

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

**In Re: Benjamin Alexander Thaddeus John
Horbowy**

Case No.: FEC 20-147

TO: Benjamin Alexander Thaddeus John Horbowy
1113 Old Bumpy Road
Tallahassee, FL 32317

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

NOTICE OF HEARING (INFORMAL HEARING)

A hearing will be held in this case before the Florida Elections Commission on, **February 9, 2022 at 9:00 am, or as soon thereafter as the parties can be heard**, at the following location: **Residence Inn Tallahassee Universities at the Capitol, 600 West Gaines Street, Tallahassee, Florida 32304.**

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 24, 2022

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

Florida Elections Commission,
Petitioner,

Case No.: FEC 20-147

v.

Benjamin Alexander Thaddeus John Horbowy,
Respondent.

ORDER OF PROBABLE CAUSE

THIS MATTER was heard by the Florida Elections Commission (“Commission”) at its regularly scheduled meeting on November 16, 2021, in Tallahassee, Florida.

On October 8, 2021, 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:

Count 1:

On or about March 10, 2020, Benjamin Alexander Thaddeus John Horbowy violated Section 106.07(7), Florida Statutes, when he failed to notify the filing officer in writing on the prescribed reporting date that he would not be filing his 2020 M2 Report.

Count 2:

On or about April 10, 2020, Benjamin Alexander Thaddeus John Horbowy violated Section 106.07(7), Florida Statutes, when he

failed to notify the filing officer in writing on the prescribed reporting date that he would not be filing his 2020 M3 Report.

DONE AND ORDERED by the Florida Elections Commission on November 16, 2021.



Nicholas Primrose, Chairman
Florida Elections Commission

Copies furnished to:
Mattie T. Clay, Assistant General Counsel
Benjamin Alexander Thaddeus John Horbowy, Respondent
Division of Elections, 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: Benjamin Alexander Thaddeus John
Horbowy**

Case No.: FEC 20-147

TO: Benjamin Alexander Thaddeus John Horbowy
1113 Old Bumpy Road
Tallahassee, FL 32317

Division of Elections
500 S. Bronough Street, Room 316
Tallahassee, FL 32399-6596

NOTICE OF HEARING (PROBABLE CAUSE DETERMINATION)

A hearing will be held in this case before the Florida Elections Commission on, **November 16, 2021 at 1:00 pm, or as soon thereafter as the parties can be heard**, at the following location: **Florida State Conference Center (Turnbull Center), 555 West Pensacola Street, Room 103, Tallahassee, Florida 32306**. 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.

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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.

Tim Vaccaro

Executive Director
Florida Elections Commission
November 1, 2021

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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: Benjamin Alexander Thaddeus John Horbowy

Case No.: FEC 20-147

STAFF RECOMMENDATION FOLLOWING INVESTIGATION

Pursuant to Section 106.25(4)(c), Florida Statutes, undersigned staff counsel files this written recommendation for disposition of the referral in this case recommending that there is **probable cause** to charge Respondent with violating **Section 106.07(7), Florida Statutes**. Based upon a thorough review of the Report of Investigation submitted on August 26, 2021, the following facts and law support this staff recommendation:

1. On June 29, 2020, the Florida Elections Commission (“Commission”) received a referral from the Department of State, Division of Elections (“Division”), alleging that Benjamin Alexander Thaddeus John Horbowy (“Respondent”) violated Chapter 106, Florida Statutes.

2. Respondent was a 2020 candidate for State Senator, District 3. Respondent’s Statement of Candidate form (“DS-DE 84”) was filed on April 5, 2019. (ROI Exhibit 2, page 1)¹

3. By letter dated August 5, 2020, the Executive Director notified Respondent that Commission staff would investigate the following statutory provision:

Section 106.07(7), Florida Statutes: As alleged in the complaint, Respondent, a 2020 candidate for State Senator, District 3, failed to notify the filing officer on the prescribed reporting date that no report would be filed on that date because he had not received funds, made contributions, or expended reportable funds during the following reporting periods:

- 2020 M2
- 2020 M3

4. By letter dated April 8, 2019, Donna S. Brown for Kristi Reid Willis, Chief, Bureau of Election Records, sent Respondent a letter acknowledging that the Division had received his Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates form. (ROI Exhibit 3, page 1)

5. The acknowledgment letter advised Respondent that all the Division’s publications and reporting forms were available on its website and directed Respondent to print out the *Calendar of Reporting Dates* as well as other relevant documents. (ROI Exhibit 3, page 2)

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

6. Pursuant to Section 106.07(7), Florida Statutes, in any reporting period during which a candidate has not received funds, made any contributions, or expended any reportable funds, the filing of the required report for that period is waived. However, the candidate is required to notify the filing officer in writing on the prescribed reporting date that no report is being filed on that date.

7. The *Candidate & Campaign Treasurer Handbook* references the statutory requirement regarding written notification and directs candidates to notify the Division by way of the Division’s electronic filing system. (ROI Exhibit 4, page 2) The *Candidate EFS User’s Guide* shows the process through which to notify the Division. The user’s guide instructs candidates to select the relevant reporting period and place a checkmark in a box titled “Waiver” to indicate the lack of reportable financial activity. (ROI Exhibit 5, pages 2-3)

8. Respondent failed to notify the filing officer on the prescribed reporting dates that no report would be filed for the following reporting periods, as set forth in the table below. (ROI Exhibit 6, page 1)

Report	Report Cover Period	Date Notification Due	Date Notification Filed	No. of Days Late
2020 M2	02/01/20 – 02/29/20	03/10/20	05/11/20	62
2020 M3	03/01/20 – 03/31/20	04/10/20	05/11/20	31

9. Respondent did not reply to the investigation but requested a face-to-face meeting. (ROI Exhibit 7, page 1) Respondent then stated he would speak if a public meeting was scheduled. (ROI Exhibit 8, page 1)

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

11. The facts set forth above show that Respondent was a 2020 candidate for State Senator, District 3. Respondent failed to notify the filing officer on the prescribed reporting dates that no report would be filed for the 2020 M2 and 2020 M3 reporting periods.

