

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Paule Villard

Case No.: FEC 15-327

TO: Paule Villard
16821 NE 8th Avenue
North Miami Beach, FL 33162

Stephanie Kienzle
7535 SW 26 Court
Davie, FL 33314

NOTICE OF HEARING (INFORMAL HEARING)

A hearing will be held in this case before the Florida Elections Commission on, **August 16, 2017 at 8:30 am, or as soon thereafter as the parties can be heard**, at the following location: **412 Knott Building, Pat Thomas Committee Room, 404 South Monroe Street, Tallahassee, Florida 32399.**

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

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

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

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

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

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

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

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

See further instructions on the reverse side.

Amy McKeever Toman
Executive Director
Florida Elections Commission
November 13, 2017

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: Paule Villard

Case No.: FEC 15-327

ORDER CONTINUING CASE

THIS MATTER was heard by the Florida Elections Commission (Commission) at its regularly scheduled meeting on August 16, 2017, in Tallahassee, Florida.

Respondent requested that the matter be continued.

The Commission reviewed Respondent's request and considered Staff's Response. Respondent's request was **GRANTED**.

THIS MATTER is continued until the next available meeting of the Florida Elections Commission.

DONE AND ORDERED by the Florida Elections Commission on August 16, 2017.



M. Scott Thomas, Chairman
Florida Elections Commission

Copies furnished to:
Cole H. Kekelis, Assistant General Counsel
Paule Villard, Respondent
Stephanie Kienzle, Complainant

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Paule Villard

Case No.: FEC 15-327

TO: Paule Villard
16821 NE 8th Avenue
North Miami Beach, FL 33162

Stephanie Kienzle
7535 SW 26 Court
Davie, FL 33314

NOTICE OF HEARING (INFORMAL HEARING)

A hearing will be held in this case before the Florida Elections Commission on, **August 16, 2017 at 8:30 am, or as soon thereafter as the parties can be heard**, at the following location: **Senate Office Building, 404 South Monroe Street, Room 110-S, Tallahassee, Florida 32399**

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

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

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

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

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

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

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

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

See further instructions on the reverse side.

Amy McKeever Toman
Executive Director
Florida Elections Commission
August 1, 2017

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

Florida Elections Commission,
Petitioner,

Case No.: FEC 15-327

v.

Paule Villard,
Respondent.

_____ /

ORDER OF PROBABLE CAUSE

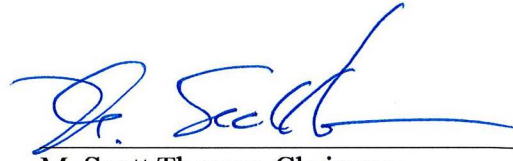
THIS MATTER was heard by the Florida Elections Commission (Commission) at its regularly scheduled meeting on May 17, 2017, in Tallahassee, Florida.

On March 3, 2017, Staff recommended to the Commission that there was probable cause to believe that the Florida Election Code was violated. The facts articulated in Staff's Recommendation are adopted by reference and incorporated herein. Based on the Complaint, Report of Investigation, Staff's Recommendation, and oral statements (if any) made at the probable cause hearing, the Commission finds that there is **probable cause** to charge Respondent with the following violation(s):

Count 1:

Respondent violated Section 106.143(1)(a), Florida Statutes, when Respondent paid for and distributed a political advertisement that contained express advocacy but did not include a proper disclaimer, as alleged in the complaint.

DONE AND ORDERED by the Florida Elections Commission on May 17, 2017.



M. Scott Thomas, Chairman
Florida Elections Commission

Copies furnished to:
Cole H. Kekelis, Assistant General Counsel
Paule Villard, Respondent
Stephanie Kienzle, Complainant

NOTICE OF RIGHT TO A HEARING

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

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

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

If you do not elect to resolve the case by consent order or request a formal hearing at the DOAH or an informal hearing before the Commission within 30 days of the date this Order of Probable Cause is filed with the Commission, the case will be sent to the Commission for a formal or informal hearing, depending on whether the facts are in dispute. The date this order was filed appears in the upper right-hand corner of the first page of the order.

