

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Michael Harvey, Sr.

Case No.: FEC 21-288

TO: Michael Harvey, Sr.
18009 Malakai Isle Drive
Tampa, FL 33647

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

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 21-288

v.

Michael Harvey Sr.,
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 June 29, 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(s):

Count 1:

On or about February 10, 2021, Michael Harvey Sr. 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 2021 M1 Report.

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Count 2:

On or around September 14, 2021, Michael Harvey Sr. violated Section 106.19(1)(c), Florida Statutes, when he falsely reported information required by Chapter 106, Florida Statutes, on the campaign's 2021 MI Report.

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:
Stephanie J. Cunningham, General Counsel
Michael Harvey Sr., 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 30 days from the date the Order of Probable Cause is filed with the Commission to request such a hearing. The date this order was filed appears in the upper right-hand corner of the first page of the order. At the hearing, you will have the right to make written or oral arguments to the Commission concerning the legal issues related to the violation(s) and the potential fine. At the request of Respondent, the Commission will consider and determine willfulness at an informal hearing. Otherwise, live witness testimony is unnecessary.

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

relevant to the violation(s) listed in this order, to cross-examine opposing witnesses, to impeach any witness, and to rebut the evidence presented against you.

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

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

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Micheal Harvey, Sr.

Case No.: FEC 21-288

TO: Micheal Harvey, Sr.
18009 Malakai Isle Drive
Tampa, FL 33647-2991

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

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.

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 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
October 31, 2023

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.



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



September 6, 2023

Michael Harvey, Sr.
219 Flamingo Drive Unit 3705
Apollo Beach, FL 33752

RE: Case No.: FEC 21-288; Respondent: Michael Harvey, Sr.

Dear Mr. Harvey:

The Florida Elections Commission at its August 15, 2023, virtual meeting was unable to hear this case. Therefore, this case has been rescheduled for its next meeting, which is scheduled for November 14-15, 2023, in Tallahassee. A notice of hearing indicating the exact date and time will be mailed approximately 14 days before the hearing.

If you have any questions, please contact us at the number listed above or at fec@myfloridalegal.com.

Sincerely,

Tim Vaccaro

Executive Director

TV/dm

cc: Division of Elections, Complainant

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Michael Harvey, Sr.

Case No.: FEC 21-288

TO: Michael Harvey, Sr.
219 Flamingo Drive Unit 3705
Apollo Beach, FL 33752

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

NOTICE OF HEARING (PROBABLE CAUSE DETERMINATION)

A hearing will be held in this case before the Florida Elections Commission on, **August 15, 2023 at 2:00 p.m.**, or as soon thereafter as the parties can be heard, at the following location: **Virtual Meeting.**

Register in advance for this meeting via Zoom link:

<https://us06web.zoom.us/meeting/register/tZYudumrjgoGNJ2UhnWkz6Q8JF6AOXxKwdP>

After registering, you will receive a confirmation email containing information about joining the meeting.

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See further instructions on the reverse side.

Tim Vaccaro

Executive Director
Florida Elections Commission
August 1, 2023

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

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

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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: Michael Harvey Sr.

Case No.: FEC 21-288

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 **Sections 106.07(7), and 106.19(1)(c), Florida Statutes**, but that **it is not in the public interest to proceed further** with regard to the alleged violations. Based upon a thorough review of the Report of Investigation submitted on February 2, 2023, the following facts and law support this staff recommendation:

1. On March 26, 2021, the Florida Elections Commission (“Commission”) received a referral from the Department of State, Division of Elections (“Division”), alleging that Michael Harvey Sr. (“Respondent”) violated Chapter 106, Florida Statutes.

2. Respondent was a 2022 candidate for State Senator, District 20. Respondent’s Statement of Candidate form was filed on December 21, 2020. (ROI Exhibit 2)¹ On June 17, 2022, Respondent changed his designation from State Senator, District 20, to State Senator, District 23, due to redistricting. (Attachment A)

3. By letter dated August 12, 2021, the Executive Director notified Respondent that Commission staff would investigate the following statutory provisions:

Section 106.07(7), Florida Statutes: As alleged in the complaint, Respondent, a 2022 candidate for State Senator, District 20, may have 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 2021 M1 reporting period.