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 March 10, 2020, Benjamin Alexander Thaddeus John Horbowy violated Section 106.07(7), Florida Statutes, when he failed to notify the filing officer in writing on the prescribed reporting date that he would not be filing his 2020 M2 Report.

Count 2:

On or about April 10, 2020, Benjamin Alexander Thaddeus John Horbowy violated Section 106.07(7), Florida Statutes, when he failed to notify the filing officer in writing on the prescribed reporting date that he would not be filing his 2020 M3 Report.

Respectfully submitted on October 8th, 2021.



Mattie T. Clay
Assistant General Counsel

I reviewed this Staff Recommendation this 8th day of October 2021.



Stephanie J. Cunningham
General Counsel

FLORIDA ELECTIONS COMMISSION

Report of Investigation for Failure to Notify Filing Officer

Case Number: FEC 20-147

Section 106.07(7), Florida Statutes, failure of a candidate or political committee that did not receive any contributions or make any expenditures during a reporting period to timely notify the filing officer, in writing, that no report is being filed.

Respondent: Benjamin Alexander Thaddeus John Horbowy

Respondent's Atty: N/A

Division of Elections (Division)

Referral Filed: June 29, 2020

Respondent Type: Candidate

I. Preliminary Information:

1. Respondent was a 2020 candidate for State Senator, District 3; he was defeated in the primary election held on August 18, 2020. Respondent was a first-time candidate.

2. An Appointment of Campaign Treasurer and Designation of Campaign Depository (DS-DE 9) was filed on April 5, 2019. Nancy Horbowy was appointed as campaign treasurer. To review the DS-DE 9, refer to Exhibit 1.¹

3. Respondent filed a Statement of Candidate with the Division on April 5, 2019 in which Respondent certified he had been provided access to read and understand Chapter 106, F.S. To review the Statement of Candidate, refer to Exhibit 2.

4. An acknowledgement letter was mailed to the address provided on the DS-DE 9 on April 8, 2019, advising Respondent that all candidate filing reports with the Division are required to file by means of the Division's electronic filing system (EFS). Respondent was provided with a user identification number and initial password allowing access to the EFS.

5. The acknowledgement letter also advised Respondent that all of the Division's publications and reporting forms are available on their website, including Chapter 106, Florida Statutes, the *Candidate and Campaign Treasurer Handbook* and the *Calendar of Reporting Dates*. The letter further advised that it was Respondent's responsibility to read, understand, and follow the requirements of Florida's election laws. To review the acknowledgement letter, refer to Exhibit 3.

6. The *Candidate and Campaign Treasurer Handbook* discusses filing a waiver when there is no activity to disclose. To review the relevant page of the *Handbook*, refer to Exhibit 4.

7. The *Candidate EFS User's Guide* discusses how to notify the Division on the prescribed reporting date that no report will be filed using the EFS. Specifically, the *Handbook* instructs the user to click the box next to "waiver" if there is no activity to disclose. To review the relevant pages from the *Candidate EFS User's Guide*, refer to Exhibit 5.

II. Alleged Violation of Section 106.07(7), Florida Statutes:

¹ Another form was subsequently filed appointing a new treasurer.

8. I investigated whether Respondent violated this section of the election laws by not timely notifying the filing officer, in writing, that no reports would be filed due to not receiving any contributions or making expenditures during the following reporting periods. To review Respondent's filing history reflecting the untimely filed notifications summarized below, refer to Exhibit 6.

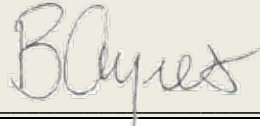
Report	Report Cover Period	Date Notification Due	Date Notification Filed	No. of Days Late
2020 M2	2/1 – 2/29/2020	3/10/2020	5/11/2020	62
2020 M3	3/1 – 3/31/2020	4/10/2020	5/11/2020	31

9. Respondent did not respond to the substantive allegations made in the referral.

10. Respondent did not respond to a questionnaire-affidavit, so I cannot determine whether Respondent read Chapter 106, Florida Statutes, or the *Candidate and Campaign Treasurer Handbook*.

11. On June 30, 2021, I called Respondent for the purpose of providing an opportunity to discuss the allegations made in the referral. Respondent refused to answer any questions and refused to speak to me unless it was face-to-face. I followed up the call with an email offering Respondent the opportunity to meet face-to-face, but in reply Respondent stated he had no interest in communication with me. To review the phone log, refer to Exhibit 7. To review the emails, refer to Exhibit 8.

