

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: Alan Ballweg**

**Case No.: FEC 14-250**

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**TO:** Alan Ballweg  
11223 40th Street N  
Royal Palm Beach, FL 33411

Diana H. Demarest  
18849 West Sycamore Drive  
Loxahatchee, FL 33470

**NOTICE OF HEARING (CONSENT ORDER)**

A hearing will be held in this case before the Florida Elections Commission on, **May 18, 2016 at 8:30 am**, *or as soon thereafter as the parties can be heard*, at the following location: **Senate Office Building, 404 South Monroe Street, Room 110-S, Tallahassee, Florida 32399**

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

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

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

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

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

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

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

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

**See further instructions on the reverse side.**

*Amy McKeever Toman*  
Executive Director  
Florida Elections Commission  
May 3, 2016

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

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

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

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

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

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

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

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: Alan Ballweg**

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**Case No.: FEC 14-250  
F.O. No.: FOFEC**

**CONSENT FINAL ORDER**

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

**FINDINGS OF FACT**

1. On April 27, 2015, the staff of the Commission issued a Staff Recommendation, recommending to the Commission that there was probable cause to believe that Respondent violated Chapter 106, Florida Statutes.
2. On September 15, 2015, the Commission entered an Order of Probable Cause finding that there was probable cause to charge Respondent with the following violation.

**Count 1:**

During the 2014 election cycle, Respondent violated Section 106.143(1)(a), Florida Statutes, when he failed to include a proper disclaimer on his original political advertisements.

3. Respondent expressed a desire to enter into negotiations directed toward reaching a consent agreement.
4. Respondent and the staff stipulate to the following facts:

- a Respondent was a candidate for the Indian Trail Improvement District, Seat 3, during the 2014 election cycle
- b During Respondent's campaign, Respondent published a political advertisement that did not include a proper disclaimer.
- c After the Commission began its investigation, Respondent amended his political advertisements to include a proper disclaimer.

### **CONCLUSIONS OF LAW**

5. The Commission has jurisdiction over the parties to and subject matter of this cause, pursuant to Section 106 26, Florida Statutes.

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

### **ORDER**

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

8. The parties shall each bear its own attorney's fees and costs that are in any way associated with this case.

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

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

11. This Consent Order is enforceable under Sections 106 265 and 120 69, Florida Statutes. Respondent expressly waives any venue privileges and agrees that if enforcement of this Consent Order is necessary, venue shall be in Leon County, Florida, and Respondent shall be responsible for all fees and costs associated with enforcement

12. If the Commission does not receive the signed Consent Order by the close of

business on February 16, 2016, the staff withdraws this offer of settlement and will proceed with the case.

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

### PENALTY

**WHEREFORE**, based upon the foregoing facts and conclusions of law, the Commission finds that the Respondent has violated the following provision of Chapter 106, Florida Statutes, and imposes the following fine:

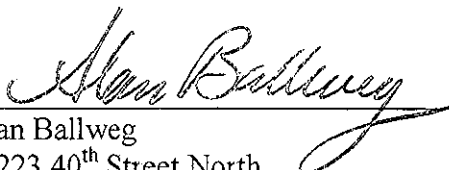
A. Respondent has violated Section 106.143(1)(a), Florida Statutes, when he failed to include a proper disclaimer on his original political advertisements. Respondent is fined \$200.00 for the violation.

Therefore it is

**ORDERED** that the Respondent shall remit to the Commission a civil penalty in the amount of \$200.00, inclusive of fees and costs. The civil penalty shall be paid by cashier's check, money order, good for at least 120 days, or attorney trust account check. The civil penalty should be made payable to the Florida Elections Commission and sent to 107 West Gaines Street, Collins Building, Suite 224, Tallahassee, Florida, 32399-1050.

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

2/11/2016, 2016

  
Alan Ballweg  
11223 40<sup>th</sup> Street North  
Royal Palm Beach, FL 33411

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

February 12, 2016.

Jaakan A. Williams

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

Approved by the Florida Elections Commission at its regularly scheduled meeting held  
on February 17 -18, 2016 in Tallahassee, Florida

\_\_\_\_\_  
M Scott Thomas, Chairman  
Florida Elections Commission

Copies furnished to:  
Jaakan A. Williams, Assistant General Counsel  
Alan Ballweg, Respondent  
Diana Demarest, Complainant



# POSTAL MONEY ORDER

Serial Number

23116317660

Year Month Day  
2016-02-11

Post Office  
334118

U.S. Dollars and Cents

\$200.00

Two Hundred Dollars and 00/100

Amount

Clerk

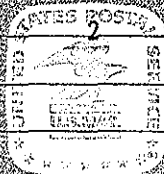
0

Pay to

FLORIDA  
ELECTIONS  
COMMISSION

Address

107 W GAINES ST  
TALLAHASSEE FL



From

ADAN BALLWEG

Address

11223 ROYAL ST. N.  
ROYAL PALM BEACH FL

Memo

FEC 14-250

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SEE REVERSE WARNING: NEGOTIABLE ONLY IN THE U.S. AND POSSESSIONS



FILED

16 MAR -3 AM 9:34

STATE OF FLORIDA  
ELECTIONS COMMISSION

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: Alan Ballweg**

**Case No.: FEC 14-250**

**ORDER CONTINUING CASE**

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

Commission staff requested that the matter be continued due to settlement negotiations

The Commission reviewed staff attorney's request. Staff'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 February 17, 2016



M. Scott Thomas, Chairman  
Florida Elections Commission

Copies furnished to:  
Jaakan A. Williams, Assistant General Counsel  
Alan Ballweg, Respondent  
Diana H. Demarest, Complainant



**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: Alan Ballweg**

---

**Case No.: FEC 14-250**

**F.O. No.: FOFEC**

**CONSENT FINAL ORDER**

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

**FINDINGS OF FACT**

1. On April 27, 2015, the staff of the Commission issued a Staff Recommendation, recommending to the Commission that there was probable cause to believe that Respondent violated Chapter 106, Florida Statutes.

2. On September 15, 2015, the Commission entered an Order of Probable Cause finding that there was probable cause to charge Respondent with the following violation.

**Count 1:**

During the 2014 election cycle, Respondent violated Section 106.143(1)(a), Florida Statutes, when he failed to include a proper disclaimer on his original political advertisements.

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

4. Respondent and the staff stipulate to the following facts:

- a. Respondent was a candidate for the Indian Trail Improvement District, Seat 3, during the 2014 election cycle
- b. During Respondent's campaign, Respondent published a political advertisement that did not include a proper disclaimer.
- c. After the Commission began its investigation, Respondent amended his political advertisements to include a proper disclaimer

### **CONCLUSIONS OF LAW**

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

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

### **ORDER**

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

8. The parties shall each bear its own attorney's fees and costs that are in any way associated with this case

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

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

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

12. If the Commission does not receive the signed Consent Order by the close of

business on February 16, 2016, the staff withdraws this offer of settlement and will proceed with the case.

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

### PENALTY

**WHEREFORE**, based upon the foregoing facts and conclusions of law, the Commission finds that the Respondent has violated the following provision of Chapter 106, Florida Statutes, and imposes the following fine:

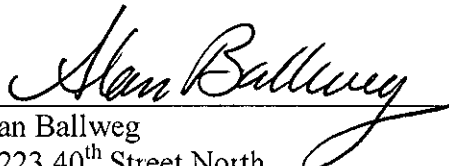
A. Respondent has violated Section 106.143(1)(a), Florida Statutes, when he failed to include a proper disclaimer on his original political advertisements. Respondent is fined \$200.00 for the violation.

Therefore it is

**ORDERED** that the Respondent shall remit to the Commission a civil penalty in the amount of \$200.00, inclusive of fees and costs. The civil penalty shall be paid by cashier's check, money order, good for at least 120 days, or attorney trust account check. The civil penalty should be made payable to the Florida Elections Commission and sent to 107 West Gaines Street, Collins Building, Suite 224, Tallahassee, Florida, 32399-1050.

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

2/11/2016, 2016.

  
Alan Ballweg  
11223 40<sup>th</sup> Street North  
Royal Palm Beach, FL 33411

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

February 12, 2016.

Jaakan A. Williams

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

Approved by the Florida Elections Commission at its regularly scheduled meeting held on February 17 -18, 2016 in Tallahassee, Florida.

