

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Robert C. Mitchell

Case No.: FEC 20-097

TO: Robert C. Mitchell
772 SE 3rd Street
Belle Glade, FL 33430

City of Belle Glade
Debra R. Buff, MMC, City Clerk
110 Dr. M.L.K, Jr., Blvd., W
Belle Glade, FL 33430

NOTICE OF VIRTUAL HEARING (AUTOMATIC FINE)

A hearing will be held in this case before the Florida Elections Commission **on February 23, 2021 at 8:30 am, EST**, or as soon thereafter as the parties can be heard.

Please note that because of COVID-19, this will be a virtual meeting conducted by remote video or teleconference. Enclosed you will find additional details on joining the video conference via GoToWebinar, 9-Digit Webinar ID 627-359-707, or via teleconference by dialing (877) 309-2071 and entering the meeting access code 324-720-215, when prompted. If you wish to speak before the Commission, you will need to appear by webcam and will be sworn in remotely. Please be advised that the Commission will consider multiple cases, so you will need to wait until your case is considered. If you have any questions, please contact Commission staff at (850) 922-4539.

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

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

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

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

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

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

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

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

See further instructions on the reverse side.

Tim Vaccaro

Executive Director
Florida Elections Commission
February 2, 2021

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

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

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

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

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



Florida Elections Commission

107 West Gaines Street, Suite 224 Tallahassee, Florida 32399-6596

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

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



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

In order to participate in the public portion of the February 23, 2021, Florida Elections Commission meeting, please follow the instructions below:

- A. GoToWebinar – Remote Video Conferencing
 1. Open your web browser and search GoToWebinar or enter www.gotowebinar.com
 2. Select Join A Webinar in the upper right corner of the website
 3. Enter the 9-digit Webinar ID: 627-359-707
And your email address
 4. Register your name and email address
 5. You will automatically join to the meeting as an attendee. Attendees are muted and can choose to their webcam.

- B. OpenVoice - Teleconference
 1. Call 1-877-309-2071
 2. Enter Audio Access Code 324-720-215
 3. You will automatically join the meeting as an attendee. Attendees are muted.

While this is a public meeting and advanced registration is not mandatory, we ask that if you plan to attend via Video Conference or Teleconference, that you notify our office in advance. This will give the Commission the opportunity to organize the agenda as efficiently as possible. It will be the goal of the Commission to hear cases in which parties are present, first, in order to reduce the standby time of the parties in attendance.

You can call or email our office of your intent to participate or of any questions you may have regarding this meeting. Please provide the case number(s) of interest, when contacting our office.

Thank you,

Commission Staff

FLORIDA ELECTIONS COMMISSION
CASE REPORT
Case Number: FEC-20-097

NAME: **ROBERT C. MITCHELL**

DATE APPEAL RECEIVED: 04/29/2020

DATE REPORT DUE: 04/10/2020 (2020 M03)

DATE FILING OFFICER RECEIVED REPORT: 04/16/2020

CANDIDATE [X]	STATE []
PC []	DISTRICT []
CCE []	COUNTY []
POLITICAL PARTY []	CITY [X]

NUMBER OF DAYS LATE: 6

AMOUNT OF FINE: \$107.50

FINE BASED ON: (..) NUMBER OF DAYS (X) 25% OF RECEIPTS (..) 25% OF EXPENDITURES

TOTAL RECEIPTS FOR REPORTING PERIOD: \$430.00

TOTAL EXPENDITURES FOR REPORTING PERIOD: \$0

DATE OF FIRST NOTIFICATION: 04/14/2020 (Failure to File Email)

SUMMARY: Robert C. Mitchell was a candidate for Belle Glade City Commission, Seat A in the 2020 elections. Mr. Mitchell was his own treasurer.

Robert C. Mitchell is appealing the fine claiming that he mailed his report through the US Postal Service in sufficient time to be delivered to the SOE in Belle Glade. He states, "in light of the coronavirus pandemic it was not delivered." According to Mr. Mitchell, after he was notified by the Clerk, he hand-delivered a copy on April 16, 2020. He requests a waiver of the fine.

- The 2020 M03 Original Report covers the period from 03/11/20-04/10/20; it was due on 04/10/20.
- The 2020 M03 Filing History shows that it was filed on 04/16/20.
- Robert C. Mitchell reported receiving 3 contributions, while making zero expenditures.
- The Belle Glade City Clerk provided one note dated April 16, 2020 that pertains to Mr. Mitchell's 2020 M03 report. It states that Mr. Mitchell called to say he would be by to drop off the report.

