

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: Timothy Herbert**

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**Case No.: FEC 21-147**

**TO:** Timothy Herbert  
4733 58th Street North  
Kenneth City, FL 33709-3613

Lawrence Hauft  
6114 49th Avenue North  
Kenneth City, FL 33709

**NOTICE OF HEARING (INFORMAL HEARING (IH))**

A hearing will be held in this case before the Florida Elections Commission on **February 7, 2024 at 9:00 a.m., or as soon thereafter as the parties can be heard**, at the following location: **402 South Monroe Street, 12 HOB, Tallahassee, Florida 32399**. Due to heightened security access requirements, please bring only essential items into the building and plan to arrive early to allow for delays coming through security.

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.**

**Tim Vaccaro**

Executive Director  
Florida Elections Commission  
January 19, 2024

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 to 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

Florida Elections Commission,  
Petitioner,

Case No.: FEC 21-147

v.

Timothy Herbert,  
Respondent.

\_\_\_\_\_ /

**ORDER OF PROBABLE CAUSE**

**THIS MATTER** was heard by the Florida Elections Commission (“Commission”) at its regularly scheduled meeting on November 15, 2023, in Tallahassee, Florida.

On September 28, 2023, Staff recommended to the Commission that there was probable cause to believe that the Florida Election Code was violated. The facts articulated in Staff’s Recommendation are adopted by reference and incorporated herein. Based on the Complaint, Report of Investigation, Staff’s Recommendation, and oral statements (if any) made at the probable cause hearing, the Commission finds that there is **probable cause** to charge Respondent with the following violation:

**THIS SPACE INTENTIONALLY LEFT BLANK**

**Count 1:**

On or about February 17, 2021, Timothy Herbert violated Section 106.143(1)(a), Florida Statutes, when he paid for and distributed a political advertisement that contained express advocacy but did not include a proper disclaimer.

**DONE AND ORDERED** by the Florida Elections Commission on November 15, 2023.



Tim Vaccaro, J.D., Executive Director  
For Chad Mizelle, Chairman  
Florida Elections Commission

Copies furnished to:

Mattie T. Clay, Assistant General Counsel

Timothy Herbert, Respondent

Lawrence Hautt, 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 thirty (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 thirty (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 thirty (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 West 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: Timothy Herbert**

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**Case No.: FEC 21-147**

**TO:** Timothy Herbert  
4733 58th St N  
Kenneth City, FL 33709-3613

Lawrence Hauft  
6114 49th Avenue North  
Kenneth City, FL 33709

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

A hearing will be held in this case before the Florida Elections Commission on, **November 15, 2023 at 9:00 a.m., or as soon thereafter as the parties can be heard**, at the following location: **402 South Monroe Street, 12 HOB, Tallahassee, Florida 32399**. Due to heightened security access requirements, please bring only essential items into the building and plan to arrive early to allow for delays coming through security.

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

**Tim Vaccaro**

Executive Director  
Florida Elections Commission  
October 31, 2023

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If this is an **informal hearing**, it will be conducted pursuant to 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: Timothy Herbert**

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**Case No.: FEC 21-147**

**STAFF RECOMMENDATION FOLLOWING INVESTIGATION**

Pursuant to Section 106.25(4)(c), Florida Statutes, undersigned staff counsel files this written recommendation for disposition of the sworn complaint in this case recommending that there is **probable cause** to charge Respondent with violating **Section 106.143(1)(a), Florida Statutes**. Based upon a thorough review of the Report of Investigation submitted on May 26, 2023, the following facts and law support this staff recommendation:

1. On February 24, 2021, the Florida Elections Commission (“Commission”) received a sworn complaint from Lawrence Hautt (“Complainant”) alleging that Timothy Herbert (“Respondent”) violated Chapter 106, Florida Statutes.

2. Respondent was a 2021 candidate for Town of Kenneth City Councilmember. Respondent’s Statement of Candidate form (“DS-DE 84”) was filed on December 11, 2020. (ROI Exhibit 2, page 1)<sup>1</sup> Respondent was a first-time candidate and was defeated. (ROI, page 1, ¶1; ROI Exhibit 5, page 1; ROI Exhibit 6, page 2)

3. By letter dated August 11, 2021, the Executive Director notified Respondent that Commission staff would investigate the following statutory provision:

**Section 106.143(1)(a), Florida Statutes:** Respondent, a 2021 candidate for the Town of Kenneth City Councilmember, paid for and distributed a political advertisement that contained express advocacy but did not include a proper disclaimer as alleged in the complaint.

4. On December 11, 2020, Respondent filed his Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates form (“DS-DE 9”) appointing himself as treasurer for his campaign. (ROI Exhibit 1, page 1; ROI Exhibit 6, page 1)

5. Respondent signed an acknowledgment form on the same date in which he acknowledged receiving a complete copy of the Town of Kenneth City Candidate Information Packet. Respondent acknowledged that he understood all election information and forms could be found on the Division of Election’s website. (ROI Exhibit 3, page 1; ROI Exhibit 6, pages 1-2) Finally, Respondent acknowledged that he was provided access to read and understand the requirements of Chapter 106, Florida Statutes. (ROI Exhibit 2, page 1)

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<sup>1</sup> The Report of Investigation is referred to herein as “ROI.”



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

6. Complainant alleged that Respondent violated Florida’s election laws by failing to include a proper disclaimer on a political advertisement.

7. Candidates are required to prominently mark their political advertisements with the exact political disclaimer language as set forth under Section 106.143(1)(a), Florida Statutes, i.e., “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).” The *Candidate & Campaign Treasurer Handbook* also references the statutory requirement and provides examples of disclaimers for non-incumbent candidates. (ROI Exhibit 7, pages 2-5)

8. The political advertisement at issue is a campaign flyer, which contains language that expressly advocates for the election of a candidate: “Vote Timothy ‘Will’ Herbert March 9, 2021 - Kenneth City Town Council.” The flyer states, “Dear Kenneth City Resident . . . My name is Timothy ‘Will’ Herbert . . . This year I am running for Town Council. The reason I am running is because I think with your help and your vote on March 9, 2021 we can make a positive impact on our town in a number of ways.” The bottom of the flyer again states, “Vote Timothy ‘Will’ Herbert.” No disclaimer is present on the flyer. (ROI Exhibit 4, page 1)

9. Respondent did not reply to the investigation. (ROI Exhibit 8, pages 1-4) However, Respondent replied to the complaint and acknowledged that he did not have the correct disclaimer on his advertisements. (ROI Exhibit 5, page 1)

10. Respondent paid for and distributed a political advertisement that did not include a proper disclaimer.

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

12. The facts set forth above show that Respondent was a 2021 candidate for Town of Kenneth City Councilmember. Respondent paid for and distributed a political advertisement that did not include a proper disclaimer.