\_\_\_\_\_  
M Scott Thomas, Chairman  
Florida Elections Commission

Copies furnished to:  
Jaakan A. Williams, Assistant General Counsel  
Alan Ballweg, Respondent  
Diana Demarest, Complainant



UNITED STATES  
POSTAL SERVICE®

# POSTAL MONEY ORDER

Serial Number

23116317660

Year Month Day  
2016-02-11

Post Office  
334118

U.S. Dollars and Cents

\$200.00

Two Hundred Dollars and 00/100 \*\*\*\*\*

Amount

Pay to  
FLORIDA  
ELECTIONS  
COMMISSION

Clerk 0

Address 107 W. GAINES ST  
TALLAHASSEE FL



From ADAM BALLWEG

Address 11223 40th ST. N.

Memo FEL 14-250

ROYAL PALM BEACH FL

AND POSSESSIONS



**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: Alan Ballweg**

**Case No.: FEC 14-250**

**TO:** Alan Ballweg  
11223 40th Street N  
Royal Palm Beach, FL 33411

Diana H. Demarest  
18849 West Sycamore Drive  
Loxahatchee, FL 33470

**NOTICE OF HEARING (INFORMAL HEARING)**

A hearing will be held in this case before the Florida Elections Commission on, **February 17, 2016 at 10:00 am, or as soon thereafter as the parties can be heard**, at the following location: **Florida State Conference Center, 555 West Pensacola Street, Room #108, Tallahassee, Florida 32306.**

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  
February 2, 2016

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

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

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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.

FILED

15 SEP 15 PM 10:18

STATE OF FLORIDA  
ELECTIONS COMMISSION

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,  
Petitioner,**

**Case No.: FEC 14-250**

**v.**

**Alan Ballweg  
Respondent.**

**ORDER OF PROBABLE CAUSE**

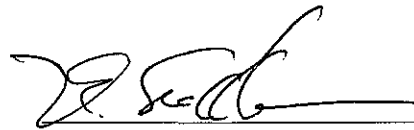
**THIS MATTER** was heard by the Florida Elections Commission (Commission) at its regularly scheduled meeting on August 26, 2015, in Tallahassee, Florida.

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

**Count 1**

During the 2014 election cycle, Respondent violated Section 106.143(1)(a), Florida Statutes, when he failed to include a proper disclaimer on his original political advertisements.

**DONE AND ORDERED** by the Florida Elections Commission on August 26, 2015.



M. Scott Thomas, Chairman  
Florida Elections Commission



Copies furnished to:  
Jaakan A. Williams, Assistant General Counsel  
Alan Ballweg, Respondent  
Diana H. Demarest, 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: Alan Ballweg

Case No.: FEC 14-250

TO: Alan Ballweg  
11223 40<sup>th</sup> Street N  
Royal Palm Beach, FL 33411

Diana H. Demarest  
18849 West Sycamore Drive  
Loxahatchee, FL 33470

**NOTICE OF HEARING (PROBABLE CAUSE DETERMINATION)**

A hearing will be held in this case before the Florida Elections Commission on **August 26, 2015, 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.

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

See further instructions on the reverse side.

*Amy McKeever Toman*  
Executive Director  
Florida Elections Commission  
August 11, 2015



**FLORIDA ELECTIONS COMMISSION**

107 W. Gaines Street, Suite 224

Collins Building

Tallahassee, Florida 32399-1050

(850) 922-4539

May 29, 2015

Alan Ballweg  
11223 40<sup>th</sup> Street North  
Royal Palm Beach, FL 33411

RE: Case No.: FEC 14-250; Respondent: Alan Ballweg

Dear Mr. Ballweg:

The Florida Elections Commission at its last regularly scheduled meeting was unable to hear this case. Therefore, this case has been rescheduled for its next meeting, which is scheduled for August 18-19, 2015 in Tallahassee. A notice of hearing will be mailed approximately 14 days before the hearing.

If you have any questions, please contact us at the number listed above or at [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com).

Sincerely,

*/s/Amy McKeever Toman*

Executive Director

AMT/dam

cc: Diana H. Demarest, Complainant

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

In Re: Alan Ballweg

Case No.: FEC 14-250

TO: Alan Ballweg  
11223 40<sup>th</sup> Street N  
Royal Palm Beach, FL 33411

Diana H. Demarest  
18849 West Sycamore Drive  
Loxahatchee, FL 33470

**NOTICE OF HEARING (PROBABLE CAUSE DETERMINATION)**

A hearing will be held in this case before the Florida Elections Commission on **May 20, 2015, at 11:00 am, or as soon thereafter as the parties can be heard**, at the following location: **Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee FL 32399.**

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

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  
May 5, 2015

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.

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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: Alan Ballweg

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Case No.: FEC 14-250

**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 **no probable cause** to charge Respondent with violating **Section 106.143(3), Florida Statutes**, and 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 23, 2015, the following facts and law support this staff recommendation:

1. On August 15, 2014, the Florida Elections Commission ("Commission") received a sworn complaint alleging that Alan Ballweg ("Respondent") violated Chapter 106, Florida Statutes.

2. Respondent was a candidate for the office of Indian Trail Improvement District, Seat 3, in Palm Beach County, Florida. (ROI Exhibit 10, page 1)<sup>1</sup>

3. Complainant alleged that Respondent published a political advertisement that did not contain a proper disclaimer, and that Respondent campaigned based upon his political party affiliation while running for a nonpartisan office.

4. By letter dated October 2, 2014, the Executive Director notified Respondent that Commission staff would investigate the following statutory provisions:

**Section 106.143(1)(a), Florida Statutes:** Respondent, a 2014 candidate for the Indian Trail Improvement District Seat 3, failed to include a proper disclaimer on his political advertisements, as alleged in the complaint.

**Section 106.143(3), Florida Statutes:** Respondent, a 2014 candidate for the Indian Trail Improvement District Seat 3, campaign based on his party affiliation (NPA), even though the office for which he was running was nonpartisan.

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

**Alleged Violation: Section 106.143(1)(a), Florida Statutes**

5. Complainant submitted a copy of Respondent's political advertisement along with the complaint. Respondent's political advertisement reads: ELECT ALAN BALLWEG for Indian Trail Improvement District Seat 3. Primary August 26<sup>th</sup>, 2014. The disclaimer at the bottom reads, "This advertisement is approved by Alan Ballweg NPA for Indian Trail Improvement District Seat 3," which is improper pursuant to Section 106.143(1)(a), Florida Statutes. (ROI Exhibit 1)

6. Pursuant to Section 106.143(1)(a), Florida Statutes, a proper political disclaimer must state, "Political advertisement paid for and approved by (name of candidate), (party affiliation), for (office sought); or Paid by (name of candidate), (party affiliation), for (office sought)."

7. During a telephone conference with Commission staff, Respondent stated that he used the same language that he saw on the signs of other candidates. In his written response, Respondent claimed, "The complaint is invalid, since statute (sic) 106.011(15) is a definition, and therefore does not apply to me or my candidature (sic). (ROI Exhibit 3)

8. However, after the complaint was filed with the Commission and brought to Respondent's attention, Respondent corrected the disclaimer deficiencies on his political advertisements. Respondent submitted copies of his campaign literature with corrected disclaimers for Commission review. Respondent's correct disclaimer reads, "This Advertisement is paid for and approved by Alan Ballweg, for Indian Trail Improvement District 3." (ROI Exhibit 4, pages 2, 3, and 4)

9. It appears that Complainant is correct and Respondent failed to place a proper political disclaimer on his original political advertisement. Respondent's original political advertisement failed to conform to the requirements of Section 106.143(1)(a), Florida Statutes, and was improper.

**Alleged Violation: Section 106.143(3), Florida Statutes**

10. Complainant alleged that Respondent campaigned based upon his political party affiliation while running for a nonpartisan office when Respondent's disclaimer read, "This advertisement is approved by Alan Ballweg, NPA for Indian Trail Improvement District Seat #3." (ROI Exhibit 1)<sup>2</sup>

11. During a February 20, 2015 final interview with Commission staff, Respondent explained that he and a volunteer were working on the website and they thought they had to put something so they used no party affiliation since it was a nonpartisan race. Eventually, Respondent corrected the deficient disclaimers after the complaint was brought to his attention. Respondent's corrected disclaimer did not make any reference to Respondent's "no party

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<sup>2</sup> NPA is the abbreviation for No Party Affiliation.

affiliation” and appeared to comply with Section 106.143(3), Florida Statutes. It appears that Respondent was not campaigning based upon party affiliation and he did not commit a violation of Section 106.143(3), Florida Statutes.