To request a hearing, please send a written request to the Commission Clerk, Donna Ann

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

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: Paule Villard

Case No.: FEC 15-327

TO: Paule Villard
16821 NE 8th Avenue
North Miami Beach, FL 33162

Stephanie Kienzle
7535 SW 26 Court
Davie, FL 33314

NOTICE OF HEARING (PROBABLE CAUSE DETERMINATION)

A hearing will be held in this case before the Florida Elections Commission on, **May 17, 2017 at 10:30 am, or as soon thereafter as the parties can be heard**, at the following location: **Augustus B. Turnbull Conference Center, 555 West Pensacola Street, Room 214, Tallahassee, Florida 32301**

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:

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

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

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See further instructions on the reverse side.

Amy McKeever Toman
Executive Director
Florida Elections Commission
May 1, 2017

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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.

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Paule Villard

Case No.: FEC 15-327

STAFF RECOMMENDATION FOLLOWING INVESTIGATION

Pursuant to Section 106.25(4)(c), Florida Statutes, undersigned 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 106.143(1)(a), Florida Statutes**. Based upon a thorough review of the Report of Investigation submitted on February 1, 2017, the following facts and law support this staff recommendation:

1. On April 16, 2015, the Florida Elections Commission (“Commission”) received a sworn complaint alleging Paule Villard (“Respondent”) violated Chapter 106, Florida Statutes.

2. Respondent was a candidate for the North Miami Beach City Council, Group 7. She was defeated in the May 5, 2015, municipal election.

3. By letter dated October 4, 2016, the Executive Director notified Respondent that Commission staff would investigate the following statutory provision:

Section 106.143(1)(a), Florida Statutes: Respondent, a 2015 candidate for the North Miami Beach City Council, Group 7, paid for and distributed a political advertisement that contained express advocacy but did not include a proper disclaimer, as alleged in the complaint.

4. Complainant alleged that Respondent was required to mark an invitation advertisement with a disclaimer, but failed to do so. Complainant submitted a copy of an invitation to a campaign kickoff event in support of Respondent’s campaign. The invitation advertisement did not include a disclaimer. (ROI Exhibit 2)¹

5. On February 3, 2015, Respondent filed a Statement of Candidate form with the City of North Miami Beach City Clerk’s Office as candidate for the office of Councilwoman, Group 7, in which she acknowledged that she had been provided access to read and understand the requirements of Chapter 106, Florida Statutes. (ROI Exhibit 4)

6. Pamela Latimore, City Clerk, sent Respondent a letter in March 2015 stating, “Thank you for your interest in becoming a candidate for the City of North Miami Beach

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

Council...This packet is provided for your information and is intended to assist you in the election process. In this document you will important information for the filing of Campaign Treasurers Reports, common reporting forms, qualifying documents and pertinent election information. This information will be available on the City of North Miami Beach website...While we attempt to provide accurate information; you are legally responsible to ensure that your actions comply with all applicable laws and regulations. We encourage you to familiarize yourself with all the election laws and requirements...” (ROI Exhibit 3, page 1)

7. Section 106.143(1)(a), Florida Statutes, requires that any political advertisement that is paid for by a candidate and that is published, displayed, or circulated before, or on the day of, any election must prominently state the required disclaimer.

8. Respondent was given multiple opportunities to respond to Commission staff’s investigation, but failed to do so. Respondent did not provide any documentation in response to or in defense of the allegations of the complaint. During the investigation, Commission staff attempted without success to contact Respondent by telephone on November 15, 2016, December 2, 2016, January 25, 2017, and January 31, 2017. Messages were left requesting that Respondent return these calls, but Respondent did not do so. (Attachment A)

9. Based upon the information above, it appears that Respondent paid for and distributed a political advertisement that contained express advocacy but did not include a proper disclaimer, as alleged in the complaint.

10. “Probable Cause” is defined as a reasonable grounds of suspicion supported by circumstances sufficiently strong to warrant a cautious person in the belief that the person has committed the offense charged. *Schmitt v. State*, 590 So.2d 404, 409 (Fla. 1991). Probable cause exists where the facts and circumstances, of which an [investigator] has reasonably trustworthy information, are sufficient in themselves for a reasonable man to reach the conclusion that an offense has been committed. *Department of Highway Safety and Motor Vehicles v. Favino*, 667 So.2d 305, 309 (Fla. 1st DCA 1995).