Section 106.19(1)(c), Florida Statutes: As alleged in the complaint, Respondent, a 2022 candidate for State Senator, District 20, may have falsely reported or deliberately failed to include information during the 2021 M1 reporting period, as required by Chapter 106.

4. By letter dated December 22, 2020, Kristi Reid Willis, Chief, Bureau of Election Records, sent Respondent a letter acknowledging that the Division had received his Appointment

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

of Campaign Treasurer and Designation of Campaign Depository for Candidates form and that his name was placed on the 2022 active candidate list. (ROI Exhibit 3, page 1)

5. The acknowledgment letter advised Respondent that all candidates filing reports with the Division are required to use the electronic filing system (“EFS”) and provided Respondent with a user identification number and initial password to grant access to the EFS. (ROI Exhibit 3, page 1) The letter further advised Respondent that all of 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)

6. Respondent’s 2021 M1 Report was due to be filed by February 10, 2021; however, Respondent failed to timely file the report or notify the filing officer that no report would be filed. *See Compl.* By letters dated February 11, 2021, February 22, 2021, and March 11, 2021, the Division notified Respondent that his 2021 M1 Report had not been received. The letters also notified Respondent that he was still required to notify the Division if he had no reportable financial activity. (ROI Exhibits 4 & 5) The March 11, 2021, letter was confirmed delivered. (ROI Exhibit 5, page 2)

7. A subpoena was issued to Respondent’s designated campaign depository to ascertain whether any financial activity occurred during the relevant reporting period, i.e., January 1, 2021 – January 31, 2021. Respondent’s bank records show that the campaign depository was opened on June 9, 2021, after the relevant reporting period. (ROI Exhibit 7, page 1; ROI, p. 2, n. 1)

8. Respondent stated that he thought he filed a 2021 M1 Report but that he was not sure if his campaign depository was active during January of 2021. (ROI Exhibit 9, page 1)

9. On September 14, 2021, Respondent filed a 2021 M1 Report. The report was 216 days late and the Division assessed a fine of \$1,262.50 for the late filing of the report pursuant to Section 106.07(8)(b), Florida Statutes. (ROI Exhibit 6) The report disclosed one contribution from self in the amount of \$5,050 and two expenditures totaling \$5,050 for web and phone services. The report does not disclose the dates that the contribution and expenditures occurred, and the financial activity is not supported by the campaign’s bank records. (ROI Exhibits 7 & 8)

10. As it appears that Respondent had no financial activity, Respondent was required to notify the filing officer in writing that he would not be filing his 2021 M1 Report on the prescribed reporting date but failed to do so. Additionally, it appears that Respondent falsely reported information when he filed a 2021 M1 Report disclosing \$10,100 in financial activity that was not supported by the campaign’s bank records.

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 2022 candidate for State Senator, District 20. Respondent failed to timely file his 2021 M1 Report or notify the filing officer that no report would be filed. As it appears that Respondent had no financial activity, Respondent was required to notify the filing officer in writing that he would not be filing his 2021 M1 Report on the prescribed reporting date but failed to do so. Additionally, it appears that Respondent falsely reported information when he filed a 2021 M1 Report disclosing \$10,100 in financial activity that was not supported by the campaign's bank records. However, in light of the fact that Respondent was assessed a substantial fine by the Division for the 2021 M1 reporting period based on the filing of a report, it does not appear that the public interest would be served by proceeding further with regard to the alleged violations.

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 10, 2021, Michael Harvey Sr. 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 2021 M1 Report.

Count 2:

On or around September 14, 2021, Michael Harvey Sr. violated Section 106.19(1)(c), Florida Statutes, when he falsely reported information required by Chapter 106, Florida Statutes, on the campaign's 2021 M1 Report.