12. “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).

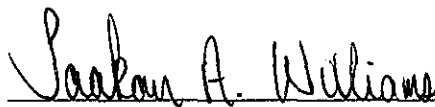
13. The facts set forth above show that Respondent was a candidate for the Indian Trail Improvement District Seat 3 during the 2014 election cycle. During Respondent’s campaign, Respondent distributed political advertisements that did not contain a proper political disclaimer, but it does not appear that Respondent was campaigning based upon his party affiliation.

Based upon these facts and circumstances, I recommend that the Commission find no probable cause to charge Respondent with violating Section 106.143(3), Florida Statutes, and that the Commission find probable cause to charge Respondent with the following violation:

**Count 1:**

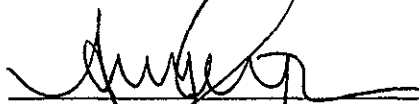
During the 2014 election cycle, Respondent violated Section 106.143(1)(a), Florida Statutes, when he failed to include a proper disclaimer on his original political advertisements.

Respectfully submitted on April 27<sup>th</sup>, 2015



Jaakan A. Williams  
Assistant General Counsel

I reviewed this Staff Recommendation this 27<sup>th</sup> day of April 2015.



Amy McKeever Toman  
Executive Director



**FLORIDA ELECTIONS COMMISSION**  
**REPORT OF INVESTIGATION**  
Case No.: **FEC 14-250**

**Respondent: Alan Ballweg**

**Complainant: Diana H. Demarest**

On August 15, 2014, the Florida Elections Commission received a sworn complaint alleging that Respondent violated Chapter 106, Florida Statutes. Commission staff investigated whether Respondent violated the following statutes:

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; and

Section 106.143(3), Florida Statutes, prohibiting a candidate from campaigning based on his party affiliation, even though the office for which he was running was nonpartisan.

**I. Preliminary Information:**

1. Respondent was a candidate for the office of Indian Trail Improvement District Seat 3 in Palm Beach County, Florida. The primary election was August 26, 2014. There were three candidates vying for the seat; Respondent finished second. He received 36.56% of the vote. In the run-off election on November 4, 2014, Respondent received 43% of the vote.

2. Complainant writes for a blog called BizPac. Complainant supported Respondent's opponent.

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

3. I investigated whether Respondent violated this section of the election laws by not placing correct disclaimers on his political advertisements.

4. According to Complainant, Respondent published a political advertisement that did not contain the correct disclaimer. Complainant provided a copy of the advertisement. The advertisement reads, "WinWithAlan.com. **ELECT ALLAN BALLWEG** for Indian Trail Improvement District Seat 3 **Primary August 26<sup>th</sup>, 2014**." The disclaimer at the bottom of the advertisement reads, "This advertisement is approved by Alan Ballweg, NPA for Indian Trail Improvement District Seat 3. To review a copy of the advertisement, refer to Exhibit 1."

5. Section 106.143(1)(a), Florida Statutes, states, "Any political advertisement that is paid for by a candidate must state: 1. 'Political advertisement paid for and approved by (name of candidate), (party affiliation), for (office sought)'; or 2. 'Paid by (name of candidate), (party affiliation), for (office sought)'."

6. On June 20, 2014, Respondent signed the "Candidate Oath-Nonpartisan Office. Respondent signed the oath attesting that he was a candidate for the "nonpartisan office of Indian Trail Improvement District Seat 3. To review the Candidate Oath, refer to Exhibit 2

7. Mr. David Flagg, Investigations Manager, interviewed Respondent on October 13 2014 by telephone. Mr. Flagg called to discuss the offer of a minor violation consent order (MVCO). Respondent rejected the MVCO and stated that he thought the issues in the complaint were minor. When asked where he got the wording for his disclaimer, Respondent stated that he decided to use the same language that he saw on the signs of other candidates. Mr. Flagg suggested that Respondent ask his printer to make stickers with the correct disclaimer to place on the signs.

8. Respondent submitted a written response to the complaint. Respondent stated, "The complaint is invalid, since statute (sic) 106 011(15) is a definition, and therefore does not apply to me or my candidature. (sic)" Respondent stated that he included copies of his campaign literature with corrected disclaimers. To review Respondent's written statement, refer to Exhibit 3. To review copies of Respondent's signs, refer to Exhibit 4.

9. Respondent provided copies of several political ads. The political message and the disclaimers varied but none of the advertisements contained Respondent's party affiliation. One of the advertisements had the same message and disclaimer as the original advertisement; however, the political affiliation has been omitted. To review the advertisement, refer to Exhibit 4, page 1.

10. Three of the advertisements read, "PRIMARY AUGUST 26. VOIE ALAN BALLWEG Indian Trail Improvement District Seat 3." The disclaimer reads, "This Advertisement is paid for and approved by Alan Ballweg, for Indian Trail Improvement District 3." To review the three advertisements, refer to Exhibit 4, pages 2, 3, 4.

11. Another advertisement reads, "Primary Election August 26<sup>th</sup> Elect Alan Ballweg Will Preserve our Quality of Life Flood Prevention \* Honest Government Indian Trail Improvement District 3" The disclaimer reads, "Political Advertisement Paid for and Approved By Alan Ballweg For Indian Trail Improvement District Seat 3." To review the advertisement, refer to Exhibit 4, page 5.

12. The final two advertisements have basically the same message although some minor variations. The core message reads, "WINwithALAN COM VOTE ALAN BALLWEG Indian Trail Improvement District Seat 3" The disclaimer reads, "This Advertisement is paid for and approved by Alan Ballweg, for Indian Trail Improvement District Seat 3." To review the advertisements, refer to Exhibit 4, pages 6 and 7.

13. During a subsequent telephone interview, I questioned Respondent again about the wording in the disclaimer. Respondent stated that a campaign volunteer, Betty Argue, created the web site and the disclaimer. He reiterated that for his signs, he looked at the signs of other candidates. Respondent stated he spoke with his volunteers about this complaint and they informed him that since it was a minor issue it should be resolved without further inquiry. I asked Respondent did he consult with anyone or any resource regarding the proper wording for the disclaimer, he stated he did not.

14. I also interviewed Ms. Argue by telephone. Ms. Argue acknowledged that she volunteered for Respondent's campaign. She stated that she helped Respondent develop his web site. She explained that she worked on the graphics and Respondent was responsible for the verbiage. She also stated that they looked at other campaigns to help develop the advertising for Respondent's campaign.

15. No record of Respondent having previously violated this section of the election

laws was found

**III. Alleged Violation of Section 106.143(3), Florida Statutes:**

16. I investigated whether Respondent violated this section of the election laws by including his party affiliation in a political advertisement in a nonpartisan race.

17. As previously discussed in paragraph four of this report of investigation, Respondent published an advertisement during his campaign for Indian Trail Improvement District Seat 3. The disclaimer on the advertisement contained "NPA" which stands for "no party affiliation." To review a copy of the advertisement, refer to Exhibit 1.

18. For additional information pertaining to this section of law, refer to paragraphs 5 through 14 of this report of investigation.

19. No record of Respondent having previously violated this section of the election laws was found.

**IV. FEC History:**

20. Respondent did not have any prior cases before the Commission.

**Conclusion:**

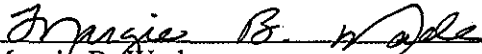
21. On February 20, 2015, I interviewed Respondent by telephone. I summarized the issues addressed on the report of investigation and asked if he had any final comments. He stated that he did not know that the wording of the disclaimer was also a problem; he thought it was the use of "NPA." I told him that both were issues of the investigation and were listed in the letter that notified him that the complaint was legally sufficient. He stated that he corrected the problem as soon as it was brought to his attention. I reminded him that he received the initial letter in August but did not complete the revision of the disclaimer until October. He stated that the errors were just mistakes; he did not intentionally do anything wrong. He stated that he did not benefit from it because he lost the race. I asked him why he put "NPA" on the ad when he is registered as a Democrat. He stated that he and a volunteer were working on the website and they thought they had to put something so they used no party affiliation since it was a nonpartisan race. He added that he hopes the Commissioners understand that it was all just a mistake.

22. Susan Bucher, Sarasota County Supervisor of Elections, was Respondent's filing officer. Ms. Bucher acknowledged that Respondent was a first-time candidate. According to Ms. Bucher, each candidate receives a handout that instructs them that copies of the 2014 Election Laws and the 2014 Candidate and Campaign Treasurer Handbook are available on the Division of Elections web site. To review the affidavit of filing officer, refer to Exhibit 5.

