florida Statutes, when he failed to amend the committee's 2012 Q1 campaign finance report after receiving notice that it was incomplete.

**DONE AND ORDERED** by the Florida Elections Commission on May 14, 2013.

  
\_\_\_\_\_  
Tim Holladay, Chairman  
Florida Elections Commission

Copies furnished to:

Philip Nichols, Respondent  
Jaakan Williams, Assistant General Counsel  
Division of Elections, Complainant and Filing Officer

Attachment: Staff Recommendation

### 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 violations and agree to the amount of the fine. The agreed to consent order is then presented to the Commission for its approval. To discuss a consent order, contact the attorney who signed the Staff Recommendation attached to 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 of the Order of Probable Cause to request such a hearing. At the hearing, you will have the right to make written or oral arguments to the Commission concerning the legal issues related to the violations 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 of the Order of Probable Cause to request such a hearing. 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 of this Order of Probable Cause, the case will be sent to the Commission and you will be entitled to a formal or informal hearing.

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: Philip Nichols**

**Case No.: FEC 12-132**

**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 **Section 106.07(2)(b)(1), Florida Statutes**. Based upon a thorough review of the Report of Investigation submitted on February 21, 2013, the following facts and law support this staff recommendation:

1 On July 3, 2012, the Florida Elections Commission ("Commission") received a referral from Department of State, Division of Elections ("Division"), alleging that Our Fair Share for Florida ("Respondent") violated Chapter 106, Florida Statutes

2 Respondent was Treasurer of Our Fair Share for Florida, ("OFSF PAC") in the 2012 election cycle

3 By letter dated July 30, 2012, the Executive Director notified Respondent that Commission staff would investigate the following statutory provision:

**Section 106.07(2)(b)1., Florida Statutes:** Philip Nichols, as Treasurer of Our Fair Share of Florida (55215), failed to amend the 2012 Q1 campaign finance report after receiving notice that it was incomplete, as alleged in the referral from the Division of Elections

4 OFSF PAC's Appointment of Campaign Treasurer and Designation of Campaign Depository for Political Committee's ("DS-DE 6") forms were filed on April 29, 2011, May 4, 2011, and May 9, 2011 All three DS-SE 6 forms designated Respondent as treasurer for the PAC (ROI Exhibit 2)<sup>1</sup>

5 On May 12, 2011, Kristi Bronson, Chief, Bureau of Election Records, sent Respondent a letter acknowledging that her office received the committee's DS-DE 6 form and that the PAC had been placed on the active committee list. The letter advised Respondent that all political committees filing reports with the Division are required to use the electronic filing system (EFS) and provided Respondent with a user identification number and initial password to grant access to the EFS. (ROI Exhibit 5)

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

6 Ms Bronson's letter further advised Respondent that all of the Division's publications and reporting forms were on its website and directed Respondent to print out the 2011 Calendar of Reporting dates as well as other documents. *Id*

7. On April 12, 2012, Respondent filed the committee's 2012 Q1 Report with the Division. However, the committee's 2012 Q1 Report was incomplete, and the Division mailed a letter to Respondent on April 30, 2012, instructing him to file an amended report supplying the missing information or provide an explanation for the entries (ROI Exhibit 6)

8 By letters dated May 22, 2012, and June 6, 2012, the Division further informed Respondent that the committee's 2012 Q1 Report was still incomplete, and that he needed to file an amended 2012 Q1 Report within seven days receipt of the notices. The letters were sent to the address listed on Respondent's DS-DE 6 form. (ROI Exhibits 8 & 9)

9 As of April 1, 2013, Respondent has not amended the committee's 2012 Q1 Report.

10. "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 1<sup>st</sup> DCA 1995).


11. The facts set forth above show that Respondent was the Chairman/Treasurer of the "OFSF PAC" during the 2012 election cycle. The Respondent filed an incomplete 2012 Q1 Report on behalf of the committee on April 12, 2012. Despite the Division mailing three separate notices to Respondent on April 30, 2012, May 22, 2012, and June 6, 2012, notifying him that the committee's 2012 Q1 Report was incomplete and that it needed to be amended, as of March 28, 2013, Respondent has failed to file an amended 2012 Q1 Report.

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

**Count 1:**

On or about May 22, 2012, violated Section 106 07(2)(b)1., Florida Statutes, when he failed to amend the committee's 2012 Q1 campaign finance report after receiving notice that it was incomplete.

Respectfully submitted on April 6, 2013,

  
for Jaakan A. Williams  
Assistant General Counsel

I reviewed this Staff Recommendation this 1st day of April 2013.

  
Amy McKeever Toman  
Executive Director

**AMENDED AFFIDAVIT**

RECEIVED  
**AFFIDAVIT**  
STATE OF FLORIDA

**RECEIVED**

**STATE OF FLORIDA**  
**County of Leon**

2012 JUL 12 A 9:39

**STATE OF FLORIDA**  
**ELECTIONS COMMISSION**

**Theresa Holdeen, 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
- 3 **Our Fair Share for Florida (55215)**, a political action committee registered with the Department of State, Division of Elections, filed their 2012 Q1 incomplete, and has failed to make the necessary amendments
- 4 On May 10, 2011, this organization was registered and placed in active status with the Division, and has remained active since that date Mr Philip Nichols is the committees' chairperson and treasurer. Attorney Kenneth Foote is the committees' registered agent.
- 5 On April 30, 2012, the Division mailed Mr. Nichols notification that the 2012 Q1 campaign finance report was incomplete.
- 6 On May 22, 2012, the Division mailed a second notice regarding this incomplete report
- 7 On June 6, 2012, the Division mailed a final notice to the registered agent (Kenneth Foote), with delivery confirmation. A copy of this notice was also mailed to Mr Nichols (See attached for USPS delivery confirmation)
- 8 As of July 10, 2012, the 2012 Q1 campaign finance report has not been amended

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

Theresa Holdeen  
Signature of Affiant

Sworn to (or affirmed) and subscribed before me  
this 10<sup>th</sup> day of **July**, 2011.

Joel Myard  
Signature of Notary Public - State of Florida  
Print, Type, or Stamp Commissioned Name of  
Notary Public

Personally Known                     



**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: Philip Nichols**

**Case No.: FEC 12-132**

**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 **Section 106.07(2)(b)(1), Florida Statutes**. Based upon a thorough review of the Report of Investigation submitted on February 21, 2013, the following facts and law support this staff recommendation:

1 On July 3, 2012, the Florida Elections Commission ("Commission") received a referral from Department of State, Division of Elections ("Division"), alleging that Our Fair Share for Florida ("Respondent") violated Chapter 106, Florida Statutes

2 Respondent was Treasurer of Our Fair Share for Florida, ("OFSF PAC") in the 2012 election cycle.

3 By letter dated July 30, 2012, the Executive Director notified Respondent that Commission staff would investigate the following statutory provision:

**Section 106.07(2)(b)1., Florida Statutes:** Philip Nichols, as Treasurer of Our Fair Share of Florida (55215), failed to amend the 2012 Q1 campaign finance report after receiving notice that it was incomplete, as alleged in the referral from the Division of Elections.

4 OFSF PAC's Appointment of Campaign Treasurer and Designation of Campaign Depository for Political Committee's ("DS-DE 6") forms were filed on April 29, 2011, May 4, 2011, and May 9, 2011. All three DS-SE 6 forms designated Respondent as treasurer for the PAC. (ROI Exhibit 2)<sup>1</sup>

5 On May 12, 2011, Kristi Bronson, Chief, Bureau of Election Records, sent Respondent a letter acknowledging that her office received the committee's DS-DE 6 form and that the PAC had been placed on the active committee list. The letter advised Respondent that all political committees filing reports with the Division are required to use the electronic filing system (EFS) and provided Respondent with a user identification number and initial password to grant access to the EFS (ROI Exhibit 5)

---

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

6. Ms. Bronson's letter further advised Respondent that all of the Division's publications and reporting forms were on its website and directed Respondent to print out the 2011 Calendar of Reporting dates as well as other documents *Id*

7. On April 12, 2012, Respondent filed the committee's 2012 Q1 Report with the Division. However, the committee's 2012 Q1 Report was incomplete, and the Division mailed a letter to Respondent on April 30, 2012, instructing him to file an amended report supplying the missing information or provide an explanation for the entries (ROI Exhibit 6)

8. By letters dated May 22, 2012, and June 6, 2012, the Division further informed Respondent that the committee's 2012 Q1 Report was still incomplete, and that he needed to file an amended 2012 Q1 Report within seven days receipt of the notices. The letters were sent to the address listed on Respondent's DS-DE 6 form. (ROI Exhibits 8 & 9)

9. As of April 1, 2013, Respondent has not amended the committee's 2012 Q1 Report

10. "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 1<sup>st</sup> DCA 1995).

11. The facts set forth above show that Respondent was the Chairman/Treasurer of the "OFSF PAC" during the 2012 election cycle. The Respondent filed an incomplete 2012 Q1 Report on behalf of the committee on April 12, 2012. Despite the Division mailing three separate notices to Respondent on April 30, 2012, May 22, 2012, and June 6, 2012, notifying him that the committee's 2012 Q1 Report was incomplete and that it needed to be amended, as of March 28, 2013, Respondent has failed to file an amended 2012 Q1 Report.


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

**Count 1:**

On or about May 22, 2012, violated Section 106 07(2)(b)1., Florida Statutes, when he failed to amend the committee's 2012 Q1 campaign finance report after receiving notice that it was incomplete

Respectfully submitted on April 1, 2013,



 Jaakan A. Williams  
Assistant General Counsel

I reviewed this Staff Recommendation this 1st day of April 2013.



Amy McKeever Toman  
Executive Director

**AFFIDAVIT**

**RECEIVED**

**STATE OF FLORIDA  
County of Leon**

2012 JUL 12 A 9:39

STATE OF FLORIDA  
ELECTIONS COMMISSION

**Theresa Holdeen, 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.
3. **Our Fair Share for Florida (55215)**, a political action committee registered with the Department of State, Division of Elections, filed their 2012 Q1 incomplete, and has failed to make the necessary amendments.
4. On May 10, 2011, this organization was registered and placed in active status with the Division, and has remained active since that date. Mr. Philip Nichols is the committees' chairperson and treasurer. Attorney Kenneth Foote is the committees' registered agent.
5. On April 30, 2012, the Division mailed Mr. Nichols notification that the 2012 Q1 campaign finance report was incomplete.
6. On May 22, 2012, the Division mailed a second notice regarding this incomplete report.
7. On June 6, 2012, the Division mailed a final notice to the registered agent (Kenneth Foote), with delivery confirmation. A copy of this notice was also mailed to Mr. Nichols (See attached for USPS delivery confirmation)
8. As of July 10, 2012, the 2012 Q1 campaign finance report has not been amended.

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

*Theresa Holdeen*

**Signature of Affiant**

Sworn to (or affirmed) and subscribed before me  
this 10<sup>th</sup> day of **July**, 2011.

*Joel Mynard*  
\_\_\_\_\_  
Signature of Notary Public - State of Florida

**Print, Type, or Stamp Commissioned Name of  
Notary Public**

Personally Known                     





**FLORIDA ELECTIONS COMMISSION**  
**REPORT OF INVESTIGATION**  
Case No.: FEC 12-132

**Respondent: Philip Nichols**  
Counsel for Respondent: N/A

**Complainant: Division of Elections**  
Counsel for Complainant: N/A

Pursuant to Section 106.25, Florida Statutes, on July 3, 2012, the Florida Elections Commission received information from the Division of Elections that Respondent violated Chapter 106, Florida Statutes. The Division's referral was mandated pursuant to Section 106.07(8)(d), Florida Statutes. Commission staff investigated whether Respondent violated the following statute:

Section 106.07(2)(b)1, Florida Statutes, failure of a campaign treasurer of a political committee to file an addendum to an incomplete report after receiving notice from the filing officer.

**I. Preliminary Information:**

1. Respondent is the treasurer and chairman of the political committee (PC), Our Fair Share for Florida. He accepted the appointment as treasurer on May 9, 2011. Mr. Kenneth Foote is the registered agent for the political committee. On May 10, 2011, the PC was registered and placed in an active status with the Division of Elections and has remained in active status since that date. The purpose of the PC is to support economic growth, business development and gaming, and to oppose increased taxes.

2. Complainant is the Division of Elections (DOE)

3. Respondent's filing officer is Kristi Reid-Bronson, Chief, Bureau of Election Records.

**II. Alleged Violation of Section 106.07(2)(b)1, Florida Statutes:**

4. I investigated whether Respondent violated this section of the election laws by not filing an addendum to his 2012 Q1 Report, after receiving notice that it was incomplete

5. A DOE staff representative, Theresa Holdeen, submitted a sworn affidavit dated June 28, 2012 regarding Respondent's failure to file an addendum to his 2012 Q1 Report. To review the sworn affidavit, refer to exhibit 1.