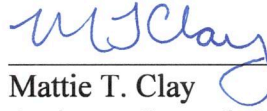
Based upon these facts and circumstances, I recommend that the Commission find probable cause to charge Respondent with violating the following:

**Count 1:**

On or about February 17, 2021, Timothy Herbert violated Section 106.143(1)(a), Florida Statutes, when he paid for and distributed a

political advertisement that contained express advocacy but did not include a proper disclaimer.

Respectfully submitted on September 28, 2023.



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Mattie T. Clay  
Assistant General Counsel

I reviewed this Staff Recommendation this 28<sup>th</sup> day of September 2023.



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Stephanie J. Cunningham  
General Counsel

**FLORIDA ELECTIONS COMMISSION**  
**REPORT OF INVESTIGATION**  
**Case No.: FEC 21-147**

**Respondent:** Timothy Herbert  
Counsel for Respondent: N/A

**Complainant:** Lawrence Hautt  
Counsel for Complainant: N/A

On February 24, 2021, the Florida Elections Commission (Commission) received a complaint alleging that Respondent violated Chapters 104 or 106, Florida Statutes. Commission staff investigated whether Respondent violated the following statute:

Section 106.143(1)(a) Florida Statutes, Respondent may have paid for and distributed a political advertisement that contained express advocacy but did not include a proper disclaimer.

**I. Preliminary Information:**

1. Respondent was a 2021 candidate for Town of Kenneth City Councilmember; he was defeated in the municipal election on March 9, 2021. Respondent was a first-time candidate.
2. An Appointment of Campaign Treasurer and Designation of Campaign Depository (DS-DE 9) was filed with the Town Clerk of the Town of Kenneth City (Town Clerk) on or about December 11, 2020. Respondent was appointed as campaign treasurer. To review the DS-DE 9, refer to Exhibit 1.
3. Respondent filed a Statement of Candidate with the Town Clerk on or about December 11, 2020, in which he certified he had been provided access to read and understand the requirements of Chapter 106, F.S. To review a copy of the Statement of Candidate, refer to Exhibit 2.
4. Respondent signed an acknowledgment form on December 11, 2020. By signing the form, Respondent acknowledged that he had received a complete copy of the Town of Kenneth City Candidate Information Packet. Respondent also acknowledged that he understood all election information and forms could be found on the Division of Election's website. To review the acknowledgement form, refer to Exhibit 3.

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

5. I investigated whether Respondent violated this section of the election laws by paying for and distributing a political advertisement that contained express advocacy but did not include a disclaimer.
6. Complainant provided a copy of the political advertisement at issue, which he described as a "campaign flyer." Complainant alleged that Respondent had the flyer delivered door to door to resident homes in Kenneth City in January 2021. At the top of the flyer is the text, "Vote Timothy 'Will' Herbert March 9, 2021 – Kenneth City Town Council." The flyer is addressed to, "Dear Kenneth City Resident." The flyer begins by stating, "Allow me this opportunity to introduce myself. My name is Timothy 'Will' Herbert... This year I am running for Town Council. The reason I am running is because I think with your help and your vote on March 9, 2021 we can make a positive impact on our town in a number of ways." Along the bottom of the flyer is the phrase, "Vote Timothy 'Will' Herbert." The flyer is void of a disclaimer. To review the campaign flyer, refer to Exhibit 4.
7. Respondent did respond to the complaint via email. Respondent did not specifically address the flyer at issue in the complaint, though he did not dispute that he distributed the flyer as alleged in the complaint. Further, Respondent acknowledged that his signs initially did not have correct disclaimers

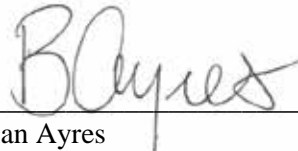
on them. Respondent asserted that he attempted to correct what he could by placing stickers on them. Respondent further stated, "I understand ignorance is not an excuse, but as a first timer I was definitely an amateur at the campaign process. I respect the process. I respect the election board and election commission." To review Respondent's response, refer to Exhibit 5.

8. In an affidavit, the Town Clerk attested that Respondent signed and received his candidate qualifying packet on December 11, 2020. The Town Clerk completing the affidavit could not verify whether anyone from their office spoke to Respondent about provisions of Chapter 106, Florida Statutes, relating to political advertising disclaimers during his 2021 campaign because she was not employed by the Town of Kenneth City at that time. To review the affidavit, refer to Exhibit 6.

9. According to the *Candidate and Campaign Treasurer Handbook*, any political advertisement that is paid for by a candidate and that is published, displayed, or circulated before, or on the day of, any election, must prominently state either, "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)." The *Handbook* further states in bold font, "Also, the disclaimer language alternatives provided above must be verbatim as quoted in Section 106.143, Florida Statutes. Variations are prohibited by law." The *Handbook* provides visual examples of advertisements with correct disclaimers. To review the pertinent parts of the *Handbook*, refer to Exhibit 7.

10. I attempted to contact Respondent on five occasions for the purpose of providing an opportunity to discuss the allegations made in the complaint. As of the date of this report, neither my telephone calls nor emails have been returned. Therefore, I am unable to ascertain whether Respondent has read Chapter 106, Florida Statutes, and/or the *Candidate and Campaign Treasurer Handbook*. To review the phone log and emails, refer to Exhibit 8.

Respectfully submitted on May 26, 2023.