23. On June 20, 2014, Respondent signed the statement of candidate form certifying that he had been provided access to read and understand the requirements of Chapter 106, Florida Statutes. To review the statement of candidate form, refer to Exhibit 6.

24. During my investigation of the allegations contained in the sworn complaint, I found that Respondent published several advertisements that did not contain the word "for" between his name and the office he was seeking. However, because these violations were not alleged in the complaint, I did not investigate this information. To review the advertisements, refer to Exhibit 4.

Respectfully submitted on February 23, 2015.

  
Margie B. Wade  
Investigation Specialist

**Current address of Respondent**

Mr. Alan Ballweg  
11223 40<sup>th</sup> Street North  
Royal Palm Beach, Florida 33411

**Current address of Complainant**

Ms. Diana Demarest  
18849 West Sycamore Drive  
Loxahatchee, Florida 33470

**Name and Address of Filing Officer:**

The Honorable Susan Bucher  
Palm Beach County Supervisor of Elections  
Post Office Box 22309  
West Palm Beach, Florida 33416-2309

Copy furnished to:

David Flagg, Investigations Manager

**FLORIDA ELECTIONS COMMISSION**  
**REPORT OF INVESTIGATION**  
Alan Ballweg -- FEC 14-250

<b>LIST OF EXHIBITS</b>	
<b>Exhibits #s</b>	<b>Description of Exhibits</b>
Exhibit 1	Original Advertisement
Exhibit 2	Candidate Oath
Exhibit 3	Respondent's Written Statement
Exhibit 4	Amended Advertisements
Exhibit 5	Affidavit of Filing Officer
Exhibit 6	Statement of Candidate



WinWithAlan.com

# ALAN BALLWEG

for Indian Trail Improvement District Seat #3

Primary August 26th, 2014

000003

→ This advertisement is approved by Alan Ballweg, NPA for Indian Trail Improvement District Seat #3

EXHIBIT     1

**COPY**

**CANDIDATE OATH --  
NONPARTISAN OFFICE**

(Not for use by Judicial or  
School Board Candidates)

SUPERVISOR OF ELECTIONS  
2014 JUN 20 AM 11:42  
PALM BEACH COUNTY, FL

OFFICE USE ONLY

**OATH OF CANDIDATE**  
(Section 99.021, Florida Statutes)

I, ALAN BALLWEG  
(PLEASE PRINT NAME AS YOU WISH IT TO APPEAR ON THE BALLOT\* - NAME MAY NOT BE CHANGED AFTER THE END OF QUALIFYING)  
am a candidate for the nonpartisan office of INDIAN TRAIL IMPROVEMENT DISTRICT SEAT 3  
(office) (district #)  
I am a qualified elector of PALM BEACH County, Florida;  
(circuit #) (group or seat #)

I am qualified under the Constitution and the Laws of Florida to hold the office to which I desire to be nominated or elected; I have qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with the office I seek; and I have resigned from any office from which I am required to resign pursuant to Section 99.012, Florida Statutes; and I will support the Constitution of the United States and the Constitution of the State of Florida

x Alan Ballweg 561, 798 9154 WIN WITH ALAN@GMAIL.COM  
Signature of Candidate Telephone Number Email Address  
1123 40th St N ROYAL PALM BEACH FL 33411  
Address City State ZIP Code

Candidate's Florida Voter Registration Number (located on your voter information card): [REDACTED]

\* Please print name phonetically on the line below as you wish it to be pronounced on the audio ballot for persons with disabilities (see instructions on page 2 of this form):  
UH LAIM

STATE OF FLORIDA  
COUNTY OF Palm Beach  
Sworn to (or affirmed) and subscribed before me this 20th day of June, 20 14  
Personally Known: \_\_\_\_\_ or  
Produced Identification: ✓  
Type of Identification Produced: FLDL  
Signature of Notary Public Amber Sacks  
Print Name of Notary Public  
Stamp Commissioned Name of Notary Public  
**AMBER SACKS**  
MY COMMISSION #FF070859  
EXPIRES November 14, 2017  
(407) 388-0183 FloridaNotaryService.com

Alan Ballweg  
11223 40<sup>th</sup> St. N  
Royal Palm Beach, FL 33411

Florida Elections Commission  
107 W Gaines Street  
Suite 224, Collins Building  
Tallahassee, FL 32399-1050

September 19, 2014

RE: Case FEC 14-250

Dear Sir or Madam,

I have received your letter and complaint on August 20<sup>th</sup>, 2014.

I am a candidate for the **non-partisan office** of Indian Trail Improvement District Seat 3. A copy of my oath is attached to this letter.

The Alleged Violation refers to Section **106.011(15), F.S.** The text of that Section is a definition:  
(15) "Unopposed candidate" means a candidate for nomination or election to an office who, after the last day on which any person, including a write-in candidate, may qualify, is without opposition in the election at which the office is to be filled or who is without such opposition after such date as a result of any primary election or of withdrawal by other candidates seeking the same office. A candidate is not an unopposed candidate if there is a vacancy to be filled under s. 100.111(3), if there is a legal proceeding pending regarding the right to a ballot position for the office sought by the candidate, or if the candidate is seeking retention as a justice or judge.

The complaint is invalid, since statute **106.011(15)** is a definition, and therefore does not apply to me or my candidature.

In addition, the complaint is invalid, since the text quoted after the statute number, is not a statute, but appears to be several sentence fragments copied from the "Candidate and Campaign Treasurer Handbook", that have been reassembled in an incoherent and illogical manner.

The complaint goes on to show a screen capture of my campaign web page (home page), and to state that the disclaimer on the web page does not comply with the law. The complaint does not specify which law, which may be further grounds for the invalidation of this complaint.

My response is that the inclusion of "NPA" in the candidate disclaimer on the web page was a simple error. It was not intentional, was not intended to mislead, and I took immediate corrective action on the



same day of notification by correcting the graphic on the website. The race in question is a non-partisan race, and the volunteer who created the graphic for the website mistakenly believed that NPA referred to the race, rather than to the candidate.

I have attached copies and images of the following:

1. Screen capture of corrected website. Note the time stamp in the bottom right corner shows the date of August 20<sup>th</sup>, which is the same day that the complaint was received.
2. Oath signed by candidate for a Non-Partisan office.
3. Street sign
4. Yard sign
5. Banner
6. Banner
7. Mailer (front)
8. Newspaper advertisement

Note that NONE of these images include the term "NPA," or any political party affiliation in either the disclaimer or in the body of the text.

I hope this response provides the information you require, and is satisfactory.

Thank you for your kind assistance.

Sincerely,



Alan Ballweg  
Candidate, Indian Trail Improvement District Seat 3

[Home](#)   [My Platform](#)   [Articles and TV clips](#)   [Kickoff](#)   [How to help](#)   [Endorsements \[NEW!\]](#)

**EARLY VOTING** Monday, **August 11, 2014** through Sunday, **August 24, 2014**  
10:00 am - 6:00 pm daily at the **Acreage Library** and other locations in the County  
**ALL registered Acreage/Loxahatchee residents may vote for Alan**, even if they  
are not registered with a particular party.