6. On April 28, 2011, Respondent initially accepted appointment as campaign treasurer for the political committee. On April 29, 2011, the political committee filed the Appointment of Campaign Treasurer and Designation of Campaign Depository for Political Committees (DS-DE 6), the Statement of Organization of Political Committee (DS-DE 5), and the Registered Agent Statement of Appointment (DS-DE 41) with the DOE, and its name was

placed on the active committee list as a political committee that supports/opposes issues<sup>1</sup>. To review copies of relevant documents, refer to exhibit 2

7. On May 4, 2011, Respondent filed a second DS-DE 6 with the DOE appointing himself campaign treasurer<sup>2</sup>. A second DS-DE 5 was also filed at this time that specifically listed the "Area, Scope, and Jurisdiction of the Committee". To review a copy of Respondent's second DS-DE 6 and DS-DE 5 forms, refer to exhibit 3.

8. On May 10, 2011, Respondent filed his final DS-DE 6 with the DOE appointing himself campaign treasurer. To review a copy of Respondent's final DS-DE 6, refer to exhibit 4

9. In a May 12, 2011 letter, the filing officer advised Respondent that the political committee's first report was due on July 11, 2011, and all reports must be filed electronically using the Divisions' Electronic Filing System (EFS). The letter also declared that the chairperson and campaign treasurer are subject to the provisions of Section 106.07(5), Florida Statutes. To view a copy of the acknowledgement letter, refer to Exhibit 5.

10. In addition, the letter informed Respondent that all of the Division's publications were available online at the DOE's website. **"It is your responsibility to read, understand, and follow the requirements of Florida's election laws. Therefore, please print a copy of the following documents: Chapter 106, Florida Statutes, 2010 Political Committee Handbook, 2011 Calendar of Reporting Dates, and Rule IS-2.017, Florida Administrative Code."** To review a copy of the acknowledgement letter, refer to exhibit 5.

11. On April 30, 2012, the DOE mailed Respondent a notice that his 2012 Q1 Report was incomplete and needed to be amended. The notice included an attached "Error Report" that declared the following: "The Transaction Date Is Either Before Or After the Report Coverage Period"; "Cash Contributions May Not Exceed \$50"; Contribution Amounts Are Limited to \$500 For This Contributor Type"; and "Invalid Expenditure Type." (Note: the coverage period for this report covers January 1, 2012 through March 31, 2012). To review a copy of this April 30, 2012 letter, refer to exhibit 6. To review a copy of the error Report, refer to exhibit 7.

12. On May 22, 2012, the DOE mailed Respondent a second notice and attached the error report. To review a copy of the second notice, refer to exhibit 8. To review a copy of the error report, refer to exhibit 7.

13. On June 6, 2012, the DOE mailed the final notice to Registered Agent Kenneth Foote with delivery confirmation. Included with the final notice were the earlier notices and error report. The USPS track and confirm website indicates that the final notice was delivered on June 9, 2012 at 9:15 am. To review a copy of the final notice with delivery confirmation, refer to exhibit 9. To review the Registered Agent Statement of Appointment, refer to exhibit 2.

14. In a February 20, 2013 telephone interview with DOE representative Lenard Randolph, I was advised that Respondent filed an amended 2012 Q1 Report with the DOE on May 29, 2012. Mr. Randolph states that the report was still considered incomplete due to

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<sup>1</sup> This DS-DE 6 did not include the signature of the Chairman when it was filed

<sup>2</sup> This DS-DE 6 did not include the depository address information.

reporting errors. Mr. Randolph advised me that Respondent has filed several campaign reports completely and timely since filing his 2012 Q1 Report, so he is not sure as to why this report remains incomplete. To review a copy of Respondent's amended 2012 Q1 Report, refer to exhibit 10.

15. I have attempted to make contact with Respondent; however, he has not responded to any of my attempts

16. There is no record that Respondent previously violated this section of the election laws.

### III. FEC History

17. In FEC 12-048, the commission found probable cause for a possible violation of 106.07(1)/Informal Hearing scheduled for May 2013 Commission meeting.

#### Conclusion:

18. Respondent was offered several opportunities to make comments regarding the findings of this investigation. Respondent did not respond to any of the messages left for his behalf

19. In the May 11, 2011 acknowledgment letter, Respondent was informed that all of the Division's publications were available online at DOE's website. **"It is your responsibility to read, understand, and follow the requirements of Florida's election laws. Therefore, please print a copy of the following documents: Chapter 106, Florida Statutes, 2010 Political Committee Handbook, 2011 Calendar of Reporting Dates, and Rule IS-2.017, Florida Administrative Code."** To review a copy of the acknowledgement letter, refer to exhibit 5.

20. The 2010 Political Committee Handbook states, "If a campaign treasurer files a report that is deemed incomplete, he or she will be notified by the filing officer as to why the report is incomplete. The campaign treasurer must file an addendum to the incomplete report within three days of notification. The addendum must include all necessary information to complete the report." To review relevant pages from the 2010 Political Committee Handbook, refer to exhibit 11<sup>3</sup>.

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<sup>3</sup> By the time Respondent filed his amended 2012 Q1 Report, the period of time in which a candidate had to file an amended report had been extended from "within three days of notification" to "within seven days of notification" of an incomplete report. The 2012 Political Committee Handbook, as well as, in each of the letters sent to Respondent on April 30, 2012, May 22, 2012, and June 6, 2012 reflect this change

Respectfully submitted on February 21, 2013.



Cedric Oliver  
Investigation Specialist

**Current address of Respondent**

Mr. Philip Nichols  
5865 Branch Valley Way  
Cummings, Ga 30040-7090

**Current address of Complainant**

Division of Elections  
500 South Bronough Street, Room 316  
Tallahassee, Fl 32399

**Name and Address of Filing Officer:**

Ms. Kristi Reid-Bronson  
Bureau of Election Records Chief  
500 South Bronough Street, Room 316  
Tallahassee, Fl 32399

**Chair of Committee**

Mr. Philip Nichols, Chairperson  
Our Fair Share for Florida  
3000 Grand Oasis Blvd. #2506  
Fort Myers, Fl 33916

Copy furnished to: Mr. David Flagg, Investigations Manager

**FLORIDA ELECTIONS COMMISSION**  
**REPORT OF INVESTIGATION**  
**Philip Nichols -- FEC 12-132**

| <b>LIST OF EXHIBITS</b> |                                                                                    |
|-------------------------|------------------------------------------------------------------------------------|
| <b>Exhibits #s</b>      | <b>Description of Exhibits</b>                                                     |
| Exhibit 1               | Theresa Holdeen's June 28, 2012 sworn affidavit                                    |
| Exhibit 2               | Respondent's original DS-DE 9, DS-DE 5, and DS-DE 41 forms filed on April 29, 2011 |
| Exhibit 3               | Respondent's second DS-DE 6 and DS-DE 5 forms filed on May 4, 2011                 |
| Exhibit 4               | Respondent's final DS-DE 6 form filed on May 10, 2011                              |
| Exhibit 5               | Acknowledgement Letter                                                             |
| Exhibit 6               | April 30, 2012 incomplete report letter from DOE                                   |
| Exhibit 7               | Error report regarding R's 2012 Q1 Report from DOE                                 |
| Exhibit 8               | May 22, 2012 second incomplete report letter from DOE                              |
| Exhibit 9               | Final notice delivery with confirmation                                            |
| Exhibit 10              | Respondent's amended 2012 Q1 Report                                                |
| Exhibit 11              | Relevant pages from 2010 Political Committee Handbook                              |


# AFFIDAVIT

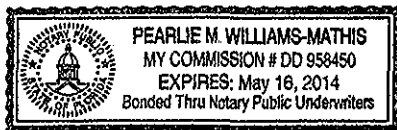
STATE OF FLORIDA  
County of Leon

Theresa Holdeen, 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.
3. **Our Fair Share for Florida (55215)**, a political action committee registered with the Department of State, Division of Elections, was assessed fines for the late filings of the **2011 Q4 and the 2012 Q1** campaign finance reports. The 2011 Q4 report was due on January 10, 2012, and was filed March 23, 2012; 73 days late; the fine is \$125. The 2012 Q1 report was due on April 10, 2012, and was filed April 12, 2012, 2 days late; the fine is \$100.
4. On May 10, 2011, this organization was registered and placed in active status with the Division, and has remained active since that date. Mr. Philip Nichols the committees' chairperson and treasurer. Mr. Kenneth Foote is the committees' registered agent.
5. On March 28, 2012, the Division mailed Mr. Nichols notification that the committee was assessed a fine for the late filing of the 2011 Q4 campaign finance report.
6. On April 16, 2012, the Division mailed notification to Mr. Nichols, regarding the assessed fine for the late filing of the 2012 Q1 campaign finance report.
7. On May 2, 2012, the Division mailed a second notice to Mr. Nichols, regarding the unpaid fine for the 2011 Q4 campaign finance report.
8. On April 16, 2012, the Division mailed a second notice to Mr. Nichols, regarding the unpaid fine for the 2012 Q1 campaign finance report.
9. On June 6, 2012, the Division mailed a final notice to the registered agent (Kenneth Foote), with delivery confirmation, for **both** of these unpaid fines. A copy of this notice was also mailed to Mr. Nichols. (See attached for USPS delivery confirmation).
10. As of June 28, 2012, the assessed fines for the late filing of the 2011 Q4 and the 2012 Q1 campaign finance reports have not been paid.

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

  
Signature of Affiant



Sworn to (or affirmed) and subscribed before me this 28<sup>th</sup> day of June, 2011.

  
Signature of Notary Public - State of Florida

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known

EXHIBIT 1

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

REC'D  
2011 APR 29 PM 1:52  
DEPARTMENT OF STATE  
DIVISION OF ELECTIONS

CHECK APPROPRIATE BOX:

OFFICE USE ONLY

Original Appointment of Treasurer       Reappointment of Treasurer       Deputy Treasurer

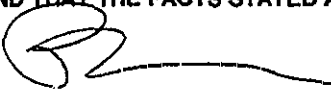
|                                                                                                                                                       |  |                                                               |                              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|--|---------------------------------------------------------------|------------------------------|
| 1. Committee or Organization<br><b>Our Fair Share for Florida</b>                                                                                     |  | 2. Telephone<br>(239 ) 770-5361                               |                              |
| 3. Name of Treasurer or Deputy Treasurer<br><b>Philip Nichols</b>                                                                                     |  | 4. Email (optional)                                           |                              |
|                                                                                                                                                       |  | 5. Telephone (optional)<br>(239 ) 770-5361                    |                              |
| 6. Mailing Address<br><b>3530 Work Drive, Ft. Myers, Florida 33916</b>                                                                                |  |                                                               |                              |
| 7. Street Address<br><b>3530 Work Drive, Ft. Myers, Florida 33916</b>                                                                                 |  |                                                               |                              |
| 8. The following bank has been designated as the <input checked="" type="checkbox"/> Primary Depository <input type="checkbox"/> Secondary Depository |  |                                                               |                              |
| 9. Name of Bank<br><b>Bank of America</b>                                                                                                             |  | 10. Street Address<br><b>2850 Winkler Ave</b>                 |                              |
| 11. City<br><b>Fort Myers</b>                                                                                                                         |  | 12. State<br><b>FL</b>                                        | 13. Zip Code<br><b>33916</b> |
| 14. Signature of Chairman<br><b>X</b>                                                                                                                 |  | 15. Name of Chairman (Print or Type)<br><b>Philip Nichols</b> |                              |

**Campaign Treasurer's Acceptance of Appointment**

I, Philip Nichols, do hereby accept the appointment as  
(Please Print or Type)  
treasurer or deputy treasurer for Our Fair Share for Florida  
(Committee or Organization)

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

**April 28, 2011**

**X** 

Date

Signature of Campaign Treasurer or Deputy Treasurer

**REGISTERED AGENT  
STATEMENT OF APPOINTMENT**  
(Section 106.022, F.S.)

OFFICE USE ONLY

2011 APR 29 PM 1:52

FLORIDA STATE  
DIVISION OF ELECTIONS

- Original Appointment       Change of Appointment  
 Change of Mailing Address       Change of Physical Address

**Registered Agent and Office Information**

Name **Kenneth Foote** Telephone **727-844-0102**

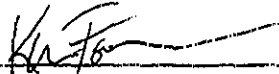
Street Address **6521 Ridge Road Suite 4**

City **Port Richey** State **FL** Zip Code **34668**

Mailing Address **6521 Ridge Road Suite 4**

City **Port Richey** State **FL** Zip Code **34668**

I accept this appointment and confirm that I am familiar with and accept the obligations of the position as set forth in Section 106.022, F.S. I also understand that I may resign this appointment by executing a written statement of resignation and filing it with the Division of Elections.