PRIOR CASES: None.

Florida's Election Commission,

According to FL 106.07(8)(5c), I, am informing you that I mailed my filing through the US Postal Service in sufficient time to be delivered to the SOE in Belle Glade, but in light of the coronavirus pandemic apparently it was never delivered. I was notified by the clerk in Belle Glade and I hand delivered another to the her office on 4/16/2020. I am requesting a hearing before the Florida Elections at which time I would like the fine waived in it's entirety. Thank you for your time and consideration.

Candidate Robert C. Mitchell (Belle Glade Commission Seat A)

A handwritten signature in dark ink, appearing to read "R.C. Mitchell", with a long horizontal flourish extending to the right.

Re: Late Campaign Treasurer's Report

Debra Buff <dbuff@belleglade-fl.com>

Wed 4/22/2020 3:27 PM

To: robmitch2002@yahoo.com <robmitch2002@yahoo.com>

Your Campaign Treasurer's Report, which was due April 10, 2020, was not filed until April 16, 2020.

Section 106.07(8)(b), Florida Statutes, provides a fine of \$50 per day for the first 3 days a report is late and, thereafter \$500 per day, although the fine cannot exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report.

Since your report was deemed filed on April 16, 2020, you are hereby fined \$107.50, based upon the formula of 25% of your total contributions of \$430.00. The fine must be paid to the City of Belle Glade within 20 days of receipt of this notice unless appealed to the Florida Elections Commission. Please note that as a candidate, the fine is not an allowable campaign expenditure and must be paid from personal funds.

If you wish to appeal to the Florida Elections Commission, you must submit a notice of appeal to the Commission, in writing within 20 days of the date of receipt of this notice. (See Section 106.07(8)(b), Florida Statutes, and Rules 2B1.005, 1.0052 and 1.0055, Florida Administrative Code.) Please use the following link:

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=106.07&URL=0100-0199/0106/Sections/0106.07.html

to access Section 106.07, Florida Statutes, which governs the filing of candidate and Political committee reports. The Florida Elections Commission's address is:

107 West Gaines Street, Collins
Building, Suite 224
Tallahassee, Florida 32399-1050
(850)922-4539

You need to send a copy of your notice of appeal to the City of Belle Glade, addressed to the attention of City Clerk/Supervisor of Elections, at 110 Dr. Martin Luther King, Jr. Blvd., West, Belle Glade, FL 33430. If you have any questions, please do not hesitate to contact me at (561) 992-1609.

Sincerely,

Debra R. Buff, MMC

City Clerk/Supervisor of Elections, FACC President-Elect

City of Belle Glade

110 Dr. Martin Luther King, Jr. Blvd., West

Belle Glade, FL 33430

561-996-0100

From: Debra Buff <dbuff@belleglade-fl.com>

Sent: Tuesday, April 14, 2020 12:09 PM

To: robmitch2002@yahoo.com <robmitch2002@yahoo.com>

Subject: Late Campaign Treasurer's Report

Your campaign treasurer's report that was due on April 10, 2020 has not been received and is there deemed late.

Although our front lobby is closed to the public, due to precautions regarding Covid-19, the lobby is being manned by city staff. As such, when submitting your report, please knock on the front lobby door and someone will be available to assist you.

FYI - my current work schedule is 7:30 a.m. to 12:30 p.m., Mondays - Thursdays. I do not need to be in the office for you to submit your report.

As of this time, the City is moving forward with our June 2, 2020 election.

Please submit your report as soon as possible, as State assessed fines may incur. And as a reminder, fines cannot be paid from your campaign account.

Hoping you remain well,
Debbie

Debra R. Buff, MMC
City Clerk, FACC President-Elect

City of Belle Glade
110 Dr. Martin Luther King, Jr. Blvd., West
Belle Glade, FL 33430
561-996-0100

Re: Late Campaign Treasurer's Report

Debra Buff <dbuff@belleglade-fl.com>

Wed 4/22/2020 3:33 PM

To: robmitch2002@yahoo.com <robmitch2002@yahoo.com>

In addition, your campaign treasurer's report is deemed incomplete, as it lacks the candidate's signature on the report summary. Please take immediate action to correct this error.