EXHIBIT 4 page 1

Response to FEC 14-250

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WinWithAlan.com

**ALAN  
BALLWEG**

for Indian Trail Improvement District Seat #3

**Primary August 26th, 2014**

This advertisement is approved by Alan Ballweg, for Indian Trail Improvement District Seat #3

**VOTE**

**PRIMARY AUGUST 26**

**ALAN BALLEG**

**INDIAN TRAIL IMPROVEMENT DISTRICT SEAT 3**

**WINWITHALAN.COM**

This Advertisement is paid for and approved by Alan Ballweg for Indian Trail Improvement District Seat 3

Response to FEC 14-250

EXHIBIT 4 page 2

**NOT**

**ALAN BATTLE**

**INDIAN TRAIL IMPROVEMENT DISTRICT SEAT 3**

**WWW.ALAN.COM**

THIS ADVERTISEMENT IS PAID FOR AND APPROVED BY ALAN BATTLE FOR INDIAN TRAIL IMPROVEMENT DISTRICT SEAT 3

PRIMARY AUGUST 26

**ALAN BALLWEG**



INDIAN TRAIL IMPROVEMENT DISTRICT SEAT 3

**WINwithALAN.COM**

POLITICAL ADVERTISEMENT PAID FOR AND APPROVED BY ALAN BALLWEG FOR INDIAN TRAIL IMPROVEMENT DISTRICT SEAT 3

**V  
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T  
E**

Response to FEC 14-250

EXHIBIT 4 page 4

**PRIMARY ELECTION AUGUST 26th**

**ELECT ALAN BALLWEG**

**Will Preserve our Quality of Life  
Flood Prevention • Honest Government**

**Indian Trail Improvement District  
SEAT 3**

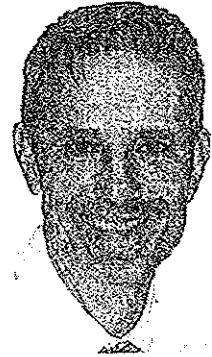
**POLITICAL ADVERTISEMENT PAID FOR AND APPROVED BY ALAN BALLWEG FOR INDIAN TRAIL IMPROVEMENT DISTRICT SEAT 3**

Response to FEC 14-250

EXHIBIT

4 page 5

WINwithALAN.COM



ALAN

BALLWEG

INDIAN TRAIL IMPROVEMENT DISTRICT SEAT 3

PRIMARY TUESDAY AUGUST 26

ALL DEMOCRATS, REPUBLICANS & NO PARTY CAN VOTE FOR ALAN

This Advertisement is paid for and approved by Alan Ballweg, for Indian Trail Improvement District Seat 3

V  
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Response to FEC 14-250

EXHIBIT

4 page 6

**V  
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E**

**WINwithALAN.COM**



**ALAN  
BALLWEG**

**INDIAN TRAIL IMPROVEMENT DISTRICT SEAT 3**

**PRIMARY TUESDAY AUGUST 26**

**ALL DEMOCRATS, REPUBLICANS & NO PARTY CAN VOTE FOR ALAN**

**ALAN SUPPORTS:**

- \* Honest Government/Inspector General Office
- \* Preserving Quality of Life in the Acreage
- \* Flood Prevention
- \* Equestrian Interests, Livestock and Small Animals
- \* Acreage Small Business Owners
- \* Childrens Park Programs

**Protecting Acreage/Loxahatchee 2 Lane Interior Roads**

**ALAN OPPOSES:  
OVER DEVELOPMENT**

**ALANS BACKGROUND:**

- \* Founding Member of NO TO MINTO
- \* Resident of the Acreage for 14 years
- \* Graduate of Stanford University with a degree in Economics and Engineering Management
- \* Extensive technical knowledge of drainage and flood control systems

**ALAN ENDORSED BY:**

- PBC Commissioner **JESS SANTAMARIA**  
*I endorse Alan Ballweg for Supervisor of ITID because of his proven honesty, intelligence and support of the Inspector General and commitment to protect the unique lifestyle of our Western Communities.*
- ITID Supervisor **GARY DUNKLEY**
- ITID Supervisor **JENNIFER HAGER**

This Advertisement is paid for and approved by Alan Ballweg, for Indian Trail Improvement District Seat 3

Response to FEC 14-250

EXHIBIT 4 Page 7



**AFFIDAVIT OF FILING OFFICER**  
**Case Number: FEC 14-250**

RECEIVED

2015 FEB - 6 P 1:18

1. Please provide certified copies of the listed items from the following candidate's campaign file: **Alan Ballweg**

Check	ITEM
✓	The Statement of Candidate form for 2014.
✓	Appointments of Treasurers and Designation of Campaign Depository form for 2014.
✓	Statements of financial interest (Form 1 and Form 6) for 2014

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

Check	ITEM	DATE
✓	Chapter 106, <i>Florida Statutes</i>	NA
✓	Chapter 104, <i>Florida Statutes</i>	NA
✓	Candidate Handbook <u>Please indicate Year 2014</u>	NA
	Political ad and disclaimer supplement	
✓	Calendar of Election dates	6/20/14
✓	Any other election related document, <u>Please indicate the title of the related document: Political Signs Regulations</u>	6/20/14

Unincorporated Palm Beach County

3. Please list all other written materials provided to the candidate or his or her staff, the date of receipt, and a brief description of the written materials. Did you notify the candidate that the campaign handbook was available on the Division of Elections website?

Yes - in all of our candidate packets there is, a paper with the DOE website and the following publications: 2014 Election Laws, 2014 Candidate and Campaign Handbook, Candidate Petition Handbook and 2013-2014 Dates to Remember. All given on 6/20/14

4. Please list all training seminars that were attended by the candidate, along with the date of attendance. If a staff member attended for the candidate, list his name and position. If available, please attach a copy of any attendance sheets from the seminar(s)

N/A

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**EXHIBIT** 5 page 1 of 9

5 Please list the subjects covered during these seminars. If available, please provide a copy of the syllabus and outline for the seminar.

N/A

6 Please list any other contacts with this candidate by you or your staff concerning a provision of Chapter 104, Section 105 071, or Chapter 106, *Florida Statutes*. Indicate whether the contact was in person, in writing, or by telephone and the subject matter of the contact. Also, provide copies of any documentation of the contact. Please provide a separate affidavit from any member of your staff who was in contact with this candidate or his or her staff, detailing the subject matter of the contact

On 6/20/2014 Mr. Bellweg came into our office to file and qualify for Indian Trail Improvement Dist. At this time he was given a candidate packet and advised of what he needed to complete. On October 14, 2014 he was sent a certified letter regarding a fine for a late report. On 11/19/14 I (Amber Sacks) called him to remind him of the fine regarding the late report. On 11/21/14 he was sent another certified letter regarding the fine of the late report.

Above occasions he talked with Amber Sacks  
Amber Sacks

7. Please list each year the candidate ran for office, the office the candidate ran for, the dates of the elections, and the results of the elections.

Indian Trail Improvement District #3 in 2014  
8/26/2014 - 36.56% and 11/4/2014 - 43.00%

EXHIBIT 5 page 2 of 2

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

Susan Bucher  
Signature of Affiant

Sworn to (or affirmed) and subscribed before me this 2 day of  
FEBRUARY 20 15

Marion Sallenbach  
Signature of Notary Public - State of Florida  
Print, Type, or Stamp Commissioned Name of Notary Public

Personally  or Produced Identification  
1077 388-0163 FloridaNotaryService.com



Type of Identification Produced: \_\_\_\_\_

EXHIBIT 5 page 3 of 9

PUBLICATIONS ARE AVAILABLE ON THE DIVISION OF ELECTIONS  
WEBSITE:

[WWW.election.dos.state.fl.us/](http://WWW.election.dos.state.fl.us/)

2014 Election Laws (last updated 9/2014)

2014 Candidate and Campaign Treasurer Handbook

Candidate Petition Handbook

2013-2014 Dates to Remember

EXHIBIT 5 page 4 of 7



August 11, 2008

Re: Political Sign Regulations/Unincorporated Palm Beach County

**Department of Planning,  
Zoning & Building**

2300 North Jog Road  
West Palm Beach FL 33411-2741  
(561) 233-5000

Planning Division 233-5300  
Zoning Division 233-5200  
Building Division 233-5100  
Code Enforcement 233-5500  
Contractors Certification 233-5525  
Administration Office 233-5005  
Executive Office 233-5228  
www.pbcgov.com/pzb



**Palm Beach County  
Board of County  
Commissioners**

Jeff Koons Chairman

Burt Aaronson Vice Chairman

Karen I. Marcus

Shelley Vana

Steven I. Abrams

Jess R. Santamaria

Priscilla A. Taylor

**County Administrator**

Robert Weisman



"An Equal Opportunity  
Affirmative Action Employer"

Dear Political Candidate:

Congratulations on your endeavor to hold public office, it is quite an experience to participate in the election process firsthand. I would like to take a moment to advise you of the sign regulations set forth in the County's Unified Land Development Code to guide you in how your supporters place your political signs throughout the unincorporated areas of the County. Please instruct your supporters to place political signs according to the regulations set forth herein. **NOTE: All signage must be removed within ten days following the election.**

Article 8.B.2.B of the Unified Land Development Code provides that political campaign signs are exempt from County sign regulations provided they meet with the following requirements:

Residential properties/developments less than 5 acres -- signs up to 8 square feet in sign area and not more than 5 feet in height are allowed, with a minimum setback from the property line of 5 feet.

Residential properties/developments over 5 acres and nonresidential developments -- signs up to 32 square feet in sign area and not more than 10 feet in height are allowed, provided there is a minimum setback from the property line of 5 feet.