SIGNATURE OF INVESTIGATOR: _____



Date: August 26, 2021

FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Benjamin Horbowy -- FEC 20-147

LIST OF EXHIBITS	
Exhibits #s	Description of Exhibits
Exhibit 1	Appointment of Campaign Treasurer and Designation of Campaign Depository (DS-DE 9)
Exhibit 2	Statement of Candidate (DS-DE 84)
Exhibit 3	Acknowledgement Letter
Exhibit 4	Candidate Handbook
Exhibit 5	Candidate EFS Guide
Exhibit 6	Filing History
Exhibit 7	Investigation Phone Log
Exhibit 8	Email Correspondence

HAND DELIVERED

RECEIVED
DEPARTMENT OF STATE

2019 APR -5 PM 2: 18

DIVISION OF ELECTIONS
TALLAHASSEE, FL

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

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

(PLEASE PRINT OR TYPE)

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

OFFICE USE ONLY

1. CHECK APPROPRIATE BOX(ES):

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

2. Name of Candidate (in this order: First, Middle, Last)
Benjamin Alexander Thaddeus John Horbowy

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

1113 Old Bumpy Road
Tallahassee Florida 32317

4. Telephone
(850) 565-9333

5. E-mail address
CEO@SmartGreenIndustries.com

6. Office sought (include district, circuit, group number)
Florida State Senate District 3

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

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

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

Write-In No Party Affiliation Republican Party candidate.

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

10. Name of Treasurer or Deputy Treasurer
Nancy Horbowy

11. Mailing Address
1113 Old Bumpy Road

12. Telephone
(850) 228-4672

13. City
Tallahassee

14. County
Leon

15. State
Florida

16. Zip Code
32317

17. E-mail address
tnhorbowy@gmail.com

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

19. Name of Bank
Capital City Bank

20. Address
3255 Mahan Dr

21. City
Tallahassee

22. County
Leon

23. State
Florida

24. Zip Code
32308

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
4-5-2019

26. Signature of Candidate

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

I, Nancy Horbowy, do hereby accept the appointment
(Please Print or Type Name)

designated above as: Campaign Treasurer Deputy Treasurer.

4-5-2019

Date

Signature of Campaign Treasurer or Deputy Treasurer

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

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

(PLEASE PRINT OR TYPE)

DELIVERED
RECEIVED

2019 NOV 14 AM 9:28

DIVISION OF ELECTIONS
TALLAHASSEE, FL

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

OFFICE USE ONLY

1. CHECK APPROPRIATE BOX(ES):

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

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

Benjamin Alexander Thaddeus John Horbowy

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

1113 Old Bumpy Rd
Tallahassee FL 32317

4. Telephone

(850) 565-9333

5. E-mail address

Benito850Strong@gmail.com

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

Senate District 3

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

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

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

Write-In No Party Affiliation Republican Party candidate.

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

10. Name of Treasurer or Deputy Treasurer

Tracy Sysk

11. Mailing Address

308 10th Ave West

12. Telephone

(850) 5090311

13. City

Havana

14. County

Gadsden

15. State

FL

16. Zip Code

32333

17. E-mail address

tracymbssse@gmail.com

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

19. Name of Bank T C Federal bank

20. Address 2915 Kerry Forrest Plwy,

21. City

Tallahassee

22. County

Leon

23. State

Florida

24. Zip Code

32308

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

11/14/19

26. Signature of Candidate

X 

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

I, Tracy Sysk, do hereby accept the appointment

(Please Print or Type Name)

designated above as: Campaign Treasurer Deputy Treasurer

11/14/19
Date

X 
Signature of Campaign Treasurer or Deputy Treasurer

HAND DELIVERED

RECEIVED
OFFICE DEPARTMENT OF STATE
2019 APR -5 PM 2: 18
DIVISION OF ELECTIONS
TALLAHASSEE, FL

**STATEMENT OF
CANDIDATE**

(Section 106.023, F.S.)

(Please print or type)

I, Benjamin Alexander Thaddeus John Horbowy aka "Benito",

candidate for the office of Florida State Senate District 3;

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



Signature of Candidate

4-5-2019

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 DEPARTMENT of STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

April 8, 2019

Benjamin Alexander Thaddeus John Horbowy
1113 Old Bumpy Road
Tallahassee, Florida 32317

Dear Mr. Horbowy:

This will acknowledge receipt of the Appointment of Campaign Treasurer and Designation of Campaign Depository for the office of State Senator, which was placed on file in our office on April 5, 2019. Your name has been placed on the 2020 active candidate list.

Campaign Treasurer's Reports

Your first campaign treasurer's report will be due on **May 10, 2019**. The report will cover the period of April 1-30, 2019 (2019 M4). All candidates who file reports with the Division of Elections are required to file by means of the Division's Electronic Filing System (EFS).

EFS Access

Below is the web address to access the EFS and your user identification number. The enclosed sealed envelope contains your filing credentials.

EFS Website Address: <https://efs.dos.state.fl.us>

Identification Number: 74245

Timely Filing

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

Division of Elections
R.A. Gray Building, Suite 316 • 500 South Bronough Street • Tallahassee, Florida 32399
850.245.6240 • 850.245.6260 (Fax) • DOS.MyFlorida.com/elections



Benjamin Horbowy
April 8, 2019
Page Two

Any candidate failing to file a report on the designated due date shall be subject to a fine of \$50 per day for the first 3 days late and, thereafter, \$500 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. However, for reports immediately preceding each primary and general election, the fine shall be \$500 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.

Electronic Receipts

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

Instructions and Assistance


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

All of the Division's publications and reporting forms are available on the Division of Elections' website at <http://dos.myflorida.com/elections/>. It is your responsibility to read, understand, and follow the requirements of Florida's election laws. Therefore, please print a copy of the following documents: Chapters 104 and 106, Florida Statutes, *Candidate and Campaign Treasurer Handbook*, *Calendar of Reporting Dates*, and Rule 1S-2.017, Florida Administrative Code.

Please let me know if you need additional information.