Thank you,

Debra R. Buff, MMC
City Clerk, FACC President-Elect

City of Belle Glade
110 Dr. Martin Luther King, Jr. Blvd., West
Belle Glade, FL 33430
561-996-0100

From: Debra Buff <dbuff@belleglade-fl.com>
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http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=106.07&URL=0100-0199/0106/Sections/0106.07.html

to access Section 106.07, Florida Statutes, which governs the filing of candidate and Political committee reports. The Florida Elections Commission's address is:

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

CAMPAIGN TREASURER'S REPORT SUMMARY

(1) Robert C. Mitchell
 Name
 (2) 172 SE 3rd Street
 Address (number and street)
Belle Glade, FL 33430
 City, State, Zip Code

OFFICE USE ONLY

Rec. 4/26/2020 @
1:30pm - 16

Check here if address has changed

(3) ID Number: _____

(4) Check appropriate box(es):

- Candidate Office Sought: Belle Glade City Commission - Seat A
- Political Committee (PC)
- Electioneering Communications Org. (ECO)
- Party Executive Committee (PTY)
- Independent Expenditure (IE) (also covers an individual making electioneering communications)
- Check here if PC or ECO has disbanded
- Check here if PTY has disbanded
- Check here if no other IE or EC reports will be filed

(5) Report Identifiers

Cover Period: From 3 / 11 / 2020 To 4 / 10 / 2020 Report Type: MD3

- Original Amendment Special Election Report

(6) Contributions This Report

Cash & Checks \$ _____, _____, 430.00

Loans \$ _____, _____, _____

Total Monetary \$ _____, _____, 430.00

In-Kind \$ _____, _____, _____

(7) Expenditures This Report

Monetary Expenditures \$ _____, _____, _____ 0

Transfers to Office Account \$ _____, _____, _____ 0

Total Monetary \$ _____, _____, _____ 0

(8) Other Distributions

\$ _____, _____, _____ 0

(9) TOTAL Monetary Contributions To Date

\$ _____, _____, 480.00

(10) TOTAL Monetary Expenditures To Date

\$ _____, _____, 243.60

(11) Certification

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

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

(Type name) Robert C. Mitchell

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

X [Signature]
 Signature

(Type name) _____

Candidate Chairperson (only for PC and PTY)

X _____
 Signature

CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

(1) Name Robert C. Mitchell (2) I.D. Number N/A

(3) Cover Period 03 / 11 / 2020 through 04 / 10 / 2020 (4) Page 1 of 1

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor Type Occupation		(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
(6) Sequence Number		Type	Occupation	Type	Description	Amendment	Amount
03, 19, 20	King, Barbara 206 SW 12th Ave South Bay, FL 33493	B	South Bay Jaguars	CAS			50.00
01							
03, 24, 20	Mitchell, Robert 772 SE 3rd Street Belle Glade, FL 33420	S	Candidate	CAS			320.00
02							
03, 24, 20	Mitchell, Robert 772 SE 3rd Street Belle Glade, FL 33420	S	candidate	CAS			60.00
03							
/ /							
/ /							
/ /							
/ /							