**Political signs are not allowed in road rights-of-way.** Further, they must not be placed so as to obstruct motorists' vision. Code Enforcement staff as well as other designated Palm Beach County staff will remove and dispose of any signs that are in the County road right-of-way.

We appreciate your cooperation in this matter. If you or your campaign staff have any questions regarding the political sign regulations please do not hesitate to contact our office at (561) 233-5500.

Sincerely,

Kurt Eismann, Director  
Code Enforcement/ Contractors Certification Division

U:codepoliticalsigns 2009

**EXHIBIT** 5 page 5 of 9



# Palm Beach County

# COPY

**SUSAN BUCHER**  
Supervisor of Elections

240 SOUTH MILITARY TRAIL  
WEST PALM BEACH, FL 33415  
POST OFFICE BOX 22309  
WEST PALM BEACH, FL 33416

TELEPHONE: (561) 656-6200  
FAX NUMBER: (561) 656-6287  
WEBSITE: [www.pbcelections.org](http://www.pbcelections.org)

October 14, 2014

Alan Ballweg  
Candidate Indian Trail Improvement Dist 3  
11223 40<sup>th</sup> Street North  
Royal Palm Beach FL 33411

Dear Mr. Ballweg:

Your Campaign Treasurer's Report that was due in this office by 5:00 p.m. on Friday, October 3, 2014 was received in our office on Friday, October 10, 2014.

Please be advised that Section 106.07 (8), F.S. states that a fine must be imposed if a Campaign Treasurer's Report is late. The fine consists of \$50.00 per day for the first 3 days late, and thereafter, \$500.00 per day for each late day, not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report. Based on your report being four (4) days late using the clock in date of July 7, 2014, you are hereby assessed a fine totaling **One hundred and sixty two dollars and fifty cents (\$162.50)**.

Section 106.07 (8) (b), F.S. require that you pay this fine within (20) days of your receipt of this Notice, unless you decide to appeal to the Florida Elections Commission in Tallahassee. If such an appeal is made, it must be done within twenty (20) days and you must notify this office in writing, of your intention to bring this matter before the Commission.

Please note that the fine must be paid from **personal funds**. The check should be made payable to PBC Supervisor of Elections and returned to this office. I am enclosing a self-addressed envelope for your convenience.

If you have any questions, please do not hesitate to contact the office and ask for the Candidate Department.

Thank you,

U.S. Postal Service <b>CERTIFIED MAIL RECEIPT</b> <small>(Domestic Mail Only, No Insurance Coverage Provided)</small>		THIS SECTION ON DELIVERY	
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>		Delivered by (Printed Name) <i>[Signature]</i>	Date of Delivery <i>10/15</i>
Postage \$		Delivery address different from Item 1? <input type="checkbox"/> Yes	<input type="checkbox"/> No
Certified Fee		ES, enter delivery address below: <input type="checkbox"/> No	
Return Receipt Fee (Endorsement Required)		Service Type	
Restricted Delivery Fee (Endorsement Required)		<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
Total Postage & Fees \$		<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
		<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.
		Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
ALAN BALLWEG CANDIDATE FOR INDIAN TRAIL IMPROVEMENT DIST SEAT #3 11223 40TH STREET NORTH ROYAL PALM BEACH FL 33411		0000 1687 7832	

EXHIBIT 5 page 6 of 9



# Palm Beach County

# COPY

**SUSAN BUCHER**  
Supervisor of Elections

240 SOUTH MILITARY TRAIL  
WEST PALM BEACH, FL 33415  
POST OFFICE BOX 22309  
WEST PALM BEACH, FL 33416

TELEPHONE: (561) 656-6200  
FAX NUMBER: (561) 656-6287  
WEBSITE: [www.pbcelections.org](http://www.pbcelections.org)

November 21, 2014

Alan Ballweg  
Candidate Indian Trail Improvement Dist 3  
11223 40<sup>th</sup> Street North  
Royal Palm Beach FL 33411

Dear Mr. Ballweg:

Your Campaign Treasurer's Report that was due in this office by 5:00 p.m. on Friday, October 3, 2014 was received in our office on Friday, October 10, 2014

Please be advised that Section 106.07 (8), F.S. states that a fine must be imposed if a Campaign Treasurer's Report is late. The fine consists of \$50.00 per day for the first 3 days late, and thereafter, \$500.00 per day for each late day, not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report. Based on your report being four (4) days late using the clock in date of October 10, 2014, you are hereby assessed a fine totaling **Twelve dollars and fifty cents (\$12.50)**.

Section 106.07 (8) (b), F.S. require that you pay this fine within (20) days of your receipt of this Notice, unless you decide to appeal to the Florida Elections Commission in Tallahassee. If such an appeal is made, it must be done within twenty (20) days and you must notify this office in writing, of your intention to bring this matter before the Commission.

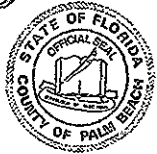
Please note that the fine must be paid from personal funds. The check should be made payable to PBC Supervisor of Elections and returned to this office. I am enclosing a self-addressed envelope for your convenience.

If you have any questions, please do not hesitate to contact the office and ask for the Candidate Department.

U.S. Postal Service	
<b>CERTIFIED MAIL RECEIPT</b>	
<i>(Domestic Mail Only. No Insurance Coverage Provided)</i>	
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>	
<b>OFFICIAL USE</b>	
Postage \$	Postmark Here
Certified Fee	
Return Receipt Fee (Enfranchisement Required)	
Restricted Delivery Fee (Enfranchisement Required)	
Total Postage & Fees \$	
Sent To	BALLWEG, ALAN R
Street, Apt or PO Box	11223 40TH ST N
City, State	WEST PALM BEACH FL 33411

EXHIBIT 5 page 7 of 9

**CERTIFIED MAIL**



SUSAN BUCHER  
PALM BEACH COUNTY  
SUPERVISOR OF ELECTIONS  
POST OFFICE BOX 22309  
WEST PALM BEACH, FL 33416



7013 1090 0001 0669 4946



RECEIVED  
DEC 24 AM 8:44  
CH COUNTY

11-216

Alan Ballweg  
Candidate Indian Trail Improvement Dist. 3  
11223 40<sup>th</sup> Street North  
Royal Palm Beach FL 33411

NIXIE

333 DE 1009 0012/19/14

RETURN TO SENDER  
UNCLAIMED  
UNABLE TO FORWARD

BC: 33416230909 \*1206-10828-25-43

334162309

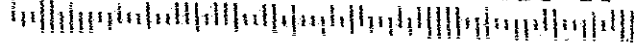


EXHIBIT 5 page 8 of 9



**APPOINTMENT OF CAMPAIGN TREASURER  
AND DESIGNATION OF CAMPAIGN  
DEPOSITORY FOR CANDIDATES**  
(Section 106.021(1), F.S.)

SUPERVISOR OF ELECTIONS  
2014 JUN 20 AM 11:42  
PALM BEACH COUNTY, FL

(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): <input checked="" type="checkbox"/> Initial Filing of Form    Re-filing to Change: <input type="checkbox"/> Treasurer/Deputy <input type="checkbox"/> Depository <input type="checkbox"/> Office <input type="checkbox"/> Party					
2 Name of Candidate (in this order: First, Middle, Last) ALAN R BALLWEG			3 Address (include post office box or street, city, state, zip code) 11223 40th St. N. ROYAL PALM BEACH FL 33411		
4 Telephone (561) 798 9154		5 E-mail address WINWITHALAN@GMAIL.COM			
6 Office sought (include district, circuit, group number) INDIAN TRAIL IMPROVEMENT DISTRICT SEAT 3			7 If a candidate for a <u>nonpartisan</u> office, check if applicable: <input type="checkbox"/> My intent is to run as a Write-In candidate.		
8 If a candidate for a <u>partisan</u> office, check block and fill in name of party as applicable: My intent is to run as a <input type="checkbox"/> Write-In <input type="checkbox"/> No Party Affiliation <input type="checkbox"/> _____ Party candidate.					
9 I have appointed the following person to act as my <input checked="" type="checkbox"/> Campaign Treasurer <input type="checkbox"/> Deputy Treasurer					
10 Name of Treasurer or Deputy Treasurer ALAN BALLWEG					
11 Mailing Address 11223 40th St. N. Royal Palm Beach FL 33411				12 Telephone (561) 798 9154	
13. City ROYAL PALM BEACH		14. County PALM BEACH	15. State FL	16 Zip Code 33411	17. E-mail address WIN WITH ALAN @ GMAIL.COM
18 I have designated the following bank as my <input checked="" type="checkbox"/> Primary Depository <input type="checkbox"/> Secondary Depository					
19. Name of Bank SUNTRUST			20 Address 9951 Oneechobee Blvd		
21 City West Palm Beach		22 County Palm Beach		23. State FL	24. Zip Code 33411
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 June 20, 2014			26 Signature of Candidate <input checked="" type="checkbox"/> Alan Ballweg		
27. Treasurer's Acceptance of Appointment (fill in the blanks and check the appropriate block) I, <u>ALAN BALLWEG</u> , do hereby accept the appointment (Please Print or Type Name)					
designated above as: <input checked="" type="checkbox"/> Campaign Treasurer <input type="checkbox"/> Deputy Treasurer					
Date June 20, 2014			Signature of Campaign Treasurer or Deputy Treasurer <input checked="" type="checkbox"/> Alan Ballweg		

**STATEMENT OF  
CANDIDATE**

(Section 106.023, F.S.)