Sincerely,



 Kristi Reid Willis, Chief
Bureau of Election Records

KRW/dlh

Enclosures

pc: Nancy Horbowy, Treasurer

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
850.245.6240

(Rev. 04/3/2018)

An individual seeking a publicly elected position on a political party executive committee who receives a contribution or makes an expenditure must file a single report of all contributions and expenditures on the 4th day immediately preceding the primary election. (See [Chapter 18, Reporting for Individuals Seeking a Publicly Elected Position on a Party Executive Committee.](#))

Unless the electronic filing requirements of Section [106.0705](#), Florida Statutes, apply, reports shall be filed no later than 5 p.m. of the day designated. A report postmarked by the U.S. Postal Service no later than midnight of the day designated is deemed timely filed. A report received by the filing officer within 5 days after the designated due date that was delivered by the U.S. Postal Service is deemed timely filed unless it has a postmark indicating the report was mailed after the designated due date. A certificate of mailing obtained from and dated by the U.S. Postal Service at the time of mailing or a receipt from an established courier company, which bears a date on or before the date on which the report is due, is proof of mailing in a timely manner.

Reports filed with the Division through the [Electronic Filing System \(EFS\)](#) are due no later than midnight, Eastern Time, of the due date.

(Sections [106.07](#), [106.0705](#) and [106.141](#), F.S.; [Chapter 19, Electronic Filing of Campaign Reports](#))

Penalty for Late Filing

Any candidate failing to file a report on the designated due date shall be subject to a fine of \$50 per day for the first three days late

and, thereafter, \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, for the reports immediately preceding the primary and general election, the fine shall be \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report.

For a candidate's termination report, the fine shall be \$50 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater for the period covered by the late report. All fines must be paid from the candidate's **personal funds** – not campaign funds.

(Section [106.07\(2\)](#) and [\(8\)](#), F.S.)

Notice of No Activity

In any reporting period during which a candidate has not received funds or made any expenditures, the filing of the required report for that period is waived. **However, the candidate must notify the filing officer in writing on or before the prescribed reporting date that no report is being filed on that date.** (A notice of no activity filed with the Division must be filed electronically using the [EFS](#).) The next report filed must specify that the report covers the entire period between the last submitted report and the report being filed.

(Section [106.07](#), F.S.)

**Department of State
Division of Elections**

Candidate EFS User's Guide



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

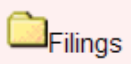

EFS HELP LINE: [850-245-6280](tel:850-245-6280)

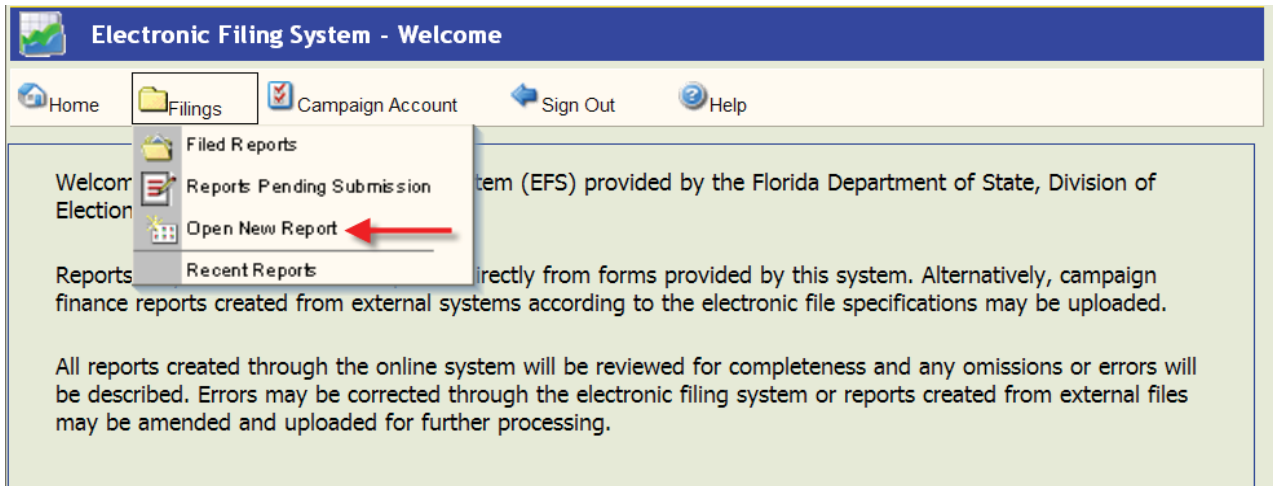
January 2011

Rule 1S-2.017, F.A.C.

DS-DE 110A (eff. 01/11)

Create a New Report by Data Entry

From the Welcome Screen, click  Filings and then  Open New Report.



Use this form to submit an original report. To submit an amendment to a previously filed report, first select the report from the 'Filed Reports' listing and then choose the 'Amend Report' option from the 'Edit' menu item.

Coverage Periods
Campaign finance reports itemize financial activity occurring during a specific reporting period. The reporting period is declared by first selecting the reporting year and then the report type. The beginning and ending coverage dates and the filing due date of the report are automatically associated with the *Reporting Year* and *Report Type*.


Election Cycle:


Report Type:

Coverage Period: Due Date:

Special Election Report Waiver

Uploading a Campaign Finance Report
A Campaign Finance report file meeting the department's specifications may be uploaded at the time a report is opened. Use the Browse button to locate and select the report text or zip file to be uploaded. You may upload the report file in a compressed zip. The zip file must contain only one report file.

Click  arrow next to **Election Cycle**. Scroll to the cycle associated with the report you are entering.

Click  arrow next to **Report Type** and select the report type that corresponds to the appropriate cover period and due date.

The **Cover Period** dates will automatically fill in based on the **Calendar of Election and Reporting Dates**. The end date can be changed for candidate termination reports.

The **Due Date** will automatically fill in based on the **Calendar of Election and Reporting Dates**.