April 28, 2011

Signature of Registered Agent

Date

**Former Registered Agent and Office Information (for changes only)**

Name Telephone

Street Address

City State Zip Code

**Committee or Organization Information**

Name of Committee or Organization  
**Our Fair Share for Florida**

Street Address **3530 Work Drive** Telephone **239-770-2361**

City **Fort Myers** State **FL** Zip Code **33916**

Committee or organization is registered with:

- Division of Elections       County \_\_\_\_\_       City \_\_\_\_\_

  
Signature of Chairperson

Philip Nichols

April 28, 2011

Print Name of Chairperson

Date



# STATEMENT OF ORGANIZATION OF POLITICAL COMMITTEE

(PLEASE TYPE)

OFFICE USE ONLY

2011 APR 29 PM 1:52

FLORIDA STATE  
DIVISION OF ELECTIONS

**1. Full Name of Committee**

Our Fair Share for Florida

**Telephone**

239-770-5361

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

3530 Work Drive  
Fort Myers, Florida 33916

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

3530 Work Drive  
Fort Myers, Florida 33916

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

| Name of Affiliated or Connected Organization | Mailing Address | Relationship |
|----------------------------------------------|-----------------|--------------|
| None                                         |                 |              |

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

State of Florida

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

Political

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

| Full Name      | Mailing Address                              | Committee Title or Position |
|----------------|----------------------------------------------|-----------------------------|
| Philip Nichols | 3530 Work Drive, Ft. Myers, Florida<br>33916 | Treasurer                   |

**6. List by Name, Address and Position, Other Principal Officers, Including Officers and Members of the Finance Committee, if Any (include chairman's name)**

| Full Name      | Mailing Address                           | Committee Title or Position |
|----------------|-------------------------------------------|-----------------------------|
| Philip Nichols | 3530 Work Drive, Ft Myers, Florida 33916  | President/Treasurer         |
| Steve Hunt     | 3530 Work Drive, Ft. Myers, Florida 33916 | Vice President              |

**7. List by Name, Address, Office Sought and Party Affiliation Each Candidate or Other Individual that this Committee is Supporting (if none, please indicate)**

| Full Name        | Mailing Address | Office Sought | Party |
|------------------|-----------------|---------------|-------|
| To Be Determined |                 |               |       |

**8. List Any Issues this Committee is Supporting:** Economic Growth, Business Development, Gaming  
**List Any Issues this Committee is Opposing:** Increased Taxes

**9. If this Committee is Supporting the Entire Ticket of a Party, Give Name of Party**  
 N/A

**10. In the Event of Dissolution, What Disposition will be Made of Residual Funds?**  
 Return to Contributors

**11. List all Banks, Safety Deposit Boxes, or Other Depositories Used for Committee Funds**

| Name of Bank or Depository & Account Number | Mailing Address                         |
|---------------------------------------------|-----------------------------------------|
| Name of the Bank will be Bank of America    | 2850 Winkler Ave<br>Fort Myers FL 33916 |

**12. List all Reports Required to be Filed by this Committee with Federal Officials and the Names, Addresses and Positions of Such Officials, if Any**

| Report Title | Dates Required to be Filed | Name & Position of Official | Mailing Address |
|--------------|----------------------------|-----------------------------|-----------------|
| None         |                            |                             |                 |

STATE OF Florida  Lee  COUNTY

I, Philip Nichols, certify that the information in this Statement of Organization is complete, true and correct


**X**  Signature of Chairman of Political Committee April 28, 2011 Date

EXHIBIT 2(4 of 4)


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

RECEIVED  
11 MAY -4 PM 2:10  
DIVISION OF ELECTIONS  
SECRETARY OF STATE

CHECK APPROPRIATE BOX:

OFFICE USE ONLY

Original Appointment of Treasurer       Reappointment of Treasurer       Deputy Treasurer

|                                                                                                                                                       |  |                                                        |              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|--|--------------------------------------------------------|--------------|
| 1. Committee or Organization<br>Our Fair Share for Florida                                                                                            |  | 2. Telephone<br>(239 ) 770-5361                        |              |
| 3. Name of Treasurer or Deputy Treasurer<br>Philip Nichols                                                                                            |  | 4. Email (optional)                                    |              |
|                                                                                                                                                       |  | 5. Telephone (optional)<br>(239 ) 770-5361             |              |
| 6. Mailing Address<br>3530 Work Drive, Ft. Myers, Florida, 33916                                                                                      |  |                                                        |              |
| 7. Street Address<br>3530 Work Drive, Ft. Myers, Florida, 33916                                                                                       |  |                                                        |              |
| 8. The following bank has been designated as the <input checked="" type="checkbox"/> Primary Depository <input type="checkbox"/> Secondary Depository |  |                                                        |              |
| 9. Name of Bank<br>Bank of America                                                                                                                    |  | 10. Street Address                                     |              |
| 11. City                                                                                                                                              |  | 12. State                                              | 13. Zip Code |
| 14. Signature of Chairman<br>                                      |  | 15. Name of Chairman (Print or Type)<br>Philip Nichols |              |

**Campaign Treasurer's Acceptance of Appointment**

I, Philip Nichols, do hereby accept the appointment as  
(Please Print or Type)  
treasurer or deputy treasurer for Our Fair Share for Florida  
(Committee or Organization)

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

April 28, 2011

Date



Signature of Campaign Treasurer or Deputy Treasurer

**STATEMENT OF ORGANIZATION  
OF POLITICAL COMMITTEE**

(PLEASE TYPE)

OFFICE USE ONLY

11 MAY -4 PM 2:11

DIVISION OF ELECTIONS  
SECRETARY OF STATE

**1. Full Name of Committee**

Our Fair Share For Florida

Telephone

239-770-5361

Mailing Address (include city, state and zip code)

3530 Work Drive  
Fort Myers, FL 33916

Street Address (include city, state and zip code)

3530 Work Drive  
Fort Myers, FL 33916

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

Name of Affiliated or  
Connected Organization

Mailing Address

Relationship

N/A

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

Florida State Legislative and State Wide Races, State Wide Ballot Initiative, others to be determined

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

Political

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

Full Name

Mailing Address

Committee Title or Position

Philip Nichols

3530 Work Drive  
Ft. Myers, FL 33916

Treasurer

**6. List by Name, Address and Position, Other Principal Officers, Including Officers and Members of the Finance Committee, If Any (include chairman's name)**

| Full Name      | Mailing Address                      | Committee Title or Position |
|----------------|--------------------------------------|-----------------------------|
| Philip Nichols | 3530 Work Drive, Ft. Myers, FL 33916 | President / Treasurer       |
| Steve Hunt     | 3530 Work Drive, Ft. Myers, FL 33916 | Vice President              |

**7. List by Name, Address, Office Sought and Party Affiliation Each Candidate or Other Individual that this Committee is Supporting (if none, please indicate)**

| Full Name        | Mailing Address | Office Sought | Party |
|------------------|-----------------|---------------|-------|
| To Be Determined |                 |               |       |

**8. List Any Issues this Committee is Supporting:** Economic Growth, Business Development, Gaming  
**List Any Issues this Committee is Opposing:** To Be Determined

**9. If this Committee is Supporting the Entire Ticket of a Party, Give Name of Party**

N/A

**10. In the Event of Dissolution, What Disposition will be Made of Residual Funds?**

Return to Contributors

**11. List all Banks, Safety Deposit Boxes, or Other Depositories Used for Committee Funds**

| Name of Bank or Depository & Account Number | Mailing Address |
|---------------------------------------------|-----------------|
| Name of the Bank will be Bank of America    |                 |

**12. List all Reports Required to be Filed by this Committee with Federal Officials and the Names, Addresses and Positions of Such Officials, if Any**

| Report Title | Dates Required to be Filed | Name & Position of Official | Mailing Address |
|--------------|----------------------------|-----------------------------|-----------------|
| None         |                            |                             |                 |

STATE OF Florida  Lee  COUNTY

I, Philip Nichols, certify that the information in this Statement of

Organization is complete, true and correct

X



Signature of Chairman of Political Committee

4-28-2011

Date

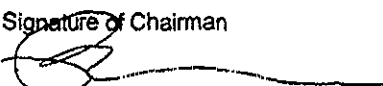
**APPOINTMENT OF CAMPAIGN TREASURER  
AND DESIGNATION OF CAMPAIGN  
DEPOSITORY FOR  
POLITICAL COMMITTEES**  
(Sections 106.011(1) and 106.021(1), F.S.)

2011 MAY 10 AM 9:43  
DEPARTMENT OF STATE  
DIVISION OF ELECTIONS

CHECK APPROPRIATE BOX:

OFFICE USE ONLY

Original Appointment of Treasurer       Reappointment of Treasurer       Deputy Treasurer

|                                                                                                                                                       |  |                                                                    |                              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|--|--------------------------------------------------------------------|------------------------------|
| 1. Committee or Organization<br><b>Our Fair Share for Florida</b>                                                                                     |  | 2. Telephone<br>(239 ) 770-5361                                    |                              |
| 3. Name of Treasurer or Deputy Treasurer<br><b>Philip Nichols</b>                                                                                     |  | 4. Email (optional)                                                |                              |
| 5. Telephone (optional)<br>(239 ) 770-5361                                                                                                            |  | 6. Mailing Address<br><b>3530 Work Drive, Fort Myers, FL 33916</b> |                              |
| 7. Street Address<br><b>3530 Work Drive, Fort Myers, FL 33916</b>                                                                                     |  |                                                                    |                              |
| 8. The following bank has been designated as the <input checked="" type="checkbox"/> Primary Depository <input type="checkbox"/> Secondary Depository |  |                                                                    |                              |
| 9. Name of Bank<br><b>Bank of America</b>                                                                                                             |  | 10. Street Address<br><b>2850 Winkler Ave</b>                      |                              |
| 11. City<br><b>Ft. Myers</b>                                                                                                                          |  | 12. State<br><b>FL</b>                                             | 13. Zip Code<br><b>33916</b> |
| 14. Signature of Chairman<br><b>X</b>                              |  | 15. Name of Chairman (Print or Type)<br><b>Philip Nichols</b>      |                              |

**Campaign Treasurer's Acceptance of Appointment**

I, **Philip Nichols**, do hereby accept the appointment as  
(Please Print or Type)  
treasurer or deputy treasurer for **Our Fair Share for Florida**  
(Committee or Organization)

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

**May 9, 2011**

Date

**X** 

Signature of Campaign Treasurer or Deputy Treasurer



## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KURT S. BROWNING**  
Secretary of State

May 12, 2011

Mr. Philip Nichols, Chairperson  
Our Fair Share Florida  
3530 Work Drive  
Fort Myers, Florida 33916

Dear Mr. Nichols:

This will acknowledge receipt of the Statement of Organization and Appointment of Campaign Treasurer and Designation of Campaign Depository for **Our Fair Share For Florida**, which were placed on file in our office on May 10, 2011. This information appears to comply with the requirements of Section 106.03, Florida Statutes, and the name of this organization has been placed on our active committee list as a political committee that supports/opposes both candidates and issues.

### Campaign Treasurer's Reports

Your first campaign treasurer's report will be due on **July 11, 2011**. The report will cover the period of April 1 - June 30, 2011. All political committees that file reports with the Division of Elections are required to file by means of the Division's electronic filing system (EFS).

### Credentials and Sign-ons

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

**EFS Web site Address:** <https://efs.dos.state.fl.us>  
**Identification Number:** 55215

Division of Elections  
R. A. Gray Building, Room 316 • 500 South Bronough Street • Tallahassee, Florida 32399-0250  
Telephone: (850) 245-6200 • Facsimile: (850) 245-6217  
<http://elections.myflorida.com>

**EXHIBIT**

5 (of 3)

Mr. Philip Nichols, Chairperson  
May 12, 2011  
Page Two

### **Pin Numbers**

Pin numbers are confidential secure credentials that allow you to submit reports and update information. The enclosed sealed envelope contains confidential pin numbers for you.

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

### **Timely Filing**

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

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

### **Electronic Receipts**

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

EXHIBIT 5(2 of 3)



Mr. Philip Nichols, Chairperson  
May 12, 2011  
Page Three

**Instructions and Assistance**

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

All of the Division's publications and reporting forms are available on the Division of Elections' web site at <http://elections.myflorida.com>. It is your responsibility to read, understand, and follow the requirements of Florida's election laws. Therefore, please print a copy of the following documents: Chapter 106, Florida Statutes, *2010 Political Committee Handbook*, *2011 Calendar of Reporting Dates*, and Rule 1S-2.017, Florida Administrative Code.

Please let me know if you need additional information.

Sincerely,



Kristi Reid Bronson, Chief  
Bureau of Election Records

KRB/ljr

Enclosures

EXHIBIT 5(3 of 3)



FLORIDA DEPARTMENT OF STATE  
**Ken Detzner**  
Secretary of State  
DIVISION OF ELECTIONS

April 30, 2012

Mr. Philip Nichols, Chairperson for  
Our Fair Share for Florida  
3000 Grand Oasis Blvd #2506  
Fort Myers, FL 33916-3916

Dear Mr. Nichols:

The Division of Elections has determined that the report for the following cover period is incomplete for the reasons attached

| <u>Year</u> | <u>Type</u> | <u>Cover Period</u> |
|-------------|-------------|---------------------|
| 2012        | Q1          | 1/1/12 - 3/31/12    |

Pursuant to Section 106 07(2), Florida Statutes, you have 7 days from receipt of this notice to file an amended report supplying the missing information or provide an explanation for the entries. We are required by law to further advise you that failure to supply this information within the time allowed constitutes a violation of Chapter 106, Florida Statutes.