(Please print or type)

OFFICE USE ONLY

SUPERVISOR OF ELECTIONS

2014 JUN 20 AM 11:42

PALM BEACH COUNTY, FL

I, ALAN R. BALLWEG,  
candidate for the office of INDIAN TRAIL IMPROVEMENT DISTRICT  
SEAT 3;

have been provided access to read and understand the requirements of  
Chapter 106, Florida Statutes

X *Alan Ballweg*  
Signature of Candidate

6/20/2014  
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 2, 2014

Alan Ballweg  
11223 40<sup>th</sup> Street N  
Royal Palm Beach, FL 33411

**RE: Case No.: FEC 14-250: Respondent: Alan Ballweg**

Dear Mr. Ballweg:

The Florida Elections Commission has received a complaint alleging that you, the Respondent, have violated Sections 106.143(1)(a) and 106.143(3), 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 provisions:

**Section 106.143(1)(a), Florida Statutes:** Respondent, a 2014 candidate for the Indian Trail Improvement District Seat 3, failed to include a proper disclaimer on his political advertisements, as alleged in the complaint.

**Section 106.143(3), Florida Statutes:** Respondent, a 2014 candidate for the Indian Trail Improvement District Seat 3, campaigned based on his party affiliation (NPA), even though the office for which he was running was nonpartisan.

You may respond to the violations alleged in the complaint by filing a notarized statement providing any information regarding the facts and circumstances surrounding the allegations. 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.

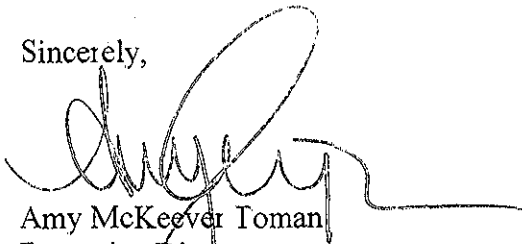
The Commission will hold a hearing to determine whether there is probable cause to charge you with a violation. You will receive a notice of hearing at least 14 days before the hearing. The notice of hearing will indicate the location, date, and time of your hearing. If you attend the hearing, you will 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 **David Flagg**, at extension 111, or at the address listed above.

Sincerely,



Amy McKeever Toman  
Executive Director

Enclosures: Consent Order  
AMI/enr

Alan Ballweg  
11223 40<sup>th</sup> St N  
Royal Palm Beach, FL 33411

Florida Elections Commission  
107 W Gaines Street  
Suite 224, Collins Building  
Tallahassee, FL 32399-1050

September 19, 2014

RE: Case FEC 14-250

Dear Sir or Madam,

I have received your letter and complaint on August 20<sup>th</sup>, 2014.

I am a candidate for the **non-partisan office** of Indian Trail Improvement District Seat 3. A copy of my oath is attached to this letter

The Alleged Violation refers to Section **106.011(15), F.S.** The text of that Section is a definition:

(15) "Unopposed candidate" means a candidate for nomination or election to an office who, after the last day on which any person, including a write-in candidate, may qualify, is without opposition in the election at which the office is to be filled or who is without such opposition after such date as a result of any primary election or of withdrawal by other candidates seeking the same office. A candidate is not an unopposed candidate if there is a vacancy to be filled under s 100.111(3), if there is a legal proceeding pending regarding the right to a ballot position for the office sought by the candidate, or if the candidate is seeking retention as a justice or judge.

The complaint is invalid, since statute **106.011(15)** is a definition, and therefore does not apply to me or my candidature.

In addition, the complaint is invalid, since the text quoted after the statute number, is not a statute, but appears to be several sentence fragments copied from the "Candidate and Campaign Treasurer Handbook", that have been reassembled in an incoherent and illogical manner

The complaint goes on to show a screen capture of my campaign web page (home page), and to state that the disclaimer on the web page does not comply with the law. The complaint does not specify which law, which may be further grounds for the invalidation of this complaint

My response is that the inclusion of "NPA" in the candidate disclaimer on the web page was a simple error. It was not intentional, was not intended to mislead, and I took immediate corrective action on the

same day of notification by correcting the graphic on the website. The race in question is a non-partisan race, and the volunteer who created the graphic for the website mistakenly believed that NPA referred to the race, rather than to the candidate.

I have attached copies and images of the following:

1. Screen capture of corrected website. Note the time stamp in the bottom right corner shows the date of August 20<sup>th</sup>, which is the same day that the complaint was received.
2. Oath signed by candidate for a Non-Partisan office.
3. Street sign
4. Yard sign
5. Banner
6. Banner
7. Mailer (front)
8. Newspaper advertisement

Note that NONE of these images include the term "NPA," or any political party affiliation in either the disclaimer or in the body of the text

I hope this response provides the information you require, and is satisfactory.

Thank you for your kind assistance.

Sincerely,

A handwritten signature in cursive script that reads "Alan Ballweg". The signature is written in black ink and is positioned below the word "Sincerely,".

Alan Ballweg  
Candidate, Indian Trail Improvement District Seat 3

[Home](#)   [My Platform](#)   [Articles and TV clips](#)   [Kickoff](#)   [How to help](#)   [Endorsements \[NEW!\]](#)

**EARLY VOTING** Monday, August 11, 2014 through Sunday, August 24, 2014  
10:00 am - 6:00 pm daily at the **Acreage Library** and other locations in the County  
**ALL registered Acreage/Loxahatchee residents may vote for Alan**, even if they  
are not registered with a particular party.

Response to FEC 14-250   Page 3

**E  
L  
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C  
T**



[WinWithAlan.com](http://WinWithAlan.com)

**ALAN  
BALLWEG**

for Indian Trail Improvement District Seat #3

**Primary August 26th, 2014**

This advertisement is approved by Alan Ballweg, for Indian Trail Improvement District Seat #3



**COPY**

**CANDIDATE OATH -  
NONPARTISAN OFFICE**

(Not for use by Judicial or  
School Board Candidates)

SUPERVISOR OF ELECTIONS  
2014 JUN 20 AM 11:42  
PALM BEACH COUNTY, FL

OFFICE USE ONLY

**OATH OF CANDIDATE**  
(Section 99.021 Florida Statutes)

I, ALAN BALLWEG

(PLEASE PRINT NAME AS YOU WISH IT TO APPEAR ON THE BALLOT - NAME MAY NOT BE CHANGED AFTER THE END OF QUALIFYING)

am a candidate for the nonpartisan office of INDIAN TRAIL IMPROVEMENT DISTRICT SEAT 3

(office) (district #)  
I am a qualified elector of PALM BEACH County, Florida;  
(circuit #) (group or seat #)

I am qualified under the Constitution and the Laws of Florida to hold the office to which I desire to be nominated or elected; I have qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with the office I seek; and I have resigned from any office from which I am required to resign pursuant to Section 99.012, Florida Statutes; and I will support the Constitution of the United States and the Constitution of the State of Florida

Alan Ballweg 561 798 9154 WINWITHALAN@GMAIL.COM  
Signature of Candidate Telephone Number Email Address

11223 40th St N ROYAL PALM BEACH FL 33411  
Address City State ZIP Code

Candidate's Florida Voter Registration Number (located on your voter information card): [REDACTED]

\* Please print name phonetically on the line below as you wish it to be pronounced on the audio ballot for persons with disabilities (see instructions on page 2 of this form):