******NOTE******

If this report is a waiver of report (no activity), click the box next to Waiver.

Election Cycle: 2010 General Election
Report Type: F2 2010
Coverage Period: 7/17/2010 7/30/2010 Due Date: 08/06/2010
 Special Election Report Waiver

Click at the bottom of the screen. A **Report Detail** screen (view only) will appear. This screen will not indicate any activity until individual detail data is entered, saved and a review is performed.

Report: 2010 - G4 - 27 2010 General Election Covers: 10/16/2010-10/28/2010 Due: 10/29/2010
 Amendment Waiver Complete Status: Incomplete Detail Records
File Date: Review Status: Not Reviewed
Status: Data Entry Last Review:
of Transactions: 0 Review Recalculate Go To File Report Append File Delete Report Save
Contributions Total Amount Expenditures Total Amount
Cash and Checks: 0.00 Monetary: 0.00
Loans: 0.00 Transfers to Off Acct: 0.00
Total Monetary: 0.00 Total Monetary: 0.00
In-Kind: 0.00 Other Distributions: 0.00
Review Messages
Created: 10/26/2010 11:41:25 AM By: 50552 Revised: 10/26/2010 11:41:25 AM By: 50552

File the Report

If the **Review Status** is Updated Detail – Needs Review the report has not been reviewed since the last update. (See page 38 for instructions on how to submit the report to the system for review.)

If the status of the report is Complete Detail Records, you are ready to file the report.

Report: 2010 - F3 - 26 2010 General Election Covers: 8/7/2010-8/19/2010 Due: 8/20/2010

Amendment Waiver Complete Status: Complete Detail Records

File Date: Review Status: Reviewed

Status: Data Entry Last Review: 8/19/2010 3:56:42 PM

of Transactions: 1

Contributions		Total Amount	Expenditures		Total Amount
Cash and Checks:	<input type="text"/>	0.00	Monetary:	<input type="text"/>	51.00
Loans:	<input type="text"/>	0.00	Transfers to Off Acct:	<input type="text"/>	0.00
Total Monetary:	<input type="text"/>	0.00	Total Monetary:	<input type="text"/>	51.00
In-Kind:	<input type="text"/>	0.00	Other Distributions:	<input type="text"/>	0.00

Review Messages:

Created: 8/19/2010 2:01:35 PM By: 50552 Revised: 8/19/2010 3:56:42 PM By: 50552

Click on .

The **candidate** enters his or her **PIN**, and then selects .

NOTE: A PIN is the same as your signature attesting to the validity of the report.

Step 1: Enter the candidate/chairperson PIN.

Step 2: Select the 'Report Approved' button.

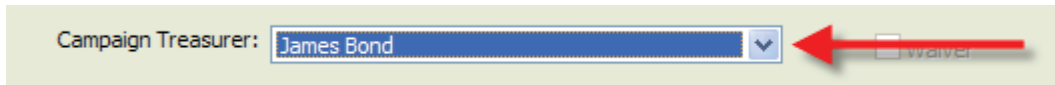
Report: 2010 - F3 - 26 Coverage Period: 8/7/2010-8/19/2010 Due: 8/20/2010

Review Status: Original Amended

Waiver

PIN for Candidate/Chairperson:

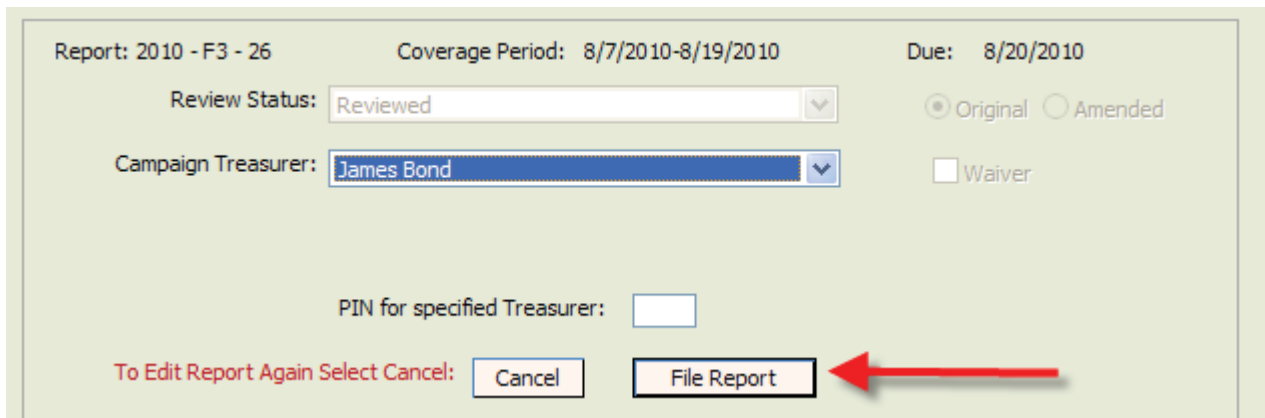
If there is more than one treasurer, click on the drop down and select the treasurer that is filing the report.



Campaign Treasurer: James Bond [v] Waiver

A red arrow points to the dropdown arrow next to 'James Bond'.

The treasurer enters his or her **PIN** and then clicks .



Report: 2010 - F3 - 26 Coverage Period: 8/7/2010-8/19/2010 Due: 8/20/2010

Review Status: Reviewed [v] Original Amended

Campaign Treasurer: James Bond [v] Waiver

PIN for specified Treasurer:

To Edit Report Again Select Cancel:

A red arrow points to the 'File Report' button.

IMPORTANT NOTE: If changes need to be made after a candidate enters his PIN, the treasurer must undo the candidate's PIN validation before the system will allow changes. See page 48 for instructions.