If you need assistance in filing an amendment, please contact the Division's help line at (850) 245-6280.

Sincerely,

Kristi Reid Bronson  
Chief, Bureau of Election Records

Attachment

EXHIBIT 6

Error Report

Committee: Our Fair Share for Florida

Type: PAC - BOT

Report: 2012 Q1 (4) Covering Period: 1/1/12 - 3/31/12

Account: 55215

Contributions

|     |      | Contributor          |                        |                   | Contribution |            |      |            |        |         |       |
|-----|------|----------------------|------------------------|-------------------|--------------|------------|------|------------|--------|---------|-------|
| Seq | Date | Name                 | Address                | City/State/Zip    | Type         | Occupation | Type | Amount     | InKind | Descrip | Amend |
| 1   |      | WHITESTAR STRATEGIES | 5865 BRANCH VALLEY WAY | CUMMING, GA 30040 | B            | CONSULTANT | CAS  | \$2,700.00 |        |         |       |

\*The Transaction Date Is Either Before Or After The Report Coverage Period

\*Cash Contributions May Not Exceed \$50

\*Contribution Amounts Are Limited To \$500 For This Contributor Type

Expenditures

| Seq | Date | Name                               | Address          | City/State/Zip      | Type | Expenditure Purpose | Amount     | Amend |
|-----|------|------------------------------------|------------------|---------------------|------|---------------------|------------|-------|
| 1   |      | LEE COUNTY SUPERVISOR OF ELECTIONS | 2480 THOMPSON ST | FORT MYERS FL 33902 | X    | VALIDATION          | \$2,700.00 |       |

\*The Transaction Date Is Either Before Or After The Report Coverage Period

\*Invalid Expenditure Type

Fund Transfers

Other Distributions

EXHIBIT 7

COPY



FLORIDA DEPARTMENT OF STATE  
Ken Detzner  
Secretary of State  
DIVISION OF ELECTIONS

Second Notice

May 22, 2012

Mr Philip Nichols, Chairperson for  
Our Fair Share for Florida  
3000 Grand Oasis Blvd #2506  
Fort Myers FL 33916-3916

Dear Mr Nichols:

On April 30, 2012, you were advised that one or more of your campaign treasurer's reports were incomplete and that you had 7 days to file amended reports providing the requested information

The Division's electronic filing system indicates that the required amendments have not been made Pursuant to Section 106.22, Florida Statutes, the Division is required to notify the Florida Elections Commission of the failure to provide information required by Chapter 106 Accordingly, if the information requested in our prior notice is not received within 7 days of receipt of this letter, we will refer this matter to the Commission A second copy of the error report is attached for your convenience

Sincerely,

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

Kristi Reid Bronson, Chief  
Bureau of Election Records

Attachment

EXHIBIT

8



**FLORIDA DEPARTMENT of STATE**

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

**FINAL NOTICE - Delivery Confirmation:** 0310 3490 0000 5283 6682

June 6, 2012

Ms Kenneth Foote, Registered Agent for  
Our Fair Share for Florida (55215)  
6521 Ridge Road, Suite 4  
Port Richey, Florida 34668

Dear Mr. Foote:

The committee has been advised on several occasions that your organization has an incomplete campaign treasurer report and that you had 7 days to file the amended report providing the requested information. The following report needs amending:

| <u>Year</u> | <u>Report</u> | <u>Cover Period</u> |
|-------------|---------------|---------------------|
| 2012        | Q1            | 1/1/12-3/31/12      |

The organization has previously been notified of the incomplete report. Enclosed are copies of letters sent by the Division. If the report is not corrected **within 7 days of receipt of this letter**, the Division will forward this matter to the Florida Elections Commission for further action Section 106.265(1), Florida Statutes, authorizes the Florida Elections Commission to impose civil penalties of up to \$1,000 per violation

If you have any questions please call Theresa Holdeen at (850) 245-6250.

Sincerely,

Kristi Reid Bronson, Chief  
Bureau of Election Records

KRB/tah

pc: Mr Philip Nichols, Chairperson

Enclosure(s)



R. A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250  
Telephone: (850) 245-6240 • Facsimile: (850) 245-6259 [www.dos.state.fl.us](http://www.dos.state.fl.us)  
Commemorating 500 years of Florida history [www.fl500.com](http://www.fl500.com)



**EXHIBIT** 9(10f3)

English

Customer Service

USPS Mobile

Register / Sign In



Search USPS.com or Track Packages

Quick Tools

Ship a Package

Send Mail

Manage Your Mail

Shop

Business Solutions

# Track & Confirm

GET EMAIL UPDATES

| YOUR LABEL NUMBER   | SERVICE | STATUS OF YOUR ITEM                  | DATE & TIME           | LOCATION              | FEATURES               |
|---------------------|---------|--------------------------------------|-----------------------|-----------------------|------------------------|
| 0310349000062836682 |         | Delivered                            | June 09 2012 9:15 am  | PORT RICHEY FL 34668  | Delivery Confirmation™ |
|                     |         | Out for Delivery                     | June 09 2012 8:38 am  | PORT RICHEY FL 34668  |                        |
|                     |         | Sorting Complete                     | June 09 2012 8:28 am  | PORT RICHEY FL 34668  |                        |
|                     |         | Arrival at Post Office               | June 09 2012 5:05 am  | PORT RICHEY FL 34668  |                        |
|                     |         | Depart USPS Sort Facility            | June 09 2012          | TAMPA FL 33605        |                        |
|                     |         | Processed through USPS Sort Facility | June 08 2012 11:25 pm | TAMPA FL 33605        |                        |
|                     |         | Depart USPS Sort Facility            | June 08 2012          | JACKSONVILLE FL 32099 |                        |
|                     |         | Processed through USPS Sort Facility | June 08 2012 12:25 am | JACKSONVILLE FL 32099 |                        |

### Check on Another Item

What's your label (or receipt) number?



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DELIVERY CONFIRMATION NUMBER: 2999 ER25 0000 06HE 0TE0

Postage and Delivery Confirmation fees must be paid before mailing.

Article Sent To: (to be completed by mailer)

*Kenneth Foote*  
*Our Fair Share for Florida #55215*

Postmark Here

*Fines - n - audits*

#### POSTAL CUSTOMER:

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- Package Services parcel

(See Reverse)

EXHIBIT 9(2 of 3)

PS Form 152, May 2002

000000

**HISTORY NOTES**  
Our Fair Share for Florida - 55215

| Unique ID                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Date Recorded         | Last Edited Date    | Originally Recorded By |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|---------------------|------------------------|
| 29187                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 6/5/2012 6:05:00 PM   | 6/5/2012 7:09:10 PM | taholdeen              |
| 2011 Q4 & 2012 Q1 Fine/ Also 2012 Q1 Audit:<br>Sent final notice w/delivery confirmation #0310 3490 0000 5283 6682, mailed out on 6/6/12                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                       |                     |                        |
| 28108                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 3/22/2012 3:59:00 PM  |                     | mhermandez             |
| RE: Password & Pins Request<br>3/22/12 @ 4:15 pm - Spoke with Philip Nichols<br><br>He called regarding his pin's and password that he never received. I told him that he needs to fax us a request to reset the credentials and to supply a telephone number to call him back. He indicated that he will fax us the request tomorrow                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                       |                     |                        |
| 27689                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 2/20/2012 10:06:00 AM |                     | taholdeen              |
| 2011 Q4 FF:<br>Final notice mailed today, with delivery confirmation #0310 3490 0000 5283 6439                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                       |                     |                        |
| 27571                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 2/10/2012 10:30:00 AM |                     | taholdeen              |
| 2011 Q4 FF:<br><br>Tried calling chairperson/treasurer at (239) 770-5361. This number is no longer a working number. I tried it twice to be sure I wasn't dialing the wrong #, and got the same recording both times. 'This # is either changed, disconnected, or no longer in service'. So, I called the RA, Kenneth Foote, who is an attorney and was in court when I called. I spoke with his receptionist? secretary? (didn't ask her position), but her name is Charlene. Explained to her the situation (as she was writing it down), and asked her to relay the information to Mr. Foote, and gave her my direct line, in case he wanted to call me. I also asked her if it would be possible for them to notify me if they in fact were successful in relaying the information to Mr. Nichols.<br><br>Next step: final notice |                       |                     |                        |
| 27493                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 2/6/2012 3:16:00 PM   |                     | lrandolph              |
| RE: Q4 Campaign treasurer report papercopy<br><br>I called and wasn't able to reach the chairman of the committee Mr. Phillip Nichols. I then called and left a message for the registered agent to relay a message about the papercopy we received on February 3rd. I explained in the message that we never received a username and password request and that Mr. Nichols need to resend it.                                                                                                                                                                                                                                                                                                                                                                                                                                        |                       |                     |                        |

EXHIBIT 9(3 of 3)

000004

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

(1) Our Fair Share for Florida (2) 55215  
 Candidate, Committee or Party Name I.D. Number

(3) 3000 Grand Oasis Blvd #2506 Fort Myers FL 33916  
 Address (number and street) City State Zip Code

Check box if address has changed since last report

(4) Check appropriate box(es):

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

(5) REPORT IDENTIFIERS

Cover Period: From 01/01/2012 To 03/31/2012 Report Type: Q1

Original  Amendment  Special Election Report

(6) CONTRIBUTIONS THIS REPORT

(7) EXPENDITURES THIS REPORT

Cash & Checks \$2,700.00  
 Loans \$0.00  
*Total Monetary* \$2,700.00

In-Kind \$0.00

Monetary Expenditures \$2,700.00  
 Transfers to Office Account \$0.00  
*Total Monetary* \$2,700.00

(8) Other Distributions

Certification

It is a first degree misdemeanor for any person to falsify a public record (ss.839 13, F.S.)

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

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

Name of  Treasurer  Deputy Treasurer

Name of  Candidate  Chairman (PC/PTY Only)

X  
Signature

X  
Signature



Name: Our Fair Share for FloridaReport: 2012 Q1Period: 01/01/2012 to 03/31/2012**\*\* Records in Filed Report \*\***

| Seq #      | Full Name<br>(Last, Suffix, First, Middle)  | Contributor | Occupation          | Amount           |
|------------|---------------------------------------------|-------------|---------------------|------------------|
| Date       | Street Address & City, State, Zip           | Type        | In-Kind Description | Amend            |
| * 1        | WHITESTAR STRATEGIES                        | B           | CONSULTANT          | \$2,700 00       |
| 02/09/2012 | 5865 BRANCH VALLEY WAY<br>CUMMING GA 30040  | CHE         |                     | UPD              |
| * 1        | WHITESTAR STRATEGIES                        | B           | CONSULTANT          | \$2,700 00       |
|            | 5865 BRANCH VALLEY WAY<br>CUMMING, GA 30040 | CAS         |                     | History 05/29/12 |

EXHIBIT 10 (2 of 5)

Name: Our Fair Share for FloridaReport: 2012 Q1Period: 01/01/2012 to 03/31/2012**\*\* Records in Filed Report \*\***

| Seq #<br>Date   | Full Name<br>(Last, Suffix, First, Middle<br>Street Address & City, State, Zip) | Type | Purpose    | Amount<br>Amend                |
|-----------------|---------------------------------------------------------------------------------|------|------------|--------------------------------|
| 1<br>02/14/2012 | LEE COUNTY SUPERVISOR OF ELECTIONS<br>2480 THOMPSON ST<br>FORT MYERS, FL 33902  | MON  | VALIDATION | \$2,700.00<br>UPD              |
| * 1             | LEE COUNTY SUPERVISOR OF ELECTIONS<br>2480 THOMPSON ST<br>FORT MYERS, FL 33902  | X    | VALIDATION | \$2,700.00<br>History 05/29/12 |

EXHIBIT 10 (3 of 5)

# Filed Campaign Treasurer's Report

**Our Fair Share for Florida**  
**55215 - PAC**

Elect ID: **20121106-GEN**  
 Report: **2012 Q1 (4)**

From: **1/1/2012**  
 To: **3/31/2012**

Amd: **Y** Wvr: **N**  
 Cmpit: **INC**

Filed: **FIL 4/12/2012 10:53:17 P**  
 Reviewed: **AUD 8/14/2012 11:29:22 A**

## Original Report

Submitted: 4/12/2012 10:53:17 P

### CONTRIBUTIONS

| Seq Date | Name                 | Address                                    | Contributor Type | Occupation Inkind Description | Errors Amd | Amount     |
|----------|----------------------|--------------------------------------------|------------------|-------------------------------|------------|------------|
| i        | WHITESTAR STRATEGIES | 5865 BRANCH VALLEY WAY<br>CUMMING GA 30040 | B<br>CAS         | CONSULTANT                    | 3          | \$2,700.00 |