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Brian Ayres  
Investigation Specialist

**FLORIDA ELECTIONS COMMISSION**  
**REPORT OF INVESTIGATION**  
**Timothy Herbert -- FEC 21-147**

<b>LIST OF EXHIBITS</b>	
<b>Exhibits #s</b>	<b>Description of Exhibits</b>
Exhibit 1	Appointment of Campaign Treasurer and Designation of Campaign Depository (DS-DE 9)
Exhibit 2	Statement of Candidate (DS-DE 84)
Exhibit 3	Qualifying Acknowledgement
Exhibit 4	Campaign Flyer
Exhibit 5	Response to Complaint
Exhibit 6	Affidavit from Filing Officer
Exhibit 7	Candidate and Campaign Treasurer Handbook – Political Advertising Disclaimers
Exhibit 8	Phone Log and Emails

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

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

(PLEASE PRINT OR TYPE)

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

OFFICE USE ONLY

<b>1. CHECK APPROPRIATE BOX(ES):</b> <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					
<b>2. Name of Candidate</b> (in this order: First, Middle, Last) <i>Timothy Will Herbert</i>			<b>3. Address</b> (include post office box or street, city, state, zip code) <i>4733 58th N Kenneth City, FL 33709</i>		
<b>4. Telephone</b> (    )		<b>5. E-mail address</b>			
<b>6. Office sought</b> (include district, circuit, group number) <i>Council Member</i>			<b>7. If a candidate for a nonpartisan office, check if applicable:</b> <input type="checkbox"/> My intent is to run as a Write-In candidate.		
<b>8. If a candidate for a partisan office, check block and fill in name of party as applicable:</b> My intent is to run as a <input type="checkbox"/> Write-In <input type="checkbox"/> No Party Affiliation <input type="checkbox"/> _____ Party candidate.					
<b>9. I have appointed the following person to act as my</b> <input checked="" type="checkbox"/> Campaign Treasurer <input type="checkbox"/> Deputy Treasurer					
<b>10. Name of Treasurer or Deputy Treasurer</b> <i>(Self) Timothy Will Herbert</i>					
<b>11. Mailing Address</b> <i>4733 58th N</i>				<b>12. Telephone</b> <i>(727) 420 2643</i>	
<b>13. City</b> <i>Kenneth City</i>		<b>14. County</b> <i>PI</i>	<b>15. State</b> <i>FL</i>	<b>16. Zip Code</b> <i>33709</i>	<b>17. E-mail address</b> <i>Teuwill98@yahoo.com</i>
<b>18. I have designated the following bank as my</b> <input checked="" type="checkbox"/> Primary Depository <input type="checkbox"/> Secondary Depository					
<b>19. Name of Bank</b> <i>Regions</i>			<b>20. Address</b> <i>1400 Pasadena South</i>		
<b>21. City</b> <i>South Pasadena</i>		<b>22. County</b> <i>Piellas</i>		<b>23. State</b> <i>FL</i>	<b>24. Zip Code</b> <i>33707</i>
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.					
<b>25. Date</b> <i>12/11/2020</i>			<b>26. Signature of Candidate</b> <input checked="" type="checkbox"/> <i>[Signature]</i>		
<b>27. Treasurer's Acceptance of Appointment</b> (fill in the blanks and check the appropriate block)					
I, <u><i>Timothy Will Herbert</i></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.					
<u><i>12/11/20</i></u> Date			<input checked="" type="checkbox"/> <u><i>[Signature]</i></u> Signature of Campaign Treasurer or Deputy Treasurer		



**STATEMENT OF  
CANDIDATE**

(Section 106.023, F.S.)

(Please print or type)

I, Timothy W Herbert,  
candidate for the office of Council Member;

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

X

TH  
Signature of Candidate

12/11/20  
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).



TOWN OF KENNETH CITY  
ACKNOWLEDGEMENT FORM  
2021 MUNICIPAL ELECTION

TO: 2021 Town of Kenneth City Election Candidates  
FROM: Cindy M. Matson, Town Clerk  
SUBJECT: Acknowledgement of Receipt of Candidate Packet

By signing this form, I acknowledge that I have received a complete copy of the Town of Kenneth City Candidate Information Packet. I understand that all election information and forms can be found at <http://dos.myflorida.com/elections/> the Florida Division of Elections website.

Also, remember to take any paperwork that needs to be notarized to the bank when you open your account, as they will be able to notarize it for you.

Will Herbert  
Packet is for (Print)

Will HLT  
Signature of Person in Receipt of Packet

\_\_\_\_\_  
Candidate

12/11/20  
Date

Cindy M Matson  
Cindy M. Matson, Town Clerk

# VOTE TIMOTHY “WILL” HERBERT

*March 9, 2021 - Kenneth City Town Council*

Dear Kenneth City Resident,

Allow me this opportunity to introduce myself. My name is Timothy “Will” Herbert.

I have lived in Kenneth City right on 58<sup>th</sup> Street for over seven years. This year I am running for Town Council. The reason I am running is because I think with your help and your vote on March 9, 2021 we can make a positive impact on our town in a number of ways. Here are some of ideals I feel need to be addressed.

**People:** I believe there are many opportunities of community enrichment for our youth and seniors such as activities involving arts, leisure, sports and recreation that could be enhanced. These opportunities should be available to residents as well as children of all ages.

**Police:** The Kenneth City Police Department is an integral and essential function of our community. I would support and call for a renewed commitment to the Department; enhancing recruitment and retainage efforts so that we could build a tenured force of outstanding officers.

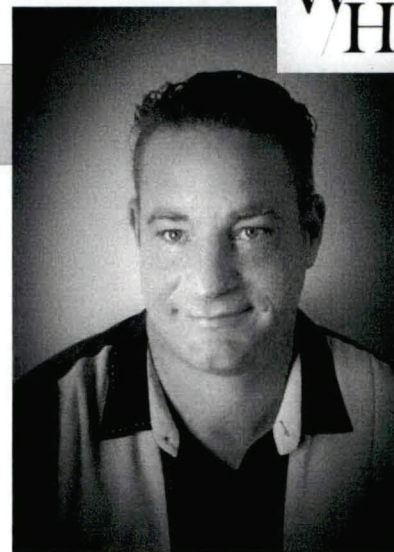
**Infrastructure:** Some of our roads and storm water conveyances are in disrepair. Our signage is out of compliance or missing all together. I would support the development of a 10 Year Infrastructure Master Plan that identifies and prioritizes, annually, the maintenance and repairs of our infrastructure.