Florida Department of State - Division of Elections

Florida Election System Reports

Candidate/Committee Lookup

Candidate Name: Benjamin Alexander Thaddeus John Horbowy

Name:

Account: [74245](#)

Election:

Acct:

Type:

Date Due	Type	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amc Pa
11/16/2020	TR		FEC	0	\$0.00		\$0.00	\$
8/14/2020	P7	8/14/2020						
8/7/2020	P6	8/7/2020						
7/31/2020	P5	7/31/2020						
7/24/2020	P4	7/24/2020						
7/17/2020	P3	7/17/2020						
7/3/2020	P2	7/3/2020						
6/19/2020	P1	7/3/2020	DFS	14	\$445.46		\$445.46	\$
6/10/2020	M5	7/3/2020	DFS	23	\$13.06		\$13.06	\$
5/11/2020	M4	5/11/2020						
4/10/2020	M3	5/11/2020	FEC	31	\$0.00		\$0.00	\$
3/10/2020	M2	5/11/2020	FEC	62	\$0.00		\$0.00	\$
2/10/2020	M1	2/10/2020						
1/10/2020	M12	1/10/2020						
12/10/2019	M11	12/10/2019						
11/12/2019	M10	11/8/2019						
10/10/2019	M9	10/10/2019						
9/10/2019	M8	9/16/2019	CLO	6	\$6.57		\$6.57	\$
8/12/2019	M7	8/12/2019						
7/10/2019	M6	8/12/2019	DFS	33	\$55.35		\$55.35	\$
6/10/2019	M5	8/12/2019	CLO	63	\$0.00		\$0.00	\$
5/10/2019	M4	8/12/2019	CLO	94	\$0.00		\$0.00	\$

**FLORIDA ELECTIONS COMMISSION
PHONE LOG
Case No.: FEC 20-147**

Respondent: Benjamin Alexander Thaddeus Horbowy

Complainant: Division of Elections

1. **Date and time:** June 30, 2021 @2:00 p.m.
Name: Respondent – Mr. Horbowy
Phone #: 850-565-9333
Summary: I called Respondent for interview regarding 20-147 and 21-006. Respondent did not answer. I left a message providing Respondent with the best number to reach me at and my name.
Entered by: Brian Ayres

2. **Date and time:** June 30, 2021 @ 3:00 pm
Name: Respondent – Mr. Horbowy
Phone #: 850-565-9333
Summary: Respondent called. He refused to answer any questions. Instead, he stated he had been unable to meet with me face to face and refused to speak to me unless it is face to face. I told Respondent I was unaware of him trying to meet with me in person and recognized his emails to me that requested information on a face to face meeting. I explained to Respondent I was unaware of in-person meetings and any physical attempt to meet with me. I asked when Respondent attempted to meet with me and whether it was at the attorney general's office since there was no information, I had showing his attempted visits. Respondent replied by saying we can meet at the attorney general's office, however, his response indicated he was not aware this was the only location of the FEC. Respondent stated that he can meet me anywhere and since we are trying to take his money, he believes he has the right to speak about this issue face to face and ended the call. I will see if we can schedule a time for a face to face meeting if that is permissible given current situations regarding public access.
Entered by: Brian Ayres

3. **Date and time:**
Name:
Phone #:
Summary:
Entered by:

4. **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.

- **(20-147) Was there any reason or unforeseen circumstance that caused you to report your 2020 M2 and 2020 M3 CTR 62 and 31 days late, respectively?**
- **(21-006) According to a referral from the Division of Elections office, you filed a waiver of no activity for the Termination report period while your account still showed a balance. Why was a waiver filed and not a report to show disposition of remaining funds in your account?**
- 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 OR Political Committee OR Electioneering Communications Organization*] Handbook? If so, when did you first obtain it? Have you read it?
- *If a section of Chapter 104 is listed in the LS letter, ask:* Do you possess a copy of Chapter 104, Florida Statutes? 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: Benjamin "BigBen" Horbowy <benjaminhorbowy@gmail.com>
Sent: Wednesday, June 30, 2021 4:39 PM
To: Brian Ayres
Subject: RE: Florida Elections Commission - May 24, 2021

If you are an investigator and not the commission... I have no interest in communication.

Have the commission set up a public meeting and then we will talk.

I have a question for you. If this lingers on and I decide to run for another office, what would happen?

It's unconstitutional to charge or fee people who wish to seek public office.

Kindly,

#HelpVets #SaveBees

Benjamin "Big Ben" Horbowy
Smart Green Industries, LLC
850-721-1033
QlickFlo.com

On Jun 30, 2021, 4:25 PM -0400, Brian Ayres <Brian.Ayres@myfloridalegal.com>, wrote:

Mr. Horbowy,

If you would like to speak in person about the cases we have regarding your 2020 campaign for State Senate, we may do so. I would like to clarify that at this time, I am unable to close or dismiss your cases. A face to face meeting will be used as the interview for my report of investigation. A copy of my report of investigation will be provided to you upon its completion.

If you would like to continue with this face to face interview, please let me know when it is best for you. I have specific hours in which I am at the office. If you would like to discuss anything else, please let me know or feel free to call me.

Respectfully,

Brian Ayres

Investigation Specialist

Florida Elections Commission

107 W Gaines St., #224

(850) 404-5616

Brian.Ayres@myfloridalegal.com

From: Benjamin Alexander Horbowy <benjaminhorbowy@gmail.com>

Sent: Monday, May 24, 2021 3:43 PM

To: Brian Ayres <Brian.Ayres@myfloridalegal.com>

Subject: Re: Florida Elections Commission - May 24, 2021

Yes- how can we close these cases. When will we be able to have an in person meeting? Or how can you go about in dismissing these claims?