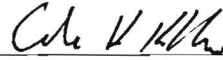
11. The above facts show that Respondent was a 2015 candidate for the North Miami Beach City Council, Group 7. A political advertisement containing express advocacy but devoid of a disclaimer was distributed in support of Respondent’s campaign. During the investigation, numerous attempts were made to interview Respondent regarding the allegations of the complaint. Respondent did not return the telephone calls, and Respondent did not provide any documentation in response to or in defense of the allegations of the complaint.

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

Count 1:

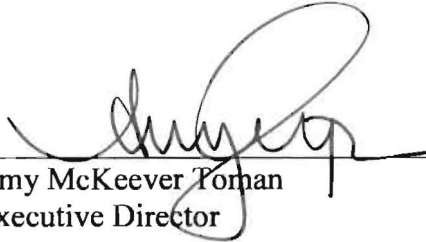
Respondent violated Section 106.143(1)(a), Florida Statutes, when Respondent paid for and distributed a political advertisement that contained express advocacy but did not include a proper disclaimer, as alleged in the complaint.

Respectfully submitted on March 3, 2017,



Cole H. Kekelis
Assistant General Counsel

I reviewed this Staff Recommendation this 2nd day of March 2017.



Amy McKeever Toman
Executive Director

[REDACTED]

12. **Date and time:** November 15, 2016 @ 8:35 am
Name: Respondent
Phone #: (305) 407-5322
Summary: I attempted telephone contact to discuss complaint allegations. I left a message to return my call.
Memo to File? No
Entered by: CKO

13. **Date and time:** December 2, 2016 @ 4:00 pm
Name: Respondent
Phone #: (305) 407-5322
Summary: I attempted telephone contact to speak with Respondent regarding the complaint allegations. I left a message on her answering machine to return my call.
Memo to File? No
Entered by: CKO

14. **Date and time:** January 25, 2017 @ 12:30 pm
Name: Respondent
Phone #: (305) 407-5322
Summary: I attempted telephone contact to complete final interview. I left a message to return my call.
Memo to File? No
Entered by: CKO

15. **Date and time:** January 31, 2017 @ 9:20 am
Name: Respondent
Phone #: (305) 407-5322
Summary: I attempted telephone contact to complete final interview. I left a message to return my call.
Memo to File? No
Entered by: CKO

16. **Date and time:** January 31, 2017 @ 2:40 pm
Name: Pamela Lattimore—City Clerk
Phone #: (305) 787-6001
Summary: I attempted telephone contact to inquire why the incorrect DS-DE 9 form was on their website attached to Respondent's name. I was informed by Miyanda that she was currently away from her desk but she was still in the office. I left a message for her or her assistant to return my call.
Memo to File? No
Entered by: CKO

17. **Date and time:** February 1, 2017 @ 8:05 am

ATTACHMENT A

FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Case No.: FEC 15-327

Respondent: Paule Villard
Counsel for Respondent: n/a

Complainant: Stephanie Kienzle
Counsel for Complainant: n/a

On April 16, 2015, the Florida Elections Commission (“Commission”) received a sworn complaint alleging that Respondent violated Chapter 106, Florida Statutes. Commission staff investigated whether Respondent violated the following statute:

Section 106.143(1)(a), Florida Statutes, failure of a candidate who made an expenditure for and published a political advertisement before the election to prominently mark the advertisement with the required disclaimer.

I. Preliminary Information:

1. Respondent was a candidate for the North Miami Beach City Council, Group 7. She was defeated by the incumbent candidate, Marlen Martell, in the May 5, 2015 municipal election.

2. Respondent filed her current Appointment of Campaign Treasurer and Designation of Campaign Depository form (DS-DE 9) with her filing officer on February 24, 2015¹. Respondent appointed Aland Pierre Canel as her campaign treasurer. To view a copy of Respondent’s DS-DE 9 form, refer to exhibit 1.

3. Complainant is a resident of the Town of Davie, Florida. She operates a blog known as VotersOpinion.com.

II. Alleged Violation of Section 106.143(1)(a), Florida Statutes:

4. I investigated whether Respondent violated this section of the election laws by failing to prominently mark a political advertisement with the required disclaimer.