**Economic Growth:** There are so many opportunities up and down 54<sup>th</sup> Avenue; not to mention the old Kmart site, 4501 66<sup>th</sup> Street, with huge potential for developing and promoting economic growth. Our town could attract business to a corridor that connects the interstate to the beaches. Surrounding cities have already capitalized and have already experienced this growth. Why not us?

Coming together as a team we can help our town and community. We have a lot of opportunities that we don’t want to miss out on. As the old saying goes, the world keeps moving and things keep changing. This is true for Kenneth City as well and we need to keep the balance. Being proud of our community means supporting local, especially independent, businesses, donating and participating in local fundraisers, and supporting community members that show prospect and have needs to reach their goals. I love Kenneth City. We are a community that has great potential. I have great vision and am willing to work hard to help in any way I can. This is my home.

# VOTE TIMOTHY “WILL” HERBERT

*Dedicated to Serving our Hometown*



**Timothy Will Herbert**

**20 Years of Public Service and City Government experience and knowledgeable in the following areas:**

- *Asset Management*
- *Budgeting*
- *Capital Improvement Programs*
- *Equipment Maintenance*
- *Human Resources*
- *Infrastructure Management*
- *Plan Reviewing*
- *Project Management*
- *Purchasing / Procurement*
- *Union CBAs*
- *Event Coordinating*
- *Employee Development*





Attn: Molly Donovan Re: FEC 21-147 Respondent: Timothy Herbert Will H to: fec@myfloridalegal.com  
07/31/2021 10:49 AM  
From: "Will H" <tevwill98@yahoo.com>  
To: "fec@myfloridalegal.com" <fec@myfloridalegal.com>  
History: This message has been replied to.

Dear Ms. Donovan,

In regards to the notice I received and the subsequent ones that went unclaimed, I apologize for the delay in response. I, Timothy Herbert do acknowledge that the claims about my signs were true that initially I did not have correct disclaimers on them. I did my best to correct what I could by placing stickers on them. I understand ignorance is not an excuse, but as a first timer I was definitely an amateur at the campaign process. I respect the process. I respect the election board and election commission. But let me just say (and its not just sour grapes) that the people I ran against and even the town staff played dirty pool in regards to this small town election. Those folks were taking signs removing them, we were told we couldn't place signs in public right of ways, the town let some candidates place their literature in open view in city offices, and even on the town bulletin board.

As an amateur, I was happy with my campaign and I learned a lot and I also learned that it is harder than it seems. I give tons of credit for citizens that run campaigns. I'm just not sure if it is something I would pursue again.

Kind Regards,  
Will Herbert

**AFFIDAVIT OF FILING OFFICER**

**Case Number: FEC 21-147**

**STATE OF FLORIDA**

**County of Pinellas**

**Ana Cabezas, being duly sworn, says:**

1. This affidavit is made upon my personal knowledge.
2. I am of legal age and competent to testify to the matters stated herein. I am currently employed by the Town of Kenneth City as Town Clerk.
3. Please provide copies of the listed items from the following candidate's campaign file: **Timothy Herbert.**

Check	ITEM
✓	The Statement of Candidate form for the <b>2021</b> campaign.
✓	Appointments of Treasurers and Designation of Campaign Depository form (Form DS-DE 9) for the <b>2021</b> campaign.
N/A	Addendum requests and proof of compliance for the <b>2021</b> campaign.
	The candidate's and campaign treasurers' acknowledgment whereby candidates and treasurers declare, under penalties of perjury, electronically filing a CTR is same as signing the report under oath, and to have certified the correctness of the report in accordance with sections 106.07(5) or 106.29(2), Florida Statutes, as applicable; such as an Application and Acknowledgement of Electronic Filing Information form (if applicable).
✓	Form(s) for all campaigns whereby candidate acknowledges receipt of instructions and/or campaign materials.
✓	All checks issued by the candidate's campaign to your office (qualifying fee, maps, etc.). Please do <u>not</u> redact the bank routing and account numbers.

4. Please check each item provided to the candidate, and list the date that the candidate was provided the item.

Check	ITEM	DATE
	<i>A Compilation of The Election Laws of the State of Florida</i>	
	Chapter 104, <i>Florida Statutes</i>	
	Chapter 106, <i>Florida Statutes</i>	

\* Timothy Herbert signed his candidate @qualifying Packet on 12/11/2020

	Candidate & Campaign Treasurer Handbook. Please provide revision date of publication. _____	
	Other: <sup>1</sup>	

5. Relative to Chapter 106, *Florida Statutes*, and the *Candidate & Campaign Treasurer Handbook*, please indicate how these publications are provided to the candidate.

- A candidate packet, or similar material, is given to the candidate. The candidate packet includes links to the Division of Elections' website, or our website, where these documents are available for review.
- Publications are provided on a CD or thumb/flash drive that is given to the candidate.
- Other, please explain. \_\_\_\_\_

6. Did your office<sup>2</sup> offer any candidate workshops, campaign skills or training seminars prior to the March 15, 2021 election?  Yes or  No. If yes, please list all workshops/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 workshops/training seminars and if available, please provide a copy of the syllabus and outline or PowerPoint presentation for the workshops/seminars.

*I do not know if the Town Clerk provided any workshops or trainings for the candidates. There is no evidence of said training in the town's paperwork articles.*

7. Does your office have any record of Timothy Herbert having sought elective office within your jurisdiction prior to the 2021 election?  Yes or  No. If yes, please list the previous office(s) he ran for, the date(s) of the election(s), and the result(s) of the election(s). If the candidate withdrew her/his candidacy for election, please indicate if the withdrawal was before or after qualifying.

*I see no evidence in the towns records that Timothy Herbert ran for an elected office prior to 2021*

<sup>1</sup> Any local publications relative to the Election laws that may have been provided by your office in lieu of the *Candidate & Campaign Treasurer Handbook* published by the Division of Elections. If your office published the item(s), please send a copy of the item(s) with the affidavit.

<sup>2</sup> If your County elections or ethics office offered candidate workshops/campaign skills or training seminars, please identify the office providing the workshops/seminars and provide copies of any notices that were sent to candidates within your jurisdiction.



8. Does your office have any record of Timothy herbert having been named as a chairperson or campaign treasurer of a political committee (PC or PAC) or electioneering communications organization (ECO) within your jurisdiction?  Yes or  No. If yes, please list the name(s) of the committees.