### EXPENDITURES

| Seq Date | Name                         | Address                                 | Type | Office Purpose | Errors Amd | Amount     |
|----------|------------------------------|-----------------------------------------|------|----------------|------------|------------|
| i        | LEE COUNTY SUPERVISOR OF ELE | 2480 THOMPSON ST<br>FORT MYERS FL 33902 | X    | VALIDATION     | 2          | \$2,700.00 |

## Amended Report

Submitted: 5/29/2012 3:39:54 P

### CONTRIBUTIONS

| Seq Date | Name                 | Address                                    | Contributor Type | Occupation Inkind Description | Errors Amd | Amount     |
|----------|----------------------|--------------------------------------------|------------------|-------------------------------|------------|------------|
| i        | WHITESTAR STRATEGIES | 5865 BRANCH VALLEY WAY<br>CUMMING GA 30040 | B<br>CHE         | CONSULTANT                    | i<br>UPD   | \$2,700.00 |

### EXPENDITURES

| Seq Date | Name                         | Address                                 | Type | Office Purpose | Errors Amd | Amount     |
|----------|------------------------------|-----------------------------------------|------|----------------|------------|------------|
| i        | LEE COUNTY SUPERVISOR OF ELE | 2480 THOMPSON ST<br>FORT MYERS FL 33902 | MON  | VALIDATION     | 0<br>UPD   | \$2,700.00 |

EXHIBIT 10(4045)

# Filed Campaign Treasurer's Report

**Our Fair Share for Florida**  
**55215 - PAC**

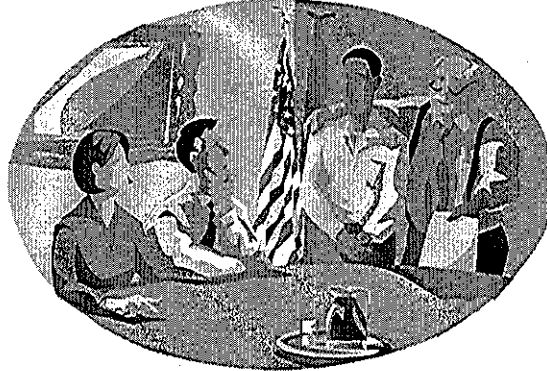
Elect ID: **20121106-GEN**  
Report: **2012 Q1 (4)**

From: **1/1/2012**  
To: **3/31/2012**

Amd: **Y** Wvr: **N**  
Cmpit: **INC**

Filed: **FIL** 4/12/2012 10:53:17 P  
Reviewed: **AUD** 8/14/2012 11:29:22 A

EXHIBIT 10(50f5)



# Political Committee Handbook

**June 2010**

Florida Department of State  
Division of Elections  
R. A. Gray Building, Room 316  
500 South Bronough Street  
Tallahassee, Florida 32399-0250  
850.245.6240  
[www.elections.myflorida.com](http://www.elections.myflorida.com)

EXHIBIT 11 (1 of 4)

# Table of Contents

|                                                                |           |
|----------------------------------------------------------------|-----------|
| <b>Chapter 1 - Explanation</b>                                 | <b>1</b>  |
| <b>Chapter 2 - The Campaign Financing Act</b>                  | <b>2</b>  |
| <b>Chapter 3 - Offices Up for Election in 2010</b>             | <b>3</b>  |
| Federal Offices                                                | 3         |
| State Offices                                                  | 3         |
| Multicounty and District Offices                               | 3         |
| County Offices                                                 | 3         |
| Judicial Retention (Nonpartisan)                               | 3         |
| Circuit Judges (Nonpartisan)                                   | 3         |
| County Court Judges (Nonpartisan)                              | 3         |
| <b>Chapter 4 - 2010 Dates to Remember</b>                      | <b>4</b>  |
| <b>Chapter 5 - Glossary of Terms</b>                           | <b>5</b>  |
| <b>Chapter 6 - What is a Political Committee?</b>              | <b>8</b>  |
| Comparisons                                                    | 9         |
| What to File                                                   | 12        |
| Where to File                                                  | 13        |
| Disbandment or Revocation                                      | 13        |
| <b>Chapter 7 - Campaign Treasurer</b>                          | <b>14</b> |
| Duties and Responsibilities of Campaign Treasurers             | 14        |
| Resignation or Removal of Campaign Treasurers                  | 14        |
| <b>Chapter 8 - Campaign Depository</b>                         | <b>16</b> |
| Primary Campaign Depository                                    | 16        |
| Secondary Campaign Depository                                  | 16        |
| Separate Interest-Bearing Accounts and Certificates of Deposit | 16        |
| Campaign Checks                                                | 17        |
| Debit Cards                                                    | 17        |
| Credit Cards                                                   | 18        |
| <b>Chapter 9 - Contributions</b>                               | <b>19</b> |
| In-Kind Contributions                                          | 19        |
| Loans                                                          | 20        |
| Cash Contributions                                             | 20        |
| Debit and Credit Card Contributions                            | 20        |
| Contributions via Online Payment Service Organizations         | 20        |
| Contribution Limits                                            | 20        |
| 2010 Deadlines for Accepting Contributions                     | 21        |
| 2010 Deadlines for Making Contributions to Candidates          | 21        |
| Violations                                                     | 22        |
| <b>Chapter 10 - Expenditures</b>                               | <b>23</b> |
| General Requirements                                           | 23        |
| Checks                                                         | 24        |
| Petty Cash Funds                                               | 24        |
| Independent Expenditures                                       | 24        |
| Credit Cards                                                   | 26        |
| Debit Cards                                                    | 26        |
| <b>Chapter 11 - Recordkeeping, Receipt and Inspection</b>      | <b>28</b> |
| Bookkeeping                                                    | 28        |
| Contributions                                                  | 28        |
| Expenditures                                                   | 29        |
| Preservation of Accounts                                       | 29        |
| Inspections                                                    | 29        |
| <b>Chapter 12 - Filing Campaign Reports</b>                    | <b>31</b> |
| Where to File                                                  | 31        |
| When to File                                                   | 31        |
| Penalty for Late Filing                                        | 32        |

|                                                                                       |           |
|---------------------------------------------------------------------------------------|-----------|
| Waiver of Report .....                                                                | 32        |
| Special Election Reports .....                                                        | 32        |
| Incomplete Reports .....                                                              | 33        |
| Reporting Total Sums .....                                                            | 33        |
| Reporting Contributions .....                                                         | 33        |
| Returning Contributions .....                                                         | 34        |
| Reporting Expenditures .....                                                          | 34        |
| Reporting Other Distributions .....                                                   | 35        |
| <b>Chapter 13 - Electronic Filing of Campaign Reports .....</b>                       | <b>36</b> |
| Accessing the EFS .....                                                               | 36        |
| Creating Reports .....                                                                | 36        |
| Submitting Reports .....                                                              | 36        |
| Electronic Receipts .....                                                             | 37        |
| <b>Chapter 14 - Electioneering Communications .....</b>                               | <b>38</b> |
| Electioneering Communication Disclaimers .....                                        | 39        |
| <b>Chapter 15 - Political Advertising .....</b>                                       | <b>40</b> |
| Disclaimers .....                                                                     | 40        |
| Disclaimers on Novelty Items .....                                                    | 43        |
| Items Designed to be Worn by a Person .....                                           | 43        |
| Fund Raiser Mailouts .....                                                            | 44        |
| Bumper Stickers .....                                                                 | 44        |
| Language Other Than English .....                                                     | 44        |
| Miscellaneous Provisions .....                                                        | 45        |
| Use of Closed Captioning and Descriptive Narrative in All Television Broadcasts ..... | 45        |
| <b>Chapter 16 - Telephone Solicitation .....</b>                                      | <b>46</b> |
| Telephone Solicitation .....                                                          | 46        |
| Telephone Solicitation, Registered Agent .....                                        | 47        |
| <b>Chapter 17 - Florida Elections Commission .....</b>                                | <b>48</b> |
| Automatic Fine Appeal Process .....                                                   | 48        |
| Complaint Process .....                                                               | 48        |
| <b>Chapter 18 - Frequently Asked Questions .....</b>                                  | <b>49</b> |
| Campaign Advertising .....                                                            | 49        |
| Campaign Finance .....                                                                | 50        |

## Incomplete Reports

If a campaign treasurer files a report that is deemed incomplete, he or she will be notified by the filing officer as to why the report is incomplete. The campaign treasurer must file an addendum to the incomplete report within three days of notification. The addendum must include all necessary information to complete the report.

In lieu of a notice by registered mail, the filing officer may notify the campaign treasurer by telephone that the report is incomplete and request the information necessary to complete the report. If such information is not received by the filing officer within three days after the telephone request, notice shall be sent by registered mail.

*(Section 106 07(2), F S.)*

## Reporting Total Sums

Each campaign treasurer's report required by Chapter 106, F S., shall contain the total sums of all loans, in-kind contributions, and other receipts, and total sums of all expenditures made during the reporting period. The reporting forms shall be designed to elicit separate totals for in-kind contributions, loans, and other receipts.

*(Section 106 07, F S.)*

## Reporting Contributions

Each report must contain:

- 1 Full name, address, **specific** occupation, amount, and date of each person making a contribution. Reports must provide as clear a description as practicable of the principal type of business conducted for corporations contributing. **Occupations or principal type of business are not required if the contribution is \$100 or less.**
- 2 Name, address, amount, and date of each political committee or organization making any transfer of funds.
- 3 Full name, address, **specific** occupation, principal place of business of the lender and endorser, date and amount of each loan.
- 4 Statement of each contribution, rebate, refund or other receipts not listed in 1 through 3. above.

*(Section 106 07(4), F S.)*

Contributions to a political committee may be received by an affiliated organization and transferred to the bank account of the political committee via check written from the affiliated organization if such contributions are specifically identified as intended to be contributed to the political committee. All contributions received in this manner shall be reported pursuant to Section 106 07, F S., by the political committee as having been made by the original contributor.

*(Section 106 08(10), F S.)*



**FLORIDA ELECTIONS COMMISSION  
AMENDED REPORT OF INVESTIGATION  
Case No.: FEC 12-048**

**Respondent: Philip Nichols, Treasurer, for Our Fair Share for Florida**

**Complainant: Division of Elections**

Pursuant to Section 106.25, Florida Statutes, on March 26, 2012, the Florida Elections Commission received information from the Division of Elections that Respondent violated Chapter 106, Florida Statutes. The Division's referral was mandated pursuant to Section 106.07(8)(d), Florida Statutes. Commission staff investigated whether Respondent violated the following statute:

Section 106.07(1), Florida Statutes, failure of a campaign treasurer of a political committee to file timely regular reports of all contributions received, and all expenditures made, by or on behalf of the political committee

**I. Preliminary Information:**

1. Respondent is the treasurer and chairman of the political committee (PC), Our Fair Share for Florida. He accepted the appointment as treasurer on May 9, 2011. Mr. Kenneth Foote is the registered agent for the political committee. On May 10, 2011, the PC was registered and placed in an active status with the Division of Elections and has remained in active status since that date. The PC supports/opposes both candidates and issues. The purpose of the PC is to support economic growth, business development and gaming, and to oppose increased taxes

2. Complainant is the Division of Elections

3. Respondent's filing officer is Kristi Reid-Bronson, Chief, Bureau of Election Records

**II. Alleged Violation of Section 106.07(1),<sup>1</sup> Florida Statutes:**

4. I investigated whether Respondent violated this section of Florida's election laws by not filing his 2011 Q4 Report which was due on January 10, 2012, after receiving notice that the report was due.

5. On May 10, 2011, the committee filed an Appointment of Campaign Treasurer and Designation of Campaign Depository for Political Committees (DS-DE 6) form, appointing Respondent treasurer of the committee. To view a copy of Form DS-DE 6 and additional relevant documents for the political committee, refer to Exhibit 1.

6. Complainant submitted a sworn affidavit dated March 22, 2012. To review the sworn affidavit, refer to Exhibit 2.

7. By letter dated May 11, 2011, the filing officer advised Respondent that the political committee's first report was due on July 11, 2011, and all reports must be filed

---

<sup>1</sup> Due to a scrivener's error [Section 106.141(1), F.S.] was identified in the heading in the previous report

electronically using the Divisions' Electronic Filing System (EFS). To view a copy of the letter, refer to Exhibit 3.

8. Respondent was informed that it is his responsibility to read, understand and follow the requirements of Florida's election laws; therefore, he was directed to print the following relevant documents: Chapter 106, *Florida Statutes*; the 2010 *Political Committee Handbook*; the 2011 Calendar of Reporting Dates; and Rule 1S-2.017, *Florida Administrative Code*. (Note that this information appears in bold font in the final paragraph.) To view a copy of the letter, refer to Exhibit 3. To review the 2011 Calendar of Reporting Dates, refer to Exhibit 4.

9. On January 12, 2012, the Division mailed Respondent notification that his 2011 Q4 Report had not been filed. On January 26, 2012, the Division mailed a second failure-to-file notice to Respondent. Both letters were mailed to Respondent's address listed on his Appointment of Campaign Treasurer and Designation of Campaign Depository form (DS-DE 6) and not returned to the Division. To review the notice dated January 12, 2012, refer to Exhibit 2, page 3. To review the second notice, refer to Exhibit 2, page 4.