Benjamin "Big Ben" Horbowy

1113 Old Bumpy Road,

Tallahassee Florida 32317

+1-850-565-9333

Benjamin "Big Ben" Horbowy

Military Medical Grade™ 🍀📱🚀

Community Grows Commerce™

BitClout.com/U/BigBenQuality



BEE-cause 🐝

If the Bees Die, We Die 🐝

To Save Florida, Join Today 📱

donorbox.org/DontBeeABuzzKill

(SmartFlorida.org)

To be successful in business, remember  First thing you'll need is a  Write with Stylus & Confidence™
BigBensPen.com

Smart Green Industries, LLC.

1113 Old Bumpy Road,

Tallahassee Florida 32317

+1-850-565-9333

On May 24, 2021, at 12:36 PM, Brian Ayres <Brian.Ayres@myfloridalegal.com> wrote:

Mr. Horbowy,

I hope this email finds you well. I am the investigator assigned to your cases at the FEC, cases FEC 20-147 and 21-006. I am nearing the completion, would like to go over the referrals from the division, my investigation, and the next steps to the cases?

20-147 focuses on the 2020 M2 and M3 CTR and filing after the prescribed date for the reports.

21-006 is based on the TR for the 2020 campaign not being filed, or whether the TR needed to be a notice of no activity to the Division to finalize the campaign account.

If you would like to speak about my investigation, please let me know and we will schedule a time for me to call and go over any concerns or questions you may have.

Respectfully,

Brian Ayres

Florida Elections Commission

Investigation Specialist

**FLORIDA ELECTIONS COMMISSION
PHONE LOG
Case No.: FEC 20-147**

Respondent: Benjamin Alexander Thaddeus Horbowy

Complainant: Division of Elections

1. **Date and time:** June 30, 2021 @2:00 p.m.
Name: Respondent – Mr. Horbowy
Phone #: 850-565-9333
Summary: I called Respondent for interview regarding 20-147 and 21-006. Respondent did not answer. I left a message providing Respondent with the best number to reach me at and my name.
Entered by: Brian Ayres

2. **Date and time:** June 30, 2021 @ 3:00 pm
Name: Respondent – Mr. Horbowy
Phone #: 850-565-9333
Summary: Respondent called. He refused to answer any questions. Instead, he stated he had been unable to meet with me face to face and refused to speak to me unless it is face to face. I told Respondent I was unaware of him trying to meet with me in person and recognized his emails to me that requested information on a face to face meeting. I explained to Respondent I was unaware of in-person meetings and any physical attempt to meet with me. I asked when Respondent attempted to meet with me and whether it was at the attorney general's office since there was no information, I had showing his attempted visits. Respondent replied by saying we can meet at the attorney general's office, however, his response indicated he was not aware this was the only location of the FEC. Respondent stated that he can meet me anywhere and since we are trying to take his money, he believes he has the right to speak about this issue face to face and ended the call. I will see if we can schedule a time for a face to face meeting if that is permissible given current situations regarding public access.
Entered by: Brian Ayres

3. **Date and time:**
Name:
Phone #:
Summary:
Entered by:

4. **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.

- **(20-147) Was there any reason or unforeseen circumstance that caused you to report your 2020 M2 and 2020 M3 CTR 62 and 31 days late, respectively?**
- **(21-006) According to a referral from the Division of Elections office, you filed a waiver of no activity for the Termination report period while your account still showed a balance. Why was a waiver filed and not a report to show disposition of remaining funds in your account?**
- 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 OR Political Committee OR Electioneering Communications Organization*] Handbook? If so, when did you first obtain it? Have you read it?
- *If a section of Chapter 104 is listed in the LS letter, ask:* Do you possess a copy of Chapter 104, Florida Statutes? 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?



Florida Elections Commission

107 West Gaines Street, Suite 224 Tallahassee, Florida 32399-1050
Telephone: (850) 922-4539 · Facsimile: (850) 921-0783
FEC@myfloridalegal.com · www.fec.state.fl.us



August 5, 2020

Benjamin Alexander Thaddeus John Horbowy
1113 Old Bumpy Road
Tallahassee, FL 32317

RE: Case No.: FEC 20-147; Respondent: Benjamin Alexander Thaddeus John Horbowy

Dear Mr. Horbowy:

On June 29, 2020, 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 106.07(7), Florida Statutes: As alleged in the complaint, Respondent, a 2020 candidate for State Senator, District 3, failed to notify the filing officer on the prescribed reporting date that no report would be filed on that date because he had not received funds, made contributions, or expended reportable funds during the following reporting periods:

- 2020 M2
- 2020 M3

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 \$100**, 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 Eric Lipman by phone at (850) 922-4539, by email at Eric.Lipman@myfloridalegal.com, or at the address listed above, to accept this minor violation consent order.