9. Did you or any member of your staff have any conversations with Timothy Herbert concerning a provision of Chapter 106, Florida Statutes, relative to Political Advertising Disclaimers, at any time during the 2021 campaign?  Yes or  No. If yes, please indicate whether the conversation was in person, in writing, or by telephone and the subject matter of the conversation. If applicable, please provide copies of records documenting the discussion.

*I was not employed by the Town at the time in question furthermore, I have not met Timothy Herbert.*

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

*Ana Cabezas*  
Signature of Affiant

Ana Cabezas

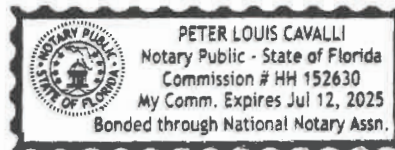
Print or type name of Affiant on line above.

Sworn to (or affirmed) and subscribed before me this 24<sup>th</sup> day of April 2022, <Year>.

*[Signature]*

Signature of Notary Public - State of Florida

Print, Type, or Stamp Commissioned Name of Notary Public



Personally Known  or Produced Identification \_\_\_\_\_

Type of Identification Produced: N/A

Case investigator: Brian Ayres

# Candidate & Campaign Treasurer Handbook



Florida Department of State  
Division of Elections  
R. A. Gray Building, Room 316  
500 South Bronough Street  
Tallahassee, FL 32399-0250  
850.245.6280

(Rev. 10/03/2019)

## Chapter 12: Political Advertising

A political advertisement is a paid expression in a communications medium prescribed in Section [106.011\(4\)](#), Florida Statutes, whether radio, television, newspaper, magazine, periodical, campaign literature, direct mail, or display or by means other than the spoken word in direct conversation, which expressly advocates the election or defeat of a candidate or the approval or rejection of an issue.

(Section [106.011\(15\)](#), Fla. Stat.)

### Candidate Disclaimers

**Except as noted below**, any political advertisement that is paid for by a **candidate (except a write-in candidate)** and that is published, displayed, or circulated before, or on the day of, any election must prominently 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).”*

Any political advertisement that is paid for by a **write-in candidate** and that is published, displayed, or circulated before, or on the day of, any election must prominently state:

*“Political advertisement paid for and approved by (name of candidate), write-in candidate, for (office sought)” or “Paid by (name of candidate), write-in candidate, for (office sought).”*

(Section [106.143\(1\)](#), Fla. Stat.)

**Also, the disclaimer language alternatives provided above must be verbatim as quoted in Section [106.143](#), Florida Statutes. Variations are prohibited by law.**

Any political advertisement of a candidate running for **partisan office** shall express the name of the political party of which the candidate is seeking nomination or is the nominee.

If the **candidate for partisan office is running as a candidate with no party affiliation**, any advertisement of the candidate must state that the candidate has no party affiliation. A candidate who is registered in a political party may run as a candidate with “no party affiliation” without changing their registration.

The candidate shall provide a written statement of authorization to the newspaper, radio station, television station, or other medium for each advertisement submitted for publication, display, broadcast, or other distribution.

Candidates running for **non-partisan** office may not state the candidate's political party affiliation in the disclaimer, or in the body of the advertisement. *Exception:* The candidate is not prohibited from stating the candidate's partisan-related experience.

(Sections [106.143\(3\)](#) and [\(5\)](#), Fla. Stat.)

**Note:** A candidate running for an office that has a district, group, or seat number does not have to indicate the district, group, or seat number in the political advertisement or disclaimer.

### Exceptions to Disclaimer Requirements

The disclaimer requirements in Section [106.143](#), Florida Statutes, do not apply to any campaign message or political advertisement used by a candidate and the candidate's supporters or by a political committee if the message or advertisement is:

- Designed to be worn by a person.
- Placed as a paid link on an Internet website provided the message or advertisement is no more than 200 characters in length and the link directs the user to another Internet website that complies with the disclaimer requirements in Section [106.143\(1\)](#), Florida Statutes.
- Placed as a graphic or picture link where compliance with the requirements of Section [106.143](#), Florida Statutes, is not reasonably practical due to the size of the graphic or picture link and the link directs the user to another Internet website that complies with Section [106.143\(1\)](#), Florida Statutes.
- Placed at no cost on an Internet website for which there is no cost to post content for public users.
- Placed or distributed on an unpaid profile or account which is available to the public without charge or on a social networking Internet website, as long as the source of the message or advertisement is patently clear from the content or format of the message or advertisement. A candidate or political committee may prominently display a statement indicating that the website or account is an official website or account of the candidate or political committee and is approved by the candidate or political committee. A website or account may not be marked as official without prior approval by the candidate or political committee.
- Distributed as a text message or other message via Short Message Service, provided the message is no more than 200 characters in length or requires the recipient to sign up or opt in to receive it.

- Connected with or included in any software application or accompanying function, provided that the user signs up, opts in, downloads, or otherwise accesses the application from or through a website that complies with Section [106.143\(1\)](#), Florida Statutes.
- Sent by a third-party user from or through a campaign or committee's website, provided the website complies with Section [106.143\(1\)](#), Florida Statutes.
- Contained in or distributed through any other technology-related item, service, or device for which compliance with Section [106.143\(1\)](#), Florida Statutes, is not reasonably practical due to the size or nature of such item, service, or device as available, or the means of displaying the message or advertisement makes compliance with Section [106.143\(1\)](#), Florida Statutes, impracticable.

(Section [106.143\(10\)](#), Fla. Stat.)

**Disclaimer requirements do not apply to individuals seeking a publicly elected position on a political party executive committee.**

### Examples of Advertisements with Disclaimers

**Note:** The word “*elect*” or “*re-elect*” is not required to be used in political advertisements. The word “*re-elect*” may not be used if the candidate is not the incumbent for the office sought.