10. Based upon the History Notes—the Division's electronic communications log—on February 10, 2012, Division staff, Theresa Holdeen, attempted contact with Respondent by telephone; however, the telephone number on file with the Division appeared to no longer be in service. Ms. Holdeen phoned the registered agent's office and left a message with his staff regarding the committee's 2011 Q4 Report. To review the Divisions' History Notes, refer to Exhibit 2, page 2.

11. On February 20, 2012, the Division mailed a final notice with delivery confirmation to Kenneth Foote, the committee's Registered Agent. To review the final notice, refer to Exhibit 2, page 5. To review the USPS track and confirm history, refer to Exhibit 2, page 6.

12. Upon further investigation, it was determined that Respondent filed his 2011 Q4 Report 73 days late on March 23, 2011—one day after Complainant swore out the complaint. His 2011 Q4 Report listed one contribution totaling \$500 and no expenditures. Respondent was fined \$125.00 by the filing officer for the *untimely* filing of his 2011 Q4 Report covering the reporting period of October 1, 2011 through December 31, 2011. To view Respondent's filing history, refer to Exhibit 5. To review Respondent's 2011 Q4 Report, refer to Exhibit 6. To view a copy of Respondent's campaign finance activity, refer to Exhibit 7.

13. In addition, it appears that Respondent filed *untimely* all additional reports at the time my report was submitted. He filed his 2011 Q2 Report—Waiver of Report—four days late; no fine was assessed by the filing officer. He filed his 2011 Q3 Report—Waiver of Report—two days late; no fine was assessed by the filing officer. And Respondent filed his 2012 Q1 Report two days late; the filing officer assessed a fine totaling \$100.00. (Note that Respondent has not paid or appealed to the Commission any fines imposed by the filing officer by the date of this report.) To view a copy of Respondent's campaign finance activity, refer to Exhibit 7. To review Respondent's 2011 Q4 Report, refer to Exhibit 6.

14. Respondent did not respond to my affidavit-questionnaire regarding the untimely filing of his 2011 Q4 Report. On May 30, 2012, I phoned Respondent and informed him that I was sending by email an affidavit-questionnaire to query Respondent about the untimely filing of his 2011 Q4 Report. I admonished Respondent to phone me if he did not receive my email and

the attached affidavit-questionnaire; Respondent did not contact me by telephone or email to inform me he did not receive my affidavit-questionnaire and my email was not returned as undeliverable.

**III. FEC History:**

15. Respondent has no history of additional complaints filed against him with the Commission at the time of our receipt of this complaint

**Conclusion:**

16. On June 11, 2012, I phoned Respondent to conduct a final interview by telephone and give him an opportunity to respond to the information gathered during the course of the investigation concerning the allegations made in the complaint. Respondent said that he read briefly the *Political Committee Handbook*; he acknowledged that he should have read it more thoroughly. To review the phone log, refer to Exhibit 8.

17. Based upon Respondent's filing history and campaign finance activity, it appears that Respondent filed his 2011 Q4 Report 73 days late. Respondent was assessed a fine in the amount of \$125.00 by the filing officer. As of the date of this report the fine has not been paid. As previously discussed in this report in paragraph 13, all additional reports filed by Respondent were filed *untimely*. To review his filing history, refer to Exhibit 5. To review his campaign finance activity, refer to Exhibit 7.

18. The phone log reflecting all Commission staff's telephone contacts in this matter is provided as Exhibit 8.

Respectfully submitted on June 12, 2012,

\_\_\_\_\_  
Helen Hinson  
Investigation Specialist

**Current address of Respondent**

Mr. Philip Nichols  
3000 Oasis Grand Blvd., #2506  
Fort Myers, FL 33916-1644

**Current address of Complainant**

Division of Elections  
500 South Bronough Street, Room 316  
Tallahassee, FL 32399-0250

**Name and Address of Filing Officer:**

Ms Kristi Reid-Bronson, Chief  
Bureau of Elections Records  
500 South Bronough Street, Room 316  
Tallahassee, FL 32399-0250

**Chair of the Committee**

Mr. Philip Nichols, Chairperson  
Our Fair Share for Florida  
3000 Oasis Grand Blvd., #2506  
Fort Myers, FL 33916-1644

Copy furnished to: Mr. David Flagg, Investigations Manager

**FLORIDA ELECTIONS COMMISSION  
PHONE LOG  
Case No.: FEC 12-048**

**Respondent: Philip Nichols, Treasurer for Our Fair Share For Florida (PC)**

**Complainant: Division of Elections**

1. **Date and time:** 05/24/12; 11:40 a.m  
**Name:** Respondent—Philip Nichols  
**Phone #:** 770-296-0719 (cell phone)  
**Summary:** R phoned, identified himself and explained that the political committee's registered agent has informed him of the complaint and my investigation. He declared that the report has been filed (73 days late); however, due to their relocating their offices, needing the password and pin reset, and not readily having access to a fax machine for receipt of his password and pin (reset), they were unable to file timely the report electronically. R explained that a fax machine was required to receive timely from the Division the password and pin (reset)

R noted they sent a registered letter to the filing officer with their new mailing address, a paper copy of the report and followed up with the electronic filing. He declared they received only one \$500 contribution during the reporting period in question and that is reflected in the report. Respondent stated that he travels extensively for his job and is best reached at this cell number or by email: [phil@whitestarstrategies.com](mailto:phil@whitestarstrategies.com).

**Memo to File?** No

**Entered by:** HH

2. **Date and time:** 05/29/12; 12:30 p.m.  
**Name:** Trish, Lee County Elections  
**Phone #:** 239-533-8683  
**Summary:** I phoned and requested to speak with someone familiar with local political committees—Bernie or someone else; Trish explained that would be either Joanne or Bernie and Bernie has been busy today (calls go straight to her voice-mail) and Joanne is out to lunch but is expected back at any moment. Trish asked if I would like to be transferred to Joanne's voice-mail and I said that I would. I reached Joanne's voice-mail and left message requesting that she return my call regarding local political committee Our Fair Share for Lee County.

**Memo to File?** No

**Entered by:** HH

3. **Date and time:** 05/29/12; 2:20 p.m.  
**Name:** Joanne, Lee County Elections  
**Phone #:** 239-533-8683  
**Summary:** I phoned and she explained that she forwarded my voice-mail to Bernie since she has a greater wealth of knowledge regarding "PACs". She thought I had called while she was away on leave/vacation; she said that information is available on their website. I explained that I had looked for the information but it was not on their website. While we were speaking Joanne checked their website and confirmed that she did not find it on the

website either. Joanne added that she did not wish to push me off on Bernie and make me feel rushed, but she is leaving soon for a doctor's appointment; she added that Bernie is currently out to lunch and she/Joanne will leave a message for Bernie saying that I had called again.

**Memo to File?** No

**Entered by:** HH

4. **Date and time:** 05/29/12; 3:01 p.m.  
**Name:** Ms. Bernie Feliciano, Lee County Elections  
**Phone #:** UNK  
**Summary:** She returned my call and reached my voice-mail; she provided her direct telephone number: PH: 239-533-6304.  
**Memo to File?** No  
**Entered by:** HH
5. **Date and time:** 05/29/12; 3:54 p.m.  
**Name:** Ms. Bernie Feliciano, Lee County Elections  
**Phone #:** 239-533-6304  
**Summary:** I phoned and reached her voice-mail; I explained that I was sorry we're playing phone tag but requested that she return my call.  
**Memo to File?** No  
**Entered by:** HH
6. **Date and time:** 05/29/12; 4:40 p.m.  
**Name:** Ms. Bernie Feliciano, Lee County Elections  
**Phone #:** 239-533-6304  
**Summary:** I phoned and asked if she had provided any handbooks or election law related materials to chair/treasurer (Respondent) Phil Nichols; she responded that she had not. Ms. Feliciano explained that her contact with (Respondent) Mr. Nichols was regarding their first and second petition initiatives to change the county charter by amendment. She emailed to me all documents in her two files for the PC; I confirmed receipt of her emails and attachments. Ms. Feliciano confirmed Respondent's cell phone number and email address as the same that I have on file.  
**Memo to File?** No  
**Entered by:** HH
7. **Date and time:** 05/30/12; 10:01 a.m.  
**Name:** Respondent—Philip Nichols  
**Phone #:** 770-296-0719 (cell phone)  
**Summary:** I phoned R and informed him that I was sending by email the questionnaire. I requested that he call me if he does not receive it within the next 10 minutes. I encouraged Respondent to respond in writing and informed him what to expect regarding timelines, my Report of Investigation, staff's recommendation and opportunities for him to respond in writing, and quarterly meetings of the Commission.  
**Memo to File?** No  
**Entered by:** HH

8. **Date and time:** 06/11/12; 10:20 a.m.

**Name:** Respondent—Philip Nichols

**Phone #:** 770-296-0719 (cell phone)

**Summary:** I phoned Respondent, identified myself and informed him that I was completing my Report of Investigation (ROI) and wished to conduct a final interview by telephone and give him an opportunity to respond to the information gathered during the course of the investigation concerning the allegations made in the complaint. I asked Respondent if he had read the *Political Committee Handbook*; he said that he reviewed it briefly and acknowledged that he should have read it more thoroughly

I again informed Respondent that he'll receive a copy of my ROI, staff's recommendation and will have an opportunity to respond in writing. I encouraged Respondent to respond in writing to my ROI and staff's recommendation. I informed him that he would receive a notice of hearing from the Agency Clerk and he may wish to attend the Commission's meeting in Tallahassee. I noted that was not permitted to offer any new evidence but may respond to the Commission's queries

Respondent wondered why all this fuss over a \$125.00 fine; I informed him that the filing officer imposed the \$125.00 fine for the late filing of his 2011 Q4 Report, but the Commission may impose a fine in the instant case in an amount up to \$1,000.00 for each violation of Section 106.07(1), F.S.

Respondent again declared that the report has been filed (73 days late); however, due to their relocating their offices, needing the password and pin reset, and not readily having access to a fax machine for receipt of his pin (reset) and password, the Committee was unable to file timely the report electronically. He declared that Division staff would not provide the password and pin over the phone and required a fax number to forward the information delaying his receipt of the password and pin (reset).

Respondent queried, "What about the registered letter." He believed that the Division would "wave [sic] any fees or fines associated with this filing"—as requested in the Committee's "registered letter" to the Division; I noted that it appears that he did not file an appeal with the Commission. I also noted that he did not complete and return my affidavit-questionnaire. I directed Respondent to the Commission's website; the tab labeled "About"; and the drop-down, "Common Violations and Appeals."

I queried why Respondent did not have his password and pin; he declared that he "lost it." I encouraged Respondent to protect his password and pin number so that he may timely file his reports and to start each report early in the reporting period, and update contributions and/or expenditures as needed rather than waiting until the day the report was due to start the report. I also admonished Respondent to timely file electronically his next report (2012 F1 Report) with the Division of Elections due in early July 2012—July 13<sup>th</sup>. I suggested he call the Help Desk and Division staff for assistance if needed. I also suggested that Respondent keep the Division of Elections informed of any changes in officers, and contact information so he may receive timely notices, etc. (Note that I

provided a copy of the 2012 Calendar of Reporting Dates and a link to the Divisions' publication by email for his information after our telephone conversation this morning.)

**Memo to File?** No

**Entered by:** HH

9. **Date and time:** 06/14/12; 1:20 p.m.  
**Name:** Respondent—Philip Nichols  
**Phone #:** 770-296-0719 (cell phone)  
**Summary:** I phoned R and explained that I completed the ROI, I later amended it due to a typographical (scrivener's) error, all documents were mailed to him and this case should be on the agenda for the Commission's August meeting. I informed R if he wishes to file a response to the Amended ROI, he should submit his response to this office in writing by June 25, 2012. I explained to R that legal staff will complete a staff recommendation and his responses, if submitted, to my Amended ROI and legal staff's SR will be available to the Commission. I informed R that it was important that he let Commission staff know of any change in his contact information since documents related to this case will be mailed to him at the address we have on file. I asked R if he wished me to email the Amended ROI or did he wish to wait for mail delivery; R requested that I email the Amended ROI to him.

**Memo to File?** No

**Entered by:** HH

10. **Date and time:** 01/28/13; 9:55 a.m.  
**Name:** Allen Taylor, the DOE  
**Phone #:** 850-245-6213  
**Summary:** I phoned and asked him to check registration information for Respondent; he had no records available.

**Memo to File?** No

**Entered by:** HH

11. **Date and time:** 01/28/13; 3:58 p.m.  
**Name:** Respondent—Philip Nichols  
**Phone #:** 770-296-0719 (cell phone)  
**Summary:** I phoned, reached his voice-mail, identified myself, provided my contact information, and requested that he return my call regarding the instant case; I again provided my contact information.