Re: Candidate Robert Mitchell

Campaign Treasurer's Reporting Schedule & Contribution Deadlines - 2020 Election Revised 06/24/2019		
ALL REPORTS ARE DUE IN THE CITY CLERK'S OFFICE NO LATER THAN 5:00 P.M.		
Note: A candidate's initial treasurer's report will begin with the date the candidate filed for office, meaning the date the Candidate filed their Form DS-DE 9, "Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates", with the City Clerk/Supervisor of Elections.		
Due Date:	EVENT	REF
Monthly, by the 10th day following the end of each calendar month, except that, if the 10th day following the end of a calendar month occurs on a Saturday, Sunday, or legal holiday, the report shall be filed on the next following day that is not a Saturday, Sunday, or legal holiday.	Treasurer Report [M, plus the number of the month] Cover period is for the reporting month (Ex. If you are reporting contributions and expenditures for the month of November, the report type is M11, and the cover period is November 1 - 30)	F.S. 106.07
2019		
Monday, August 12, 2019	Monthly Treasurer's Report [M07]	
Tuesday, September 10, 2019	Monthly Treasurer's Report [M08]	
Thursday, October 10, 2019	Monthly Treasurer's Report [M09]	
Tuesday, November 12, 2019	Monthly Treasurer's Report [M10]	
	Monthly Treasurer's Report [M11]	F.S.
2020		
	Monthly Treasurer's Report [M12]	F.S.
	Monthly Treasurer's Report [M01]	
	Contribution Deadline for Unopposed Candidates - Midnight	F.S. 106.08(3)
	Unopposed Candidates - Final (90 day) Treasurer's Report [TR] due by 5:00 p.m. Covers period from February 11 through May 22, 2020 or if submitted prior to due date, you may use the date submitted.	F.S. 106.07
Note: The closer we get to the election, the more frequent your treasurer's reports come due.		
Tuesday, March 10, 2020	Monthly Treasurer's Report [M02]	
Friday, April 10, 2020	Monthly Treasurer's Report [M03]	
Friday, May 8, 2020	Treasurer's Report [G1] (25th day prior) due by 5:00 p.m. Cover period April 1 thru May 1, 2020	
Friday, May 22, 2020	Treasurer's Report [G2] (11th day prior) due 5:00 p.m. Cover period May 2 thru May 15, 2020	
Thursday, May 28, 2020	Contribution Deadline at Midnight (General Election)	F.S. 106.08(3)
Friday, May 29, 2020	Treasurer's Report [G3] (4th day prior) due 5:00 p.m. Cover Period May 16 thru May 28, 2020	F.S. 106.07
Attention Elected or Defeated Candidates: you need only to file your final treasurer's report (TR) no later than August 31, 2020.	Final (90 day) Treasurer's Report (TR) due 5:00 p.m. Covers May 29 thru August 28, 2020, or, if submitted prior to the due date, use the date of submission.	F.S. 106.141
Attention Run-Off Candidates: you are required to continue filing your treasurer's reports as listed		
Thursday, June 11, 2020	Contribution Deadline at Midnight (Run-Off Election)	F.S. 106.08
Friday, June 12, 2020	Run-off Treasurer's Reports [ROG3] (4th day prior) due 5:00 p.m. Covers period 05/29 thru 06/11/2020	F.S. 106.07
Monday, September 14, 2020	Run-off Candidates - Final (90 day) Treasurer's Reports (TR) Due 5:00 p.m. Covers period 06-12-2020 thru 09-11-2020, or if submitted prior to deadline, use the date submitted.	same as above

 dbuff
6/17/2020 9:06:37 AM

First Filing



..... Late, Recived 04-16-2020

State assessed fines, for failing to file a timely report, shall be paid by the Candidate's personal funds.

Robert Mitchell called: will
be by to drop off treasurer's Report.

4/16/2020.

323-395-6895

Rec. 2/24/2020 @ 10:08A

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

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

(PLEASE PRINT OR TYPE)

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

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)

Robert C Mitchell

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

772 S.E. 3RD ST
Belle Glade, FL 33430

4. Telephone

(323) 395-6895

5. E-mail address

Robmitch2002@yahoo.com

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

Belle Glade City Commission - Seat A

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.

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

9. Name of Treasurer or Deputy Treasurer

Robert C Mitchell

11. Mailing Address

772 S.E. 3RD ST

12. Telephone

()

13. City

Belle Glade

14. County

Palm Beach

15. State

FL

16. Zip Code

33430

17. E-mail address

Robmitch2002@yahoo.com

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

19. Name of Bank

Wells Fargo

20. Address

41 SW Ave B

21. City

Belle Glade

22. County

Palm Beach

23. State

FL

24. Zip Code

33430

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

02/24/2020

26. Signature of Candidate

X 

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

I, Robert C. Mitchell, do hereby accept the appointment

(Please Print or Type Name)

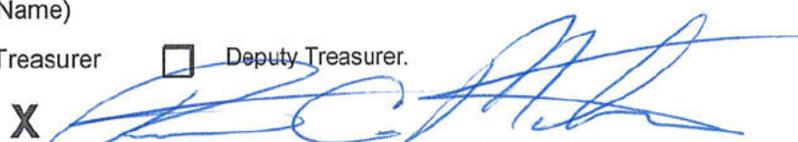
Designated above as:

Campaign Treasurer Deputy Treasurer.

02/24/2020

Date

X


Signature of Campaign Treasurer or Deputy Treasurer