1. Non-incumbent, partisan candidate running for partisan office:

**ELECT  
JANE DOE  
For State Representative  
District 9**  
  
Paid by Jane Doe, Rep., for State Representative

OR

**ELECT  
JANE DOE  
For State Representative  
District 9**  
  
Political advertisement paid for and approved by Jane Doe, Republican, for State Representative

2. Incumbent, partisan candidate running for partisan office:

**RE-ELECT  
JOHN DOE  
Sheriff**  
  
Political advertisement paid for and approved by John Doe, Democrat, for Sheriff

OR

**RE-ELECT  
John Doe  
Sheriff**  
  
Paid by John Doe, Democrat, for Sheriff

3. Non-incumbent, no party affiliation candidate running for partisan office:

**ELECT  
John Doe  
For State Senate**

Political advertisement paid for and approved by John Doe, NPA, for State Senate

OR

**ELECT  
Joe Doe  
For State Senate**

Paid by John Doe, No Party Affiliation, for State Senate


4. Non-incumbent candidate running for nonpartisan office:



**ELECT  
John Doe  
For School Board**

Political advertisement paid for and approved by John Doe for School Board

OR



**ELECT  
John Doe  
For School Board**

Paid by John Doe for School Board

5. Incumbent candidate running for nonpartisan office:



**RE-ELECT  
Jane Doe  
School Board**

Political advertisement paid for and approved by Jane Doe for School Board

OR



**RE-ELECT  
Jane Doe  
School Board**

Paid by Jane Doe for School Board

**Disclaimer for Write-in Candidates**

Any political advertisement that is paid for by a write-in candidate and that is published, or circulated before, or on the day of, any election **must prominently state:** *“Political advertisement paid for and approved by (name of candidate), write-in candidate, for (office sought)”* **OR** *“Paid by (name of candidate), write-in candidate, for (office sought).”*


**Example:**



**Elect John Doe  
County Commission  
District 5**

Political advertisement paid for and approved by John Doe, write-in candidate, for County Commission

OR



**Elect John Doe  
County Commission  
District 5**

Paid by John Doe, write-in candidate, for County Commission

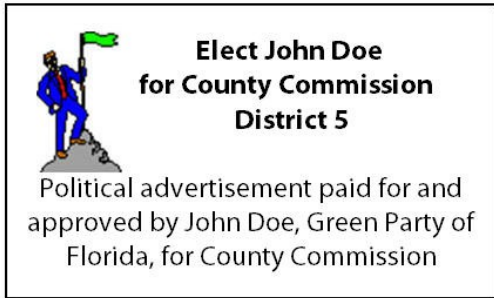


## Non-incumbent Advertisements

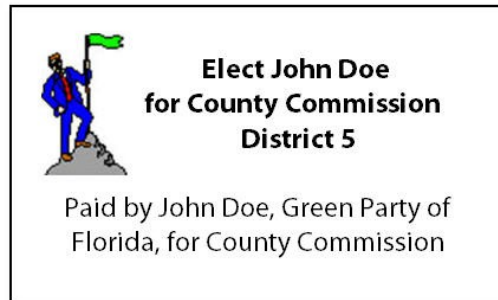
### Required:

The word “**for**” must be used in the body of such advertisement between the name of the candidate and the office sought. This does not apply to bumper stickers, or if the advertisement satisfies one of the exceptions in Section [106.143\(10\)](#), Florida Statutes.

### Example:



OR



## Advertisement Provided In-kind

### Required:

Political advertisements made as in-kind contributions from a political party **must prominently state**: *“Paid political advertisement paid for by in-kind by (name of political party). Approved by (name of person, party affiliation, and office sought in the political advertisement).”*

(Section [106.143\(2\)](#), Fla. Stat.)

### Example:



**FLORIDA ELECTIONS COMMISSION  
PHONE LOG  
Case No.: FEC 21-147**

**Respondent: Timothy Herbert**

**Complainant: Lawrence Hauff**

1. **Date and time:** March 30, 2022 @ 2:15 pm  
**Name:** Ana Cabezas – Kenneth City Town Clerk  
**Phone #:** 727-498-8948  
**Summary:** I left a voicemail asking what the best way to send an affidavit was to Ms. Cabezas' office. I followed up with an email.  
**Entered by:** Brian Ayres
  
2. **Date and time:** April 1, 2022 @ 9:18 pm  
**Name:** Ana Cabezas – Kenneth City Town Clerk  
**Phone #:** 727-498-8948  
**Summary:** Ms. Cabezas called to confirm what was needed in the affidavit I sent. She stated she was not in her current position during the time of Respondent's campaign and was not able answer all of the questions since she did not know if Respondent worked with her office previously. I told Ms. Cabezas to answer the questions to the best of her ability and my main focus was on what Respondent was provided when he qualified to be a candidate.  
**Entered by:** Brian Ayres
  
3. **Date and time:** April 1, 2022 @ 9:20 a.m.  
**Name:** Timothy Herbert - Respondent  
**Phone #:** (727) 420-2643  
**Summary:** I called Respondent via an attached number to his user profile in our system. The call was not successful. I left a generic voicemail stating to call me back at my extension or email me at my email address so I may confirm his contact information.  
**Entered by:** Brian Ayres
  
4. **Date and time:** April 4, 2022 @ 11:15 am  
**Name:** Timothy Herbert - Respondent  
**Phone #:** (727) 420-2643  
**Summary:** I called Respondent via an attached number to his user profile in our system using my blocked personal device. The call was not successful.  
**Entered by:** Brian Ayres
  
5. **Date and time:** April 6, 2022 @ 1:00 pm  
**Name:** Timothy Herbert  
**Phone #:** (727) 420-2643  
**Summary:** I called Respondent, the call went straight to voicemail. I left a message asking for the owner fo the number to call me back or email me with my provided contact information.  
**Entered by:** Brian Ayres

6. **Date and time:**

**Name:**

**Phone #:**

**Summary:**

**Entered by:**

**RESPONDENT INTERVIEW MEMO – Call details at #[LOG NUMBER]**

*Type and ask your case specific question(s) first, then ask the remaining questions.*

- Why was a disclaimer not used?
- Have you ever run for public office? If so, please name each office you ran for and state what year each election occurred.
- Have you ever been appointed to act as a campaign treasurer for a candidate? If so, please name each such candidate, the office each ran for, and state what year each election occurred.
- Have you ever held the office of chairperson, treasurer, or other similar position for a political committee or electioneering communications organization? If so, please name each committee, state the office you held for each, and state when you held each office.
- Have you ever prepared or signed a campaign treasurer's report? If so, please state the name of the candidate or committee whose report you prepared or signed.
- What action have you taken to determine your responsibilities under Florida's election laws?
- Do you possess a copy of Chapter 106, Florida Statutes? If so, when did you first obtain it? Have you read it?
- Do you possess a copy of the *Candidate and Campaign Treasurer Handbook*? If so, when did you first obtain it? Have you read it?
- Did you receive any other materials from your filing officer? If so, please describe them.
- Do you have anything else to add for the Commission's consideration regarding the charges specified in the letter of legal sufficiency in this case?