5. Complainant alleges that Respondent was required to mark an invitation advertisement with a disclaimer, but failed to do so. Complainant submitted a copy of an invitation to a campaign kickoff event in support of Respondent’s campaign. The invitation did not include a political disclaimer. To view a copy of this invitation without the political disclaimer, refer to exhibit 2.

¹ Respondent initially filed a DS-DE 9 form with her filing officer on November 21, 2014 for Council Woman Group 3; however, she changed from campaigning for seat 3 to seat 7 on February 3, 2015.

6. In an October 14, 2016 telephone interview, Respondent advised FEC staff that she did not pay for the advertisement and was unaware of it. Respondent indicated that a friend paid for it and distributed it without her knowledge².

7. Respondent did not file a response to the complaint. In a questionnaire-affidavit, Respondent was asked if all of her political advertisements had disclaimers on them and who was responsible for ensuring that all political advertisements included correct political disclaimers. As of the date of this report, Respondent has not returned the questionnaire-affidavit, nor has the post office returned the affidavit as “undeliverable.”

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

III. FEC History:

9. Respondent has been involved in one prior FEC investigation. FEC #15-331; no probable cause found for alleged violations of 106.07(5), and 106.19(1)(c).

Conclusion:

10. Respondent was offered several opportunities to make comments regarding the findings of this investigation. Respondent did not respond to any of these attempts. Respondent initially agreed to accept a minor violation consent order, but later refused the consent order and stop communicating with FEC staff.

11. In a letter dated March 2015 from Pamela Latimore, City Clerk, Respondent was informed, “This packet is provided for your information and is intended to assist you in the election process. In this document you will find important information for the filing of Campaign Treasurers Reports, common reporting forms, qualifying documents and pertinent election information. This information will be available on the City of North Miami Beach website at www.citynmb.com-Government-City Clerk-Municipal Elections-click on '2015 Elections'. While we attempt to provide accurate information; you are legally responsible to ensure that your actions comply with all applicable laws and regulations”. To view a copy of the March 2015 letter from the Filing Officer, refer to exhibit 3.

12. Respondent filed a Statement of Candidate for the office of Councilwoman, Group 7 on February 3, 2015 acknowledging that she had been provided access to read and understand the requirements of Chapter 106, Florida Statutes. To view a copy of the Statement of Candidate, refer to exhibit 4.

² Respondent did not provide any identifying information for the friend that allegedly paid for and distributed this advertisement.

Respectfully submitted on February 1, 2017.



Cedric Oliver
Investigation Specialist

Current address of Respondent

Ms. Paule Villard
16821 N.E. 8th Avenue
North Miami, Fl 33162-2423

Current address of Complainant

Ms. Stephanie Kienzle
7535 S.W. 26th Court
Davie, Florida 33314

Name and Address of Filing Officer:

Ms. Pamela L. Latimore
City Clerk
17011 N.E. 19 Avenue
North Miami Beach, Fl 33162-3100

Copy furnished to: Mr. David Flagg, Investigations Manager

FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Paule Villard -- FEC 15-327

LIST OF EXHIBITS	
Exhibits #s	Description of Exhibits
Exhibit 1	Respondent's DS-DE 9 form
Exhibit 2	Invitation without political disclaimer
Exhibit 3	March 2015 letter from Filing Officer
Exhibit 4	Statement of Candidate

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

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

(PLEASE PRINT OR TYPE)

RECEIVED

15 FEB 24 PM 3:43

CNMO CITY CLERK'S OFFICE

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

OFFICE USE ONLY

1. CHECK APPROPRIATE BOX(ES):

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

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

Paule Villard

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

16821 NE 8 AVE
N. Miami Bch, FL 33162

4. Telephone

(305) 407-5322

5. E-mail address

missteenhardt@yahoo.com

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

Councilwoman Seat 7

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

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

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

Write-In No Party Affiliation _____ Party candidate.

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

10. Name of Treasurer or Deputy Treasurer

Aland Pierre-Canel

11. Mailing Address

12790 W. Dixie Hi N. Miami FL, 33161

12. Telephone

(305) 892-8565

13. City

N Miami

14. County

Dade

15. State

FL

16. Zip Code

33162

17. E-mail address

opcasolutions@gmail.com

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

19. Name of Bank

BB & T

20. Address

12655 NE 6 AVE Miami

21. City

N Miami FL

22. County

Dade

23. State

FL

24. Zip Code

33161

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

25. Date

2/24/15

26. Signature of Candidate

X Paule Villard

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

I, Aland Pierre-Canel, do hereby accept the appointment
(Please Print or Type Name)

designated above as: Campaign Treasurer Deputy Treasurer.