UH LAIM

STATE OF FLORIDA  
COUNTY OF Palm Beach

Sworn to (or affirmed) and subscribed before me this 20th day of June, 20 14

Personally Known: \_\_\_\_\_ or

Produced Identification:

Type of Identification Produced: FUDU

Amber Sacks  
Signature of Notary Public

Print Name of Notary Public



**AMBER SACKS**  
MY COMMISSION #FF070659  
EXPIRES November 14, 2017  
FloridaNotaryService.com

**PRIMARY AUGUST 26**

**ALAN  
BALLWEG**

**INDIAN TRAIL IMPROVEMENT DISTRICT SEAT 3**

**WINwithALAN.COM**

This Advertisement is paid for and approved by Alan Ballweg, for Indian Trail Improvement District Seat 3

**VOTE**

# VOTE BALDWIN BALDWIN INDIAN TRAIL IMPROVEMENT DISTRICT SEAT 3 WINWITHBALDWIN.COM

THIS ADVERTISEMENT IS PAID FOR AND APPROVED BY ALAN BALDWIN FOR INDIAN TRAIL IMPROVEMENT DISTRICT SEAT 3

**PRIMARY AUGUST 26**



**BALLWEG**

**INDIAN TRAIL IMPROVEMENT DISTRICT SEAT 3**

**WINwithALAN.COM**

**POLITICAL ADVERTISEMENT PAID FOR AND APPROVED BY ALAN BALLWEG FOR INDIAN TRAIL IMPROVEMENT DISTRICT SEAT 3**

**VOTE**

***PRIMARY ELECTION AUGUST 26th***

**ELECT** **ALAN BALLWEG**

**Will Preserve our Quality of Life  
Flood Prevention • Honest Government**

**Indian Trail Improvement District  
SEAT 3**

**POLITICAL ADVERTISEMENT PAID FOR AND APPROVED BY ALAN BALLWEG FOR INDIAN TRAIL IMPROVEMENT DISTRICT SEAT 3**

**V  
O  
T  
E**

**WINwithALAN.COM**

**ALAN**

**BALLWEG**

**INDIAN TRAIL IMPROVEMENT DISTRICT SEAT 3**

**PRIMARY TUESDAY AUGUST 26**

**ALL DEMOCRATS, REPUBLICANS & NO PARTY CAN VOTE FOR ALAN**



This Advertisement is paid for and approved by Alan Ballweg, for Indian Trail Improvement District Seat 3

**V  
O  
T  
E**

**WINwithALAN.COM**

**ALAN**

**BALLWEG**

**INDIAN TRAIL IMPROVEMENT DISTRICT SEAT 3**

**PRIMARY TUESDAY AUGUST 26**

**ALL DEMOCRATS, REPUBLICANS & NO PARTY CAN VOTE FOR ALAN**



**ALAN SUPPORTS:**

- \* **Honest Government/Inspector General Office**
- \* **Preserving Quality of Life in the Acreage**
- \* **Flood Prevention**
- \* **Equestrian Interests, Livestock and Small Animals**
- \* **Acreage Small Business Owners**
- \* **Childrens Park Programs**

**Protecting Acreage/Loxahatchee 2 Lane Interior Roads**

**ALAN OPPOSES:  
OVER DEVELOPMENT**

**ALANS BACKGROUND:**

- \* **Founding Member of NO TO MINTO**
- \* **Resident of the Acreage for 14 years**
- \* **Graduate of Stanford University with a degree in Economics and Engineering Management**
- \* **Extensive technical knowledge of drainage and flood control systems**

**ALAN ENDORSED BY:**

- **PBC Commissioner JESS SANTAMARIA**  
*I endorse Alan Ballweg for Supervisor of ITID because of his proven honesty, intelligence and support of the Inspector General and commitment to protect the unique lifestyles of our Western Communities.*
- **ITID Supervisor GARY DUNKLEY**
- **ITID Supervisor JENNIFER HAGER**

This Advertisement is paid for and approved by Alan Ballweg, for Indian Trail Improvement District Seat 3

14-250

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

2014 AUG 15 A 11:38

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: Diana H. Demarest Work Phone: (561) 644-0963  
Address: 18849 West Sycamore Drive Home Phone: (561) 798-2772  
City: Loxahatchee County: Palm Beach State: FL Zip Code: 33470

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: Alan Ballweg  
Address: 11223 40th Street N Phone: (561) 798-9154  
City: Royal Palm Beach County: Palm Beach State: FL Zip Code: 33411

If individual is a candidate, list the office or position sought: Indian Trail Improvement District Seat 3

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

3. ALLEGED VIOLATION(S):

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

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

As stated by (Section 106.011(15), F.S.)

Except as noted below, any political advertisement that is paid for by a candidate (except a write-in candidate)

"Political advertisement paid for Except as noted below any political advertisement that is paid for by a candidate (except a write-in candidate)

and approved by (name of candidate), (party affiliation) for (office sought)" or "Paid by (name of candidate), (party affiliation), for (office sought)."

Please see the wording of the disclaimer for Mr. Ballweg's campaign (attached) It does not comply with the law.



Additionally, although this is a nonpartisan race and is not supposed to refer to any party, he claims to be NPA, when in fact he is a registered Democrat as confirmed by the public records request received from the Palm Beach County Supervisor's of Elections office, so he is misleading the public.

Additional materials attached (check one)?  Yes  No

4. OATH

STATE OF FLORIDA  
COUNTY OF Palm Beach

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

Original Signature of Person Bringing Complaint

RECEIVED  
2014 AUG 15 A 11:38  
STATE OF FLORIDA  
ELECTIONS COMMISSION

Sworn to and subscribed before me this 13 day of August, 20 14

Signature of Officer Authorized to Administer Oaths or Notary public



HOLLY BECK  
MY COMMISSION # FF 133039  
EXPIRES: July 6, 2018  
Bonded Thru Budget Notary Services

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

Personally known  Or Produced Identification

Type of Identification Produced Driver's License

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

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**WinWithAlan.com**

# **ALAN BALLWEG**

**for Indian Trail Improvement District Seat #3**

**Primary August 26th, 2014**



This advertisement is approved by Alan Ballweg, NPA for Indian Trail Improvement District Seat #3

000003

**Re: Public Records Request**

From: Erin Lewandowski

Sent: Mon, Aug 11, 2014 at 10:37 am

To: Diana Demarest

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Diana,

Please refer to the following information per your request:

Alan Ballweg

Current Party Affiliation: DEM

No party change since registering to vote on July 17, 2000.

Betty Argue

Current Party Affiliation: DEM

No party change since registering to vote on May 7, 2013.

If you have any additional questions, please do not hesitate to contact me.

Respectfully,

Erin Lewandowski

Public Information Officer

Susan Bucher, Palm Beach County Supervisor of Elections

Main Office

240 South Military Trail

West Palm Beach, FL 33415

561.656.6200 Ext.6261/Fax 561.656.6287

**To receive Supervisor Susan Bucher's quarterly E-Newsletter, please reply to this email with "SUBSCRIBE" in the subject line.**

**\* PLEASE NOTE: Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing. Florida Statute 668.6076.**

On Sun, Aug 10, 2014 at 10:44 PM, Diana Demarest <ddemarest@pagepartners.com> wrote:

Erin:

Would you please locate any records regarding Alan Ballweg or Betty Argue (qualified Indian Trail Improvement District candidates) changing their party affiliation and please tell me what date they changed and from what to what?

If they did not change, please tell me their current affiliation.

Thank you so much for your help

Diana

--

Diana H. Demarest, President

PagePartners Web Publishing, Inc

Ph: 561-798-2772

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000005

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**107 W GAINES ST STE 224**

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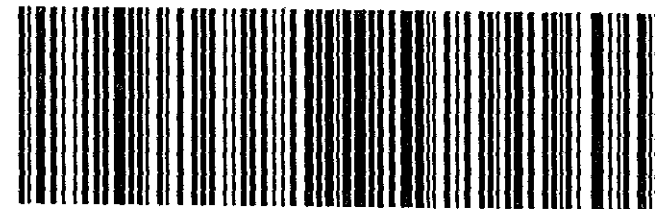
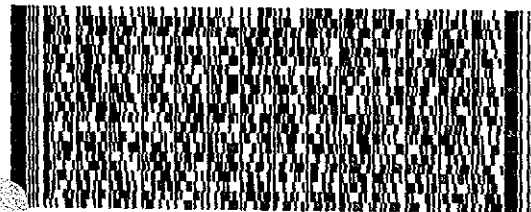
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