## **Brian Ayres**

---

**From:** Brian Ayres  
**Sent:** Friday, April 1, 2022 9:24 AM  
**To:** tevwill98@yahoo.com  
**Subject:** Florida Elections Commission - FEC 21-147

Good Morning Mr. Herbert,

My name is Brian Ayres and I am the investigator assigned to your case regarding political advertising and political disclaimers. We missed the opportunity to complete the Minor Violation Consent Order Agreement, so I am now bringing together information for the case.

I left a message to a number we have for you but please call me at my number below, or email me back the best time to call you regarding some questions and what may have happened during your campaign for Kenneth City Council.

Respectfully,

***Brian Ayres***

Investigation Specialist  
Florida Elections Commission  
107 W Gaines St., #224  
(850) 404-5616  
[Brian.Ayres@myfloridalegal.com](mailto:Brian.Ayres@myfloridalegal.com)

## **Brian Ayres**

---

**From:** Brian Ayres  
**Sent:** Wednesday, April 6, 2022 1:48 PM  
**To:** tevwill98@yahoo.com  
**Subject:** RE: Florida Elections Commission - FEC 21-147

**Importance:** High

Good afternoon Mr. Herbert,

I have attempted to contact you several times about Florida Election's Commission Case # 21-147. I will be proceeding with my investigation and finishing my report soon.

Please reach out to my office phone or email below to discuss this matter.

Respectfully,

***Brian Ayres***

Investigation Specialist  
Florida Elections Commission  
107 W Gaines St., #224  
(850) 404-5616  
[Brian.Ayres@myfloridalegal.com](mailto:Brian.Ayres@myfloridalegal.com)

---

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I left a message to a number we have for you but please call me at my number below, or email me back the best time to call you regarding some questions and what may have happened during your campaign for Kenneth City Council.

Respectfully,

***Brian Ayres***

Investigation Specialist  
Florida Elections Commission  
107 W Gaines St., #224  
(850) 404-5616  
[Brian.Ayres@myfloridalegal.com](mailto:Brian.Ayres@myfloridalegal.com)



# Florida Elections Commission

107 West Gaines Street, Suite 224 Tallahassee, Florida 32399-6596  
Telephone: (850) 922-4539 · Facsimile: (850) 921-0783  
[FEC@myfloridalegal.com](mailto:FEC@myfloridalegal.com) · [www.fec.state.fl.us](http://www.fec.state.fl.us)



August 11, 2021

Timothy Herbert  
4733 58<sup>th</sup> Street North  
Kenneth City, FL 33709-3613

**RE: Case No.: FEC 21-147; Respondent: Timothy Herbert**

Dear Mr. Herbert:

On February 24, 2021, the Florida Elections Commission received a complaint alleging you violated Florida's election laws. I have reviewed the complaint and find that it contains one or more **legally sufficient allegations**. The Commission staff will investigate the following alleged violation(s):

**Section 106.143(1)(a), Florida Statutes:** Respondent, a 2021 candidate for Town of Kenneth City Councilmember, paid for and distributed a political advertisement that contained express advocacy but did not include a proper disclaimer as alleged in the complaint.

However, prior to an investigation, you have the option to **resolve your case now by signing a minor violation consent order and paying a fine of \$250**, per Rule 2B-1.003, Florida Administrative Code, **rather than the potential \$1,000 per violation** provided for in Section 106.265, Florida Statutes.

If you sign the consent order, **you would not be required to admit or deny the allegation(s)** in the complaint, but you would be required to immediately correct the violation, if feasible.

The signed consent order would then be considered by the Commission at its next available meeting and would constitute final action by the Commission once it is accepted and approved by the Commission. You and the Complainant will receive notice at least 14 days before any hearing at which your case is to be considered.

**Please contact Mattie Clay by phone at (850) 922-4539, by email at [Mattie.Clay@myfloridalegal.com](mailto:Mattie.Clay@myfloridalegal.com)**, or at the address listed above, to accept this minor violation consent order.



Timothy Herbert  
August 11, 2021  
Page 2  
FEC 21-147

If you choose not to resolve this case by consent order, an investigation will be conducted, the Commission will hold one or more hearings to determine whether the alleged violation(s) occurred and, if so, the amount of fine to be imposed upon you.

**Please note that all documents related to this matter will be mailed to the above address unless you notify us of a new address.**

For additional information, please refer to the "Frequently Asked Questions" section on the Commission's website.

Sincerely,

A handwritten signature in blue ink that reads "Tim Vaccaro". The signature is fluid and cursive, with a long horizontal stroke at the end.

Tim Vaccaro  
Executive Director

TV/mw

## COMPLAINT

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 it is brought.

### 1. PERSON BRINGING COMPLAINT:

Name: Lawrence Hautt Work Phone: ( ) \_\_\_\_\_  
Address: 6114 49<sup>th</sup> Ave N Home Phone: (727) 403 5509  
City: Kenneth City County: Pinellas State: FL Zip Code: 33709

### 2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:

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

Name of individual or entity: Timothy Herbert  
Address: 4733 58<sup>th</sup> St N Phone: ( ) \_\_\_\_\_  
City: Kenneth City County: Pinellas State: FL Zip Code: 33709  
If individual is a candidate, list the office or position sought: Council Member

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

Are you alleging a violation of Section 104.271(2), F.S.? (check one)  Yes  No

Are you alleging a violation of Section 104.2715, F.S.? (check one)  Yes  No

### 3. ALLEGED VIOLATION(S):

Please attach a concise narrative statement in which you list the provisions of the Florida Election Code that you believe the person named above may have violated. The Commission has jurisdiction only to investigate provisions of Chapter 104 and Chapter 106, Florida Statutes. Please include the following items as part of your attached statement:

- The facts and actions that you believe support the violations you allege;
- The names/telephone numbers of persons whom you believe may be witnesses to the facts;
- A copy or picture of any political advertisement(s) you mention in your statement;
- A copy of each document you mention in your statement;
- An explanation of why you believe information you reference from websites is relevant; and
- Any other evidence supporting your allegations.