2/24/15
Date

X Aland Pierre-Canel
Signature of Campaign Treasurer or Deputy Treasurer



JOIN US TO KICKOFF
**PAULE
VILLARD'S**
CAMPAIGN

GROUP
7

NORTH MIAMI BEACH
CITY COUNCIL

SATURDAY MARCH 14, 2015 AT 7:00PM
HAITIAN EVANGELICAL CHURCH
14455 MEMORIAL HIGHWAY MIAMI FL. 33161
RSVP 305-407-5322

EXHIBIT 2



March 2015

Dear Candidate:

Thank you for your interest in becoming a candidate for the City of North Miami Beach Council.

Enclosed please find information in reference to the May 5, 2015 City of North Miami Beach General Election.

This packet is provided for your information and is intended to assist you in the election process. In this document you will find important information for the filing of Campaign Treasurers Reports, common reporting forms, qualifying documents and pertinent election information. This information will be available on the City of North Miami Beach website at www.citynmb.com - Government - City Clerk - Municipal Elections - click on "2015 Elections".

While we attempt to provide accurate information; you are legally responsible to ensure that your actions comply with all applicable laws and regulations.

We encourage you to familiarize yourself with all the election laws and requirements and if you feel this office can be of further assistance to you, please contact us at 305-787-6001 or via email at Pamela.Latimore@citynmb.com

Sincerely,

A handwritten signature in black ink that reads "Pamela L. Latimore". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Pamela L. Latimore, CMC, City Clerk

EXHIBIT 3(1045)

North Miami Beach
2015 Candidate Handbook

General Information

A General Election will be held on **Tuesday, May 5, 2015**. The members of the City Council shall be elected from groups numbered one (1) through seven (7). The groups shall be elected citywide by the qualified electors of the City of North Miami Beach.

Commencing with the 2015 election and at each general election each four (4) years thereafter, the members of the City Council running groups 1, 3, 5 and 7 shall be elected for four (4) year terms. Commencing with this election, the members of the City Council running groups 2, 4, and 6 shall be elected for four (4) year terms. The annual salary for the Mayor is \$3,600.06, and the annual salary for each Council Member is \$3,000.19.

Each candidate must be a qualified elector of the City of North Miami Beach at the time of filing for the position; not have been convicted in this or any other State of any offense involving moral turpitude within the preceding five (5) years; not have been adjudicated insane or incompetent by a court of competent jurisdiction with adjudication stands unrevoked; and be a bona fide resident of the City of North Miami Beach for one year prior to qualifying, and express an intent to remain permanently a bona fide resident of the City the entire term of office for which she or he is a candidate.

How to Begin Your Campaign:

- Read all of the enclosed materials; and
- Appoint a Campaign Treasurer who must be a registered voter of the State of Florida. You may appoint Deputy Treasurers at any time. Note: A candidate may be her/his own Treasurer or Deputy Treasurer; and
- Complete Form DS-DE9 "Appointment of Campaign Treasurer and Designation of Campaign Depository: and return the original form to the Clerk's Office at 17011 N.E. 19th Avenue, North Miami Beach, FL 33162; and
- Open a campaign account at a bank authorized to do business in the State of Florida. This account must be separate from any personal or business accounts. The bank should provide you with deposit slips and checks indicating it is a campaign account; and
- Complete Form DS-DE 84 "Statement of Candidate" and return the original form to the Clerk's Office at 17011 N.E. 19th Avenue, North Miami Beach, FL 33162 within ten (10) days. Upon filing of this form, the candidate may begin to collect and spend monies for the campaign.