Benjamin Alexander Thaddeus John Horbowy

August 5, 2020

Page 2

FEC 20-147

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,



Tim Vaccaro
Executive Director

TV/med

REGISTRATION
2020 APR 29 PM 2:08

DIVISION OF ELECTIONS FEC NOTICE FORM

To FEC from Division of Elections

Candidate: Benjamin Alexander Thaddeus John Horbowy

Account Number: 74245

Previous Treasurer: Tracy Sysk

Current Treasurer: Benjamin Alexander Thaddeus John Horbowy

The Division of Elections hereby provides this notice to the Florida Elections Commission pursuant to sections 106.07(8)(d), 106.22(7), and 106.25(2), Florida Statutes. An apparent violation of Chapter 106, Florida Statutes, has occurred based upon repeated late filings or failure to notify the filing officer in writing that no report was being filed on the prescribed reporting date as required by section 106.07(7), Florida Statutes, for the following reports:

2020 M2

2020 M3

- Benjamin Alexander Thaddeus John Horbowy (74245) is a 2020 candidate for the office of State Senator.
- On April 5, 2019, Mr. Horbowy filed the Appointment of Campaign Treasurer and Designation of Campaign Depository with the Division appointing Tracy Sysk as treasurer.
- On November 14, 2019, Tracy Sysk was appointed treasurer.
- On June 11, 2020, Mr. Horbowy appointed himself treasurer.
- The 2020 M2 campaign treasurer's report was due on March 10, 2020. Ms. Sysk failed to notify the Division that no report was being filed on the prescribed reporting date. On May 11, 2020, Ms. Sysk filed a notification of no activity. (See attached file receipt and letter.)

Benjamin Alexander Thaddeus John Horbowy (74245)

Page Two

- The 2020 M3 campaign treasurer's report was due on April 10, 2020. Ms. Sysk failed to notify the Division that no report was being filed on the prescribed reporting date. On May 11, 2020, Ms. Sysk filed a notification of no activity. (See attached file receipt and letter.)

Sent By: Kristi Reid Willis

Date: June 25, 2020

KRW

ejr

 **Treasurer Report Status**

ID: **74245** Name: **Benjamin Alexander Thaddeus John Horbowy**

Report: 2020 - M2 - 11

Print Date: **6/24/2020 8:33:58 AM**

Election: 2020 General Election

Covers: 2/1/2020-2/29/2020

Amended Waiver

Due: 3/10/2020

Filed: **5/11/2020 4:20:17 PM**

File Status: **Filed Report**

Reviewed: **5/11/2020**

Review Status: **Reviewed**

Detail Complete: **No Detail Records Found**

File Method: Web Filed

Number of Detail Records

Entry Method: Web Data Entry

Contributions: 0

Expenditures: 0

Pending Queued Items: **0**

Fund Transfers: 0

Distributions: 0

To Print Report: Right Click Mouse and Select 'Print'



FLORIDA DEPARTMENT OF STATE

Laurel M. Lee
Secretary of State

DIVISION OF ELECTIONS

May 12, 2020

Tracy Sysk, Treasurer
308 10th Avenue West
Havana, FL 32333-2333

CAN 74245

Dear Ms. Sysk:

The notification that you had no reportable activity for the report deadline of March 10, 2020, was not filed until May 11, 2020. Although the notification is late, no automatic fine is assessed because you had no receipts or expenditures during this reporting period.


However, to avoid potential issues in the future, please note that state law (s. 106.07(7), Fla. Stat.) requires you to file by the dates set out also in law, either a campaign finance report or if applicable, a notification that no reportable activity occurred for the reporting period. Failure to do may constitute a violation of sections 106.07(1) and 106.19(1)(c), Fla. Stat. The Division is required to notify the Florida Elections Commission of any apparent violation of chapter 106, Fla. Stat., or any failure to file a report or information required by chapter 106, Fla. Stat. If a matter is referred to the Florida Elections Commission, the Commission may assess a civil penalty of up to \$1,000 per violation.

If you have any questions, please contact the help desk at (850) 245-6280.

Sincerely,

Kristi Reid Willis, Chief
Bureau of Election Records

cc: Benjamin Alexander Thaddeus John Horbowy
Candidate for State Senator, District 3

 **Treasurer Report Status**

ID: **74245** Name: **Benjamin Alexander Thaddeus John Horbowy**

Report: 2020 - M3 - 12

Print Date: **6/24/2020 8:34:14 AM**

Election: 2020 General Election

Covers: 3/1/2020-3/31/2020

Amended Waiver

Due: 4/10/2020

Filed: **5/11/2020 4:21:11 PM**

File Status: **Filed Report**

Reviewed: **5/11/2020**

Review Status: **Reviewed**

Detail Complete: **No Detail Records Found**

File Method: Web Filed

Number of Detail Records

Entry Method: Web Data Entry

Contributions: 0

Expenditures: 0

Pending Queued Items: **0**

Fund Transfers: 0

Distributions: 0

To Print Report: Right Click Mouse and Select 'Print'



FLORIDA DEPARTMENT OF STATE

Laurel M. Lee
Secretary of State

DIVISION OF ELECTIONS

May 12, 2020

Tracy Sysk, Treasurer
308 10th Avenue West
Havana, FL 32333-2333

CAN 74245

Dear Ms. Sysk:

The notification that you had no reportable activity for the report deadline of April 10, 2020, was not filed until May 11, 2020. Although the notification is late, no automatic fine is assessed because you had no receipts or expenditures during this reporting period.

However, to avoid potential issues in the future, please note that state law (s. 106.07(7), Fla. Stat.) requires you to file by the dates set out also in law, either a campaign finance report or if applicable, a notification that no reportable activity occurred for the reporting period. Failure to do may constitute a violation of sections 106.07(1) and 106.19(1)(c), Fla. Stat. The Division is required to notify the Florida Elections Commission of any apparent violation of chapter 106, Fla. Stat., or any failure to file a report or information required by chapter 106, Fla. Stat. If a matter is referred to the Florida Elections Commission, the Commission may assess a civil penalty of up to \$1,000 per violation.

If you have any questions, please contact the help desk at (850) 245-6280.

Sincerely,

Kristi Reid Willis, Chief
Bureau of Election Records

cc: Benjamin Alexander Thaddeus John Horbowy
Candidate for State Senator, District 3