SEE REVERSE SIDE OF DOCUMENT FOR ADDITIONAL INFORMATION

*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.*

REC'D: FL ELECTIONS COM  
24 FEB 21 PM 3:00

4. OATH:

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

*Pmelias*

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

*Laurene Hoj*  
Original Signature of Person Bringing Complaint



Kathleen Strader  
Commission # GG091705  
Expires: April 9, 2021  
Bonded thru Aaron Notary

Sworn to and subscribed before me this 17 day of  
February, 20 21

*Kathleen Strader*  
Signature of Officer Authorized to Administer Oaths or Notary Public

*Kathleen Strader*

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

Personally Known \_\_\_\_\_ Or Produced Identification X  
Type of Identification Produced Drivers license

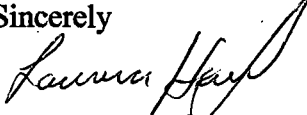
5. **IMPROPERLY COMPLETED COMPLAINT FORMS MAY BE RETURNED:**

- You **MUST** submit this completed complaint form in order to file a complaint.
- You **MUST** complete **ALL FOUR** of the above sections of this form. **DO NOT** leave any blanks.
- You **MUST** submit the **ORIGINAL** complaint form. Copied/faxed/emailed forms are returned.
- Each complaint can only be filed against **ONE PERSON** or **ENTITY**. If you wish to file against multiple parties, you **MUST** submit a complaint form for **each party** you wish to file against.
- **DO NOT** submit multiple complaint forms with one set of attachments applying to multiple complaints. You **MUST** attach **copies** of attachments to **each complaint** to which they apply.
- **MAKE SURE** the alleged violation(s) of **Chapters 104 or 106** occurred within the last **2 years**.
- **MAKE SURE** your complaint is **sworn** and there is **no defect** to the **notarization** in Section 4.

Timothy Herbert, candidate for Council Member for the Town of Kenneth City in the upcoming March 9, 2021 Town election, had this enclosed campaign flyer delivered in mass, door to door, to resident homes in Kenneth City in January 2021. It is a violation of 2020 Florida statute 106.143 as it does not have the required disclaimer "Political advertisement paid for and approved by (name of candidate), (party affiliation), for (office sought)".

These rules and requirements were given to each candidate in their election packet by the Kenneth City Town Clerk. These rules exist for specific reasons and need to be followed. It is my hope the Florida Elections Commission will investigate and enforce these rules set forth for all candidates to follow.

Sincerely

A handwritten signature in cursive script, appearing to read "Lawrence Hautt".

Lawrence Hautt

# VOTE TIMOTHY “WILL” HERBERT

*March 9, 2021 - Kenneth City Town Council*

Dear Kenneth City Resident,

Allow me this opportunity to introduce myself. My name is Timothy “Will” Herbert.

I have lived in Kenneth City right on 58<sup>th</sup> Street for over seven years. This year I am running for Town Council. The reason I am running is because I think with your help and your vote on March 9, 2021 we can make a positive impact on our town in a number of ways. Here are some of ideals I feel need to be addressed.

**People:** I believe there are many opportunities of community enrichment for our youth and seniors such as activities involving arts, leisure, sports and recreation that could be enhanced. These opportunities should be available to residents as well as children of all ages.

**Police:** The Kenneth City Police Department is an integral and essential function of our community. I would support and call for a renewed commitment to the Department; enhancing recruitment and retainage efforts so that we could build a tenured force of outstanding officers.

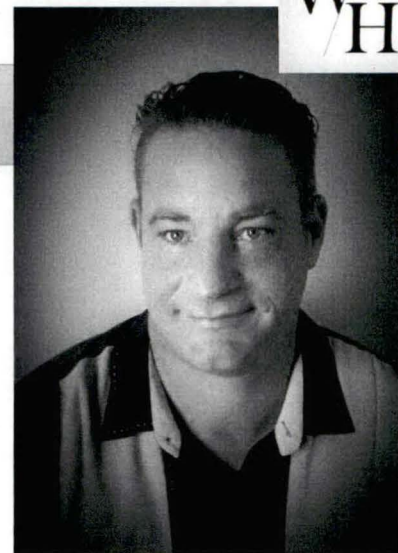
**Infrastructure:** Some of our roads and storm water conveyances are in disrepair. Our signage is out of compliance or missing all together. I would support the development of a 10 Year Infrastructure Master Plan that identifies and prioritizes, annually, the maintenance and repairs of our infrastructure.

**Economic Growth:** There are so many opportunities up and down 54<sup>th</sup> Avenue; not to mention the old Kmart site, 4501 66<sup>th</sup> Street, with huge potential for developing and promoting economic growth. Our town could attract business to a corridor that connects the interstate to the beaches. Surrounding cities have already capitalized and have already experienced this growth. Why not us?

Coming together as a team we can help our town and community. We have a lot of opportunities that we don't want to miss out on. As the old saying goes, the world keeps moving and things keep changing. This is true for Kenneth City as well and we need to keep the balance. Being proud of our community means supporting local, especially independent, businesses, donating and participating in local fundraisers, and supporting community members that show prospect and have needs to reach their goals. I love Kenneth City. We are a community that has great potential. I have great vision and am willing to work hard to help in any way I can. This is my home.

# VOTE TIMOTHY “WILL” HERBERT

*Dedicated to Serving our Hometown*



**Timothy Will Herbert**

**20 Years of Public Service and City Government experience and knowledgeable in the following areas:**

- *Asset Management*
- *Budgeting*
- *Capital Improvement Programs*
- *Equipment Maintenance*
- *Human Resources*
- *Infrastructure Management*
- *Plan Reviewing*
- *Project Management*
- *Purchasing / Procurement*
- *Union CBAs*
- *Event Coordinating*
- *Employee Development*



Lawrence Haupt  
6114 - 49th Ave. N.  
Kenneth City, FL 33709.

RECEIVED

2021 FEB 24 P 2:58

STATE OF FLORIDA  
ELECTIONS COMMISSION

Tampa, St. Pete, FL

WED 17 FEB 2021

02 TP  
000020-88  
MAILED FROM ZIP CODE 33709  
FEB 17 2021

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