DATES TO REMEMBER

- March 17 Present Ordinances for Early Voting and Run-off Election Date
- March 3 By Resolution, the City Clerk shall recommend the number and polling place locations to the City Council. (at least 60 days prior to election)
- March 10 Campaign Treasurer Report (M2 due)
- March 23 Qualifying Begins (8:00 a.m. - 5:00 p.m.) M-F
- March 28 Qualifying Ends (8:00 a.m. - 12 noon)
Scan & Email Candidate Loyalty Oaths Immediately to SOE

(Sample Ballot Sent from SOE for Approval) After Qualifying ends
- April 6 Deadline for Voter Registration - General Election (29 days prior to election)
- April 8 SOE Sends Election Order Form for Clerk's Signature
(arrives 30 days prior to election date)
- April 10 Campaign Treasurer Report (G1) Due (3/01/15 - 3/31/15)
- April 13 Advertise Sample Ballot (Display Ad)
- April 13 SOE - mailing of Absentee Ballots (Regular Election)
(First the renewals, other requests on a daily basis, overseas within 48 hours)
- April 16 Deadline for candidate submission of Poll Watchers (Early Voting)
- April 20 Deadline for Voter Registration - Runoff Election (29 days prior to election)

- May 5 (Regular) Election Day - (7:00 a.m. to 7:00 p.m.)
- May 5 6:00 p.m. Canvassing Board Meets - Performing Arts Theater
(City Clerk, City Manager, and City Attorney)
AB's Opening & processing (as needed); tabulation; Unofficial Results provided
- May 6 Equipment pick-up
- May 8 Canvassing of Provisionals/Certification of Results/Post count - L&A test/ Audit process starts

**STATEMENT OF
CANDIDATE**

(Section 106.023, F.S.)

(Please print or type)

OFFICE USE ONLY
RECEIVED

15 FEB -3 PM 2:32

CNMB CITY CLERK'S OFFICE

I, Paule Villard,

candidate for the office of Councilwoman Group 7;

have been provided access to read and understand the requirements of

Chapter 106, Florida Statutes.

X Paule Villard
Signature of Candidate

2/3/15
Date

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



FLORIDA ELECTIONS COMMISSION
107 W. Gaines Street
Collins Building, Suite 224
Tallahassee, Florida 32399-1050
(850) 922-4539

October 4, 2016

Paule Villard
16821 NE 8th Avenue
North Miami Beach, FL 33162

RE: Case No.: FEC 15-327: Respondent: Paule Villard

Dear Ms. Villard:

The Florida Elections Commission has received a complaint alleging that you, the Respondent, have violated Section 106.143(1)(a), Florida Statutes, on one occasion. A copy of the complaint was previously provided to you.

Rule 2B-1.003, Florida Administrative Code, provides for resolving certain cases by a consent order before investigation commences. Under the rule, an alleged violation of Chapter 106 will be considered a minor violation if the following criteria are met:

- (1) The violation is one identified in the rule;
- (2) It is the first time the person is alleged to have committed the violation;
- (3) The person agrees to correct the conduct that resulted in the violation, if feasible; and
- (4) When a violation involves political advertising, the person must be named in the political advertisement and the complainant must not allege that the advertising was either deceptive or influenced the outcome of the election if the violation occurred less than 14 days before the election.

This case meets the criteria set forth above. Therefore, the procedures of the Commission allow you one of two options at this juncture. You may either, (1) enter into a consent order with the Commission staff and pay a small fine, rather than the potential \$1,000 per violation

provided for in Section 106.265, Florida Statutes, or (2) not enter into a consent order, in which case the staff will proceed to investigate the allegations in the complaint. The consent order provides that the Respondent neither admits nor denies the allegation(s) in the complaint, and requires the Respondent immediately to correct the violation, if feasible, and to avoid future violations. The consent order does not constitute final action by the Commission until it is accepted and approved by the Commission.

If you choose to resolve this case without an investigation and possible hearing, please sign and return the enclosed consent order, together with payment of the specified fine, within 20 days of the date you receive this letter. Payment of the fine must be by either cashier's check or other certified funds. The signed consent order will then be considered by the Commission at its next available meeting. If the staff does not receive the signed consent order and the fine within 20 days, staff withdraws this offer of settlement and will proceed to investigate the allegations in the complaint.

If you choose to proceed with the investigation, the Commission staff will investigate the following statutory provision:

Section 106.143(1)(a), Florida Statutes Respondent, a 2015 candidate for the North Miami Beach City Council, Group 7, paid for and distributed a political advertisement that contained express advocacy but did not include a proper disclaimer, as alleged in the complaint.

You may respond to the violation alleged in the complaint 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 complaint, you should file the response within 20 days of the date you receive this letter. Your response will be included as an attachment to the investigator's report.