**Memo to File?** No

**Entered by:** HH

12. **Date and time:** 01/29/13; 3:00 p.m.  
**Name:** Bernie Feliciano, Qualifying Officer, Lee County Elections  
**Phone #:** 239-533-8683  
**Summary:** I phoned and requested to speak with Bernie; I asked if she had updated information regarding Respondent and Our Fair Share for Lee County a/k/a Our Fair Share for Florida—Lee County Charter Amendment for casino gambling. Bernie said she had over 60 emails regarding Respondent's petition drive; however, she will select three or four to send me. She noted that Respondent did not meet the required 24,753 signatures;

he submitted petitions but only 20,132 valid signatures were received. Bernie also noted that Respondent turned in all petitions on the final day (February 14, 2012) they could be accepted so there was no opportunity for Respondent to obtain additional signatures. She provided Respondent's email address: [phil@whitestarstrategies.com](mailto:phil@whitestarstrategies.com). I noted this was the same email address I had on file for Respondent. Bernie believes that Respondent may have been working with others in addition to Champion Development Corp. in Florida regarding casino gambling ballot initiatives.

**Memo to File?** No

**Entered by:** HH

13. **Date and time:** 01/29/13; 4:31 p.m.  
**Name:** Sharon P Bates, Investigative Assistant, Georgia Department of Driver Services, Investigations  
**Phone #:** 678-413-8766  
**Summary:** I phoned the Georgia Department of Driver Services at PH: 404-657-9300, maneuvered through their phone tree, held for a long time, and when a person came on the line I asked how I could request/obtain driver license information for a Georgia resident. I was transferred to Investigations at the number provided above. Sharon Bates said that she'll email their form to me and I may re-use the form each time I have a request; I provided my email address. I also asked how I could obtain motor vehicle information from the Georgia Department of Revenue; she said I should contact by phone the Georgia Department of Revenue, Law Enforcement Assistance at PH: 404-417-2257.  
**Memo to File?** No  
**Entered by:** HH
14. **Date and time:** 01/31/13; 11:58 a.m.  
**Name:** Georgia Department of Revenue, Law Enforcement Assistance  
**Phone #:** 404-417-2257  
**Summary:** I phoned and reached their voice-mail; I identified myself, provided my contact information, requested they return my call and I again provided my contact information.  
**Memo to File?** No  
**Entered by:** HH
15. **Date and time:** 01/31/13; 1:12 p.m.  
**Name:** Kristi, Georgia Department of Driver Services; Conyers, GA  
**Phone #:** 678-413-8766  
**Summary:** She phoned, asked if we had sworn officers with arrest powers; I said we did not. She said she checked with her supervisor and will forward my request to Mary Williams, Legal Department at PH: 678-413-8765  
**Memo to File?** No  
**Entered by:** HH
16. **Date and time:** 01/31/13; 2:15 p.m.  
**Name:** Glen Sharpe, Auto Crimes Unit, GA Department of Revenue  
**Phone #:** 404-417-2257



**Summary:** He returned my call—general voice-mail left today. He identified himself by name and unit, and provided his contact information

**Memo to File?** No

**Entered by:** HH

17. **Date and time:** 01/31/13; 2:50 p.m.

**Name:** Glen Sharpe, Auto Crimes Unit, GA Department of Revenue

**Phone #:** 404-4171-2329

**Summary:** I phoned, identified myself and requested information; he said he'll have to contact his legal office and a subpoena may be required. He explained, "I'll shoot you an email here in awhile" He requested my email address since his was "way too complicated" I provided my email address

**Memo to File?** No

**Entered by:** HH

18. **Date and time:** 01/31/13; 3:38 p.m.

**Name:** Glen Sharpe, Supervisory Special Agent, Auto Crimes Unit, GA Department of Revenue

**Phone #:** 404-417-2329

**Summary:** I phoned and he confirmed that he'd accept conditional service of subpoena by email to expedite my receipt of records, but requested subpoena to be sent to the GA Department of Revenue, ATTN: Jud Seymour, 1800 Century Blvd., Atlanta, GA 30345

**Memo to File?** No

**Entered by:** HH

19. **Date and time:** 02/05/13; 9:35 a.m.

**Name:** Glen Sharpe, Supervisory Special Agent, Auto Crimes Unit, GA Department of Revenue

**Phone #:** 404-417-2329

**Summary:** I phoned, reached his voice-mail; I identified myself, and explained that I had sent the subpoena to him by email as we discussed last week and will send by regular mail today to ATTN: Jud Seymour, Communications Director, Georgia Department of Revenue.

**Memo to File?** No

**Entered by:** HH

20. **Date and time:** 02/07/13; 9:45 a.m.

**Name:** Nita Kelley, Claims Processing, Florida Lottery

**Phone #:** 850-487-7707

**Summary:** I phoned and asked to speak with "Liddy" Linton; I was informed that she retired effective February 1, 2013. I identified myself, asked Ms. Kelley if she could assist me regarding my query, and Ms. Kelley said that Respondent Philip Nichols was not a Florida lottery winner.

**Memo to File?** No

**Entered by:** HH

21. **Date and time:**



**FLORIDA ELECTIONS COMMISSION**

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

July 30, 2012

**CERTIFIED MAIL 70041160000491863446**

Our Fair Share For Florida c/o Kenneth Foote  
6521 Ridge Road Suite 4  
Port Richey, FL 34668

**RE: Case No.: FEC 12-132 – Respondent Philip Nichols**

Dear Mr. Foote:

In a letter dated July 5, 2012, the Florida Elections Commission sent you a complaint in the above referenced matter. I have reviewed the complaint and find that it contains one or more legally sufficient allegations. Along with all allegations in the complaint, the Commission staff will investigate the following alleged violation:

**Section 106.07(2)(b)1., Florida Statutes:** Philip Nichols as Treasurer of Our Fair Share of Florida (55215), failed to amend the 2012 Q1 campaign finance report after receiving notice that it was incomplete, as alleged in the referral from the Division of Elections.

You may respond to the allegation above by filing a notarized statement providing any information regarding the facts and circumstances surrounding the allegation. If you choose to file a response to the alleged violation, you should do so within 20 days of the date you receive this letter. Your response will be included as an attachment to the investigator's report.

When we conclude the investigation, you will receive a copy of the Report of Investigation. You may file a response to the report within 14 days from the date the report is mailed to you. Based on the results of the investigation, legal staff will make a written recommendation to the Commission on whether there is probable cause to believe you have violated Chapter 104 or 106, Florida Statutes. You will receive a copy of the Staff Recommendation and may file a response within 14 days from the date the recommendation is mailed to you. Your timely filed response(s) will be considered by the Commission when determining probable cause.

The Commission will then hold a hearing to determine whether there is probable cause to believe you have violated Chapter 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. The Commission also may allow the complainant to make a brief oral statement.

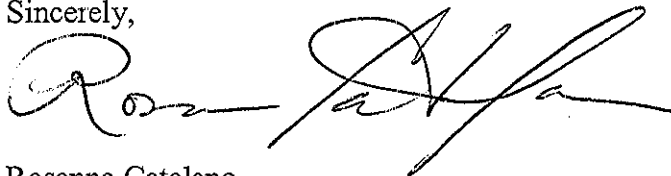
At any time before a probable cause finding, you may notify us in writing that you want to enter into negotiations directed towards reaching a settlement via consent agreement.

The Report of Investigation, Staff Recommendation, and Notice of Hearing will be mailed to the same address as this letter. Therefore, if your address changes, you must notify the investigator assigned to this case of your new address. Otherwise, you may not receive the correspondence from the staff. 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, the Respondent, 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 **Cedric Oliver**, the investigator assigned to this case, at extension 110.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rosanna Catalano', written in a cursive style.

Rosanna Catalano  
Executive Director

cc: Division of Elections, Complainant

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

*Our Fan Share for Florida  
Kenneth Foote  
6521 Ridge Road Suite 4  
Port Richey, FL 34668*

2. Article Number  
(Transfer from service label)

7004 1160 0004 9186 3446

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

*Filio Athanasiadis*  Agent  Addressee

B. Received by (Printed Name)

*Filio Athanasiadis*

C. Date of Delivery

*8-1-12*

D. Is delivery address different from item 1?  Yes

If YES, enter delivery address below:  No

3. Service Type

- Certified Mail  Express Mail
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- Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

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PS Form 3800, June 2002 See Reverse for Instructions

**DIVISION OF ELECTIONS  
REFERRAL FORM**

To FEC From Division of Elections

Name Account Number

Our Fair Share for Florida

55215

Chairperson: Philip Nichols  
Treasurer: Philip Nichols  
Registered Agent: Kenneth Foote

The Division of Elections is referring this issue to the Florida Elections Commission pursuant to s. 106.25, F.S. Addendums have not been filed pursuant to s. 106.07(2), F.S. for the following reports:

2012 Q1

RECEIVED  
2012 JUL -3 P 4:09  
STATE OF FLORIDA  
ELECTIONS DIVISION

Sent By: Kristi Bronson  
Date: June 28, 2012

KRB


# AFFIDAVIT

STATE OF FLORIDA  
County of Leon

Theresa Holdeen, 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
3. **Our Fair Share for Florida (55215)**, a political action committee registered with the Department of State, Division of Elections, was assessed fines for the late filings of the **2011 Q4 and the 2012 Q1** campaign finance reports. The 2011 Q4 report was due on January 10, 2012, and was filed March 23, 2012; 73 days late; the fine is \$125. The 2012 Q1 report was due on April 10, 2012, and was filed April 12, 2012, 2 days late; the fine is \$100.
4. On May 10, 2011, this organization was registered and placed in active status with the Division, and has remained active since that date. Mr. Philip Nichols the committees' chairperson and treasurer. Mr. Kenneth Foote is the committees' registered agent.
5. On March 28, 2012, the Division mailed Mr. Nichols notification that the committee was assessed a fine for the late filing of the 2011 Q4 campaign finance report.
6. On April 16, 2012, the Division mailed notification to Mr. Nichols, regarding the assessed fine for the late filing of the 2012 Q1 campaign finance report.
7. On May 2, 2012, the Division mailed a second notice to Mr. Nichols, regarding the unpaid fine for the 2011 Q4 campaign finance report.
8. On April 16, 2012, the Division mailed a second notice to Mr. Nichols, regarding the unpaid fine for the 2012 Q1 campaign finance report.
9. On June 6, 2012, the Division mailed a final notice to the registered agent (Kenneth Foote), with delivery confirmation, for **both** of these unpaid fines. A copy of this notice was also mailed to Mr. Nichols (See attached for USPS delivery confirmation).
10. As of June 28, 2012, the assessed fines for the late filing of the 2011 Q4 and the 2012 Q1 campaign finance reports have not been paid.

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

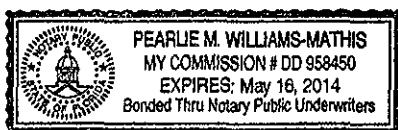
  
Signature of Affiant

Sworn to (or affirmed) and subscribed before me this 28<sup>th</sup> day of  
June, 2011.

  
Signature of Notary Public - State of Florida

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known



English

Customer Service

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Business Solutions

# Track & Confirm

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SERVICE

STATUS OF YOUR ITEM

DATE & TIME

LOCATION

FEATURES

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Delivery Confirmation

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PORT RICHEY FL 34668

Sorting Complete

June 09 2012 8:28 am

PORT RICHEY FL 34668

Arrival at Post Office

June 09 2012 5:05 am

PORT RICHEY FL 34668

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June 09 2012

TAMPA FL 33605

Processed through USPS Sort Facility

June 08 2012 11:25 pm

TAMPA FL 33605

Depart USPS Sort Facility

June 08 2012

JACKSONVILLE FL 32099

Processed through USPS Sort Facility

June 08 2012 12:25 am

JACKSONVILLE FL 32099

### Check on Another Item

What's your label (or receipt) number?



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*Kenneth Foote*  
*Two Fair Share for Florida # 55215*

DELIVERY CONFIRMATION NUMBER: 0310 3490 0000 5283 6682

Postmark Here

*Fines - in - analysis*

**POSTAL CUSTOMER:**  
Keep this receipt. For Inquiries:  
Access internet web site at  
[www.usps.com](http://www.usps.com)  
or call 1-800-222-1811

CHECK ONE (POSTAL USE ONLY)

- Priority Mail™ Service
- First-Class Mail® parcel
- Package Services parcel

(See Reverse)

PS Form 152, May 2002

**HISTORY NOTES**  
Our Fair Share for Florida - 55215

| Unique ID                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Date Recorded         | Last Edited Date    | Originally Recorded By |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|---------------------|------------------------|
| 29187                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 6/5/2012 6:05:00 PM   | 6/5/2012 7:09:10 PM | taholdeen              |
| 2011 Q4 & 2012 Q1 Fine/ Also 2012 Q1 Audit:<br>Sent final notice w/delivery confirmation #0310 3490 0000 5283 6682 mailed out on 6/6/12                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                       |                     |                        |
| 28108                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 3/22/2012 3:59:00 PM  |                     | mhernandez             |
| RE: Password & Pins Request<br>3/22/12 @ 4:15 pm - Spoke with Philip Nichols<br>He called regarding his pin's and password that he never received. I told him that he needs to fax us a request to reset the credentials and to supply a telephone number to call him back. He indicated that he will fax us the request tomorrow                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                       |                     |                        |
| 27689                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 2/20/2012 10:06:00 AM |                     | taholdeen              |
| 2011 Q4 FF:<br>Final notice mailed today. with delivery confirmation #0310 3490 0000 5283 6439                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                       |                     |                        |
| 27571                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 2/10/2012 10:30:00 AM |                     | taholdeen              |
| 2011 Q4 FF:<br>Tried calling chairperson/treasurer at (239) 770-5361. This number is no longer a working number. I tried it twice to be sure I wasn't dialing the wrong #, and got the same recording both times. 'This # is either changed, disconnected, or no longer in service'. So, I called the RA, Kenneth Foote, who is an attorney and was in court when I called. I spoke with his receptionist? secretary? (didn't ask her position), but her name is Charlene. Explained to her the situation (as she was writing it down), and asked her to relay the information to Mr. Foote and gave her my direct line, in case he wanted to call me. I also asked her if it would be possible for them to notify me if they in fact were successful in relaying the information to Mr. Nichols.<br>Next step final notice |                       |                     |                        |
| 27493                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 2/6/2012 3:16:00 PM   |                     | ljrandolph             |
| RE: Q4 Campaign treasurer report papercopy<br>I called and wasn't able to reach the chairman of the committee Mr. Phillip Nichols. I then called and left a message for the registered agent to relay a message about the papercopy we received on February 3rd. I explained in the message that we never received a username and password request and that Mr. Nichols need to resend it.                                                                                                                                                                                                                                                                                                                                                                                                                                  |                       |                     |                        |

000004





COPY

FLORIDA DEPARTMENT of STATE

RICK SCOTT  
Governor

KEN DETZNER  
Secretary of State

FINAL NOTICE – Delivery Confirmation: 0310 3490 0000 5283 6682

June 6, 2012

Ms Kenneth Foote, Registered Agent for  
Our Fair Share for Florida (55215)  
6521 Ridge Road, Suite 4  
Port Richey, Florida 34668

Dear Mr Foote:

The committee has been advised on several occasions that your organization has an incomplete campaign treasurer report and that you had 7 days to file the amended report providing the requested information. The following report needs amending:

| <u>Year</u> | <u>Report</u> | <u>Cover Period</u> |
|-------------|---------------|---------------------|
| 2012        | Q1            | 1/1/12-3/31/12      |

The organization has previously been notified of the incomplete report. Enclosed are copies of letters sent by the Division. If the report is not corrected **within 7 days of receipt of this letter**, the Division will forward this matter to the Florida Elections Commission for further action. Section 106.265(1), Florida Statutes, authorizes the Florida Elections Commission to impose civil penalties of up to \$1,000 per violation.

If you have any questions please call Theresa Holden at (850) 245-6250.

Sincerely,

Kristi Reid Bronson, Chief  
Bureau of Election Records

KRB/tah

pc: Mr Philip Nichols, Chairperson

Enclosure(s)



R. A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250  
Telephone: (850) 245-6240 • Facsimile: (850) 245-6259 www.dos.state.fl.us  
Commemorating 500 years of Florida history www.fla500.com



000005



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FLORIDA DEPARTMENT OF STATE

Ken Detzner  
Secretary of State

DIVISION OF ELECTIONS

April 30, 2012

Mr. Philip Nichols, Chairperson for  
Our Fair Share for Florida  
3000 Grand Oasis Blvd #2506  
Fort Myers, FL 33916-3916

Dear Mr. Nichols:

The Division of Elections has determined that the report for the following cover period is incomplete for the reasons attached

| <u>Year</u> | <u>Type</u> | <u>Cover Period</u> |
|-------------|-------------|---------------------|
| 2012        | Q1          | 1/1/12 - 3/31/12    |

Pursuant to Section 106.07(2), Florida Statutes, you have 7 days from receipt of this notice to file an amended report supplying the missing information or provide an explanation for the entries. We are required by law to further advise you that failure to supply this information within the time allowed constitutes a violation of Chapter 106, Florida Statutes.

If you need assistance in filing an amendment, please contact the Division's help line at (850) 245-6280.

Sincerely,

Kristi Reid Bronson  
Chief, Bureau of Election Records

Attachment

000006

COPY



FLORIDA DEPARTMENT OF STATE  
Ken Detzner  
Secretary of State  
DIVISION OF ELECTIONS

Second Notice

May 22, 2012

Mr Philip Nichols, Chairperson for  
Our Fair Share for Florida  
3000 Grand Oasis Blvd #2506  
Fort Myers, FL 33916-3916

Dear Mr. Nichols:

On April 30, 2012, you were advised that one or more of your campaign treasurer's reports were incomplete and that you had 7 days to file amended reports providing the requested information

The Division's electronic filing system indicates that the required amendments have not been made. Pursuant to Section 106 22, Florida Statutes, the Division is required to notify the Florida Elections Commission of the failure to provide information required by Chapter 106. Accordingly, if the information requested in our prior notice is not received within 7 days of receipt of this letter, we will refer this matter to the Commission. A second copy of the error report is attached for your convenience.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kristi Reid Bronson".

Kristi Reid Bronson, Chief  
Bureau of Election Records

Attachment

000007

Error Report

Committee: Our Fair Share for Florida

Type: PAC - BOT

Report: 2012 Q1 (4) Covering Period: 1/1/12 - 3/31/12

Account: 55215

Contributions

| Contributor |      |                      |                        | Contribution     |      |            |      |            |                |       |
|-------------|------|----------------------|------------------------|------------------|------|------------|------|------------|----------------|-------|
| Seq         | Date | Name                 | Address                | City/State/Zip   | Type | Occupation | Type | Amount     | InKind Descrip | Amend |
| 1           |      | WHITESTAR STRATEGIES | 5865 BRANCH VALLEY WAY | CUMMING GA 30040 | B    | CONSULTANT | CAS  | \$2,700.00 |                |       |

\*The Transaction Date Is Either Before Or After The Report Coverage Period

\*Cash Contributions May Not Exceed \$50

\*Contribution Amounts Are Limited To \$500 For This Contributor Type

Expenditures

| Seq | Date | Name                               | Address          | City/State/Zip      | Type | Expenditure Purpose | Amount     | Amend |
|-----|------|------------------------------------|------------------|---------------------|------|---------------------|------------|-------|
| 1   |      | LEE COUNTY SUPERVISOR OF ELECTIONS | 2480 THOMPSON ST | FORT MYERS FL 33902 | X    | VALIDATION          | \$2,700.00 |       |

\*The Transaction Date Is Either Before Or After The Report Coverage Period

\*Invalid Expenditure Type

Fund Transfers

Other Distributions

300000

COPY


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

2011 MAY 10 AM 9:43  
DEPARTMENT OF STATE  
DIVISION OF ELECTIONS

CHECK APPROPRIATE BOX:

OFFICE USE ONLY

Original Appointment of Treasurer       Reappointment of Treasurer       Deputy Treasurer

|                                                                                                                                                      |  |                                                       |                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------|--|-------------------------------------------------------|----------------------|
| 1 Committee or Organization<br>Our Fair Share for Florida                                                                                            |  | 2 Telephone<br>(239 ) 770-5361                        |                      |
| 3 Name of Treasurer or Deputy Treasurer<br>Philip Nichols                                                                                            |  | 4 Email (optional)                                    |                      |
| 5 Telephone (optional)<br>(239 ) 770-5361                                                                                                            |  |                                                       |                      |
| 6 Mailing Address<br>3530 Work Drive, Fort Myers, FL 33916                                                                                           |  |                                                       |                      |
| 7 Street Address<br>3530 Work Drive, Fort Myers, FL 33916                                                                                            |  |                                                       |                      |
| 8 The following bank has been designated as the <input checked="" type="checkbox"/> Primary Depository <input type="checkbox"/> Secondary Depository |  |                                                       |                      |
| 9 Name of Bank<br>Bank of America                                                                                                                    |  | 10 Street Address<br>2850 Winkler Ave                 |                      |
| 11 City<br>Ft. Myers                                                                                                                                 |  | 12 State<br>FL                                        | 13 Zip Code<br>33916 |
| 14 Signature of Chairman<br>                                      |  | 15 Name of Chairman (Print or Type)<br>Philip Nichols |                      |

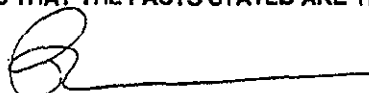
**Campaign Treasurer's Acceptance of Appointment**

I, Philip Nichols do hereby accept the appointment as  
(Please Print or Type)  
treasurer or deputy treasurer for Our Fair Share for Florida  
(Committee or Organization)

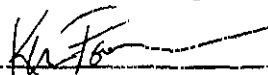
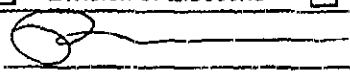
UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING CAMPAIGN TREASURER'S  
ACCEPTANCE OF APPOINTMENT AND THAT THE FACTS STATED ARE TRUE.

May 9, 2011

Date



Signature of Campaign Treasurer or Deputy Treasurer

|                                                                                                                                                                                                                                                                                                  |                                                     |                                                                                        |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|----------------------------------------------------------------------------------------|--|
| <b>REGISTERED AGENT<br/>STATEMENT OF APPOINTMENT</b><br>(Section 106.022, F.S.)                                                                                                                                                                                                                  |                                                     | OFFICE USE ONLY<br>2011 APR 29 PM 1:52<br>DEPARTMENT OF STATE<br>DIVISION OF ELECTIONS |  |
| <input checked="" type="checkbox"/> Original Appointment                                                                                                                                                                                                                                         | <input type="checkbox"/> Change of Appointment      |                                                                                        |  |
| <input type="checkbox"/> Change of Mailing Address                                                                                                                                                                                                                                               | <input type="checkbox"/> Change of Physical Address |                                                                                        |  |
| <b>Registered Agent and Office Information</b>                                                                                                                                                                                                                                                   |                                                     |                                                                                        |  |
| Name <b>Kenneth Foote</b>                                                                                                                                                                                                                                                                        |                                                     | Telephone <b>727-844-0102</b>                                                          |  |
| Street Address <b>6521 Ridge Road Suite 4</b>                                                                                                                                                                                                                                                    |                                                     |                                                                                        |  |
| City <b>Port Richey</b>                                                                                                                                                                                                                                                                          | State <b>FL</b>                                     | Zip Code <b>34668</b>                                                                  |  |
| Mailing Address <b>6521 Ridge Road Suite 4</b>                                                                                                                                                                                                                                                   |                                                     |                                                                                        |  |
| City <b>Port Richey</b>                                                                                                                                                                                                                                                                          | State <b>FL</b>                                     | Zip Code <b>34668</b>                                                                  |  |
| I accept this appointment and confirm that I am familiar with and accept the obligations of the position as set forth in Section 106.022, F.S. I also understand that I may resign this appointment by executing a written statement of resignation and filing it with the Division of Elections |                                                     |                                                                                        |  |
|                                                                                                                                                                                                                |                                                     | April 28, 2011                                                                         |  |
| Signature of Registered Agent                                                                                                                                                                                                                                                                    |                                                     | Date                                                                                   |  |
| <b>Former Registered Agent and Office Information (for changes only)</b>                                                                                                                                                                                                                         |                                                     |                                                                                        |  |
| Name                                                                                                                                                                                                                                                                                             |                                                     | Telephone                                                                              |  |
| Street Address                                                                                                                                                                                                                                                                                   |                                                     |                                                                                        |  |
| City                                                                                                                                                                                                                                                                                             | State                                               | Zip Code                                                                               |  |
| <b>Committee or Organization Information</b>                                                                                                                                                                                                                                                     |                                                     |                                                                                        |  |
| Name of Committee or Organization<br><b>Our Fair Share for Florida</b>                                                                                                                                                                                                                           |                                                     |                                                                                        |  |
| Street Address <b>3530 Work Drive</b>                                                                                                                                                                                                                                                            |                                                     | Telephone <b>239-770-2361</b>                                                          |  |
| City <b>Fort Myers</b>                                                                                                                                                                                                                                                                           | State <b>FL</b>                                     | Zip Code <b>33916</b>                                                                  |  |
| Committee or organization is registered with:                                                                                                                                                                                                                                                    |                                                     |                                                                                        |  |
| <input checked="" type="checkbox"/> Division of Elections                                                                                                                                                                                                                                        | <input type="checkbox"/> County _____               | <input type="checkbox"/> City _____                                                    |  |
|                                                                                                                                                                                                               |                                                     |                                                                                        |  |
| Signature of Chairperson                                                                                                                                                                                                                                                                         |                                                     |                                                                                        |  |
| Philip Nichols                                                                                                                                                                                                                                                                                   |                                                     | April 28, 2011                                                                         |  |
| Print Name of Chairperson                                                                                                                                                                                                                                                                        |                                                     | Date                                                                                   |  |