Section 106.25, Florida Statutes, provides that when the investigator completes his or her report, staff will mail you a copy of the investigator's report. Should you choose to file a response to the report, you must file your response with the Commission within 15 days of the date of this letter. If your response is timely filed, the Commission will consider it when determining probable cause.

Commission staff will review the Report of Investigation and make a written recommendation to the Commission on whether there is probable cause to charge you with violating Chapter 104 or 106, Florida Statutes. You will receive a copy of this staff recommendation and will have the opportunity to file a response. Should you choose to do so, your response must be filed with the Commission within 15 days of the date the recommendation is mailed to you. If your response is timely filed, the Commission will consider it when determining probable cause.

The Commission will hold a hearing to determine whether there is probable cause to charge you with a violation. You 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. If you attend the hearing, you will be permitted to make a brief oral statement to the Commission, but you cannot testify or call others to testify, or introduce any documentary or other evidence.

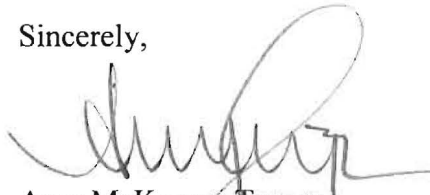
The staff recommendation and the notice of the probable cause hearing will be mailed to the same address as this letter. Therefore, if your address changes, you must notify the

Commission of your new address. Otherwise, you may not receive the correspondence from the Commission 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. A breach of confidentiality is a criminal violation of the law. 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, please contact **Cole Kekelis**, at 850.922.4539, or at the address listed above.

Sincerely,



Amy McKeever Toman
Executive Director

Enclosures: Consent Order
AMT/enr

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

107 West Gaines Street, Suite 224, Tallahassee, Florida 32399-1050
Telephone Number: (850) 922-4539
www.fec.state.fl.us

RECEIVED

2015 APR 16 10:42

CONFIDENTIAL COMPLAINT FORM

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

1. PERSON BRINGING COMPLAINT:

Name: Stephanie Kienzle Work Phone: (954) 751-7707
Address: 7535 SW 26 Court Home Phone: (305) 335-2093
City: Davie County: Broward State: FL Zip Code: 33314

2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:

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

Name of individual or entity: Paule Villard
Address: 12790 West Dixie Highway Phone: (305) 336-3925
City: North Miami County: Miami-Dade State: FL Zip Code: 33161

If individual is a candidate, list the office or position sought: North Miami Beach City Council

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

3. ALLEGED VIOLATION(S):

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

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

Candidate is publishing and distributing campaign material without the disclaimer.

Attached are copies of Statement of Candidate, Appointment of Campaign Treasurer, Campaign Treasurer's Report and door hanger/palm card.

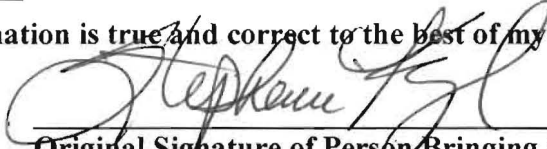
Additional materials attached (check one)? Yes No

4. OATH

STATE OF FLORIDA

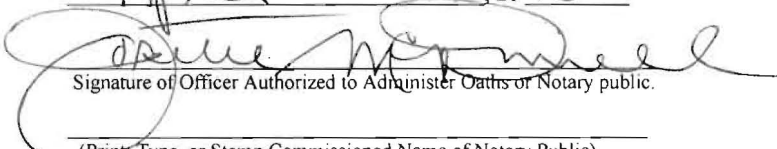
COUNTY OF Broward

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



Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this 11 day of April, 2015



Signature of Officer Authorized to Administer Oaths or Notary public.
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally known Or Produced Identification _____

Type of Identification Produced _____



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

RECEIVED
2015 APR 16 / A 8:42
ELI



JOIN US TO KICKOFF

PAULE
VILLARD'S
CAMPAIGN

GROUP

7

NORTH MIAMI BEACH
CITY COUNCIL

SATURDAY MARCH 14, 2015 AT 7:00PM

HAITIAN EVANGELICAL CHURCH

14455 MEMORIAL HIGHWAY MIAMI FL. 33161

RSVP 305-407-5322