Staff further recommends that the Commission dismiss the alleged violations of Sections 106.07(7), and 106.19(1)(c), Florida Statutes, pursuant to Section 106.25(4)(j), Florida Statutes, as the public interest would not be served by proceeding further based on the specific facts and circumstances set forth above.

Respectfully submitted on June 29, 2023.



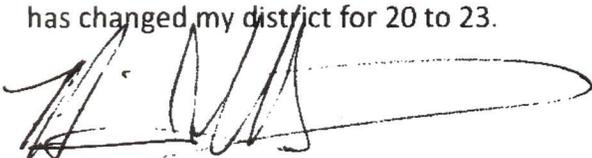
Stephanie J. Cunningham
General Counsel

I reviewed this Staff Recommendation this 29th day of June 2023.

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

Tim Vaccaro
Executive Director

I, Michael Harvey would like to change the district I'm running for to district 23. Redistricting has changed my district for 20 to 23.



Michael Harvey
Candidate For Senate 23

Hand Delivered

RECEIVED
DEPARTMENT OF STATE
2022 JUN 17 AM 8:44
DIVISION OF ELECTIONS
FALL MANAGEMENT

FLORIDA ELECTIONS COMMISSION

Report of Investigation for Sections 106.07(7) and 106.19(1)(c), F.S.

Case Number: FEC 21-288

Sections 106.07(7) and 106.19(1)(c), Florida Statutes, failure of a candidate or political committee that did not receive any contributions or make any expenditures during a reporting period to notify timely the filing officer, in writing, that no report is being filed or failure to file a campaign report to reflect financial activity.

Respondent: Michael Harvey, Sr.

Respondent’s Atty: N/A

Division of Elections (Division)

Referral Filed: March 26, 2021

Respondent Type: Candidate

I. Preliminary Information:

1. Respondent was a 2022 candidate for State Senator, District 20; he subsequently redesignated the office sought to State Senator, District 23, due to redistricting. Respondent was defeated in the general election on November 8, 2022. He was not a first-time candidate.

2. An Appointment of Campaign Treasurer and Designation of Campaign Depository (DS-DE 9) was filed on December 21, 2020. Brandy Harvey was appointed as campaign treasurer. To review the DS-DE 9, refer to Exhibit 1.

3. Respondent filed a Statement of Candidate with the Division on December 21, 2020, 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 December 22, 2020, advising Respondent that all candidates 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 Division sent correspondence to the address provided on the DS-DE 9 notifying Respondent that the following campaign report, or the required notification that no reportable activity occurred, had not been filed: 2021 M1. The letters included reference to the filing date for the report. To review the failure to file correspondence, refer to Exhibit 4.

7. On March 11, 2021, the Division sent a letter marked “Final Notice” with delivery confirmation to the address provided on the DS-DE 9 notifying Respondent that the following campaign report, or the required notification that no reportable activity occurred, had not been filed: 2021 M1. The letter was confirmed delivered on March 13, 2021. To review the letter marked “Final Notice” and delivery confirmation, refer to Exhibit 5.

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II. Alleged Violation of Sections 106.07(7), and 106.19(1)(c), Florida Statutes:

8. I investigated whether Respondent violated these sections of the election laws either by not notifying the filing officer, in writing, that no report would be filed due to not receiving any contributions or making expenditures during the following reporting period or by not filing a campaign report to reflect financial activity for the reporting period. To review the filing history, refer to Exhibit 6.

Report	Report Cover Period	Due Date	Report or Waiver Required	Exhibit 7 ¹
2021 M1	01/01/21 – 01/31/21	02/10/21	Waiver ²	7

9. Respondent did not respond to the referral.

10. I called Respondent for the purpose of providing an opportunity to discuss the allegations made in the referral. Respondent stated he believed filed the 2021 M1 report but was unsure if his campaign account was active during January of 2021. Respondent stated that he does not possess a copy of the *Candidate and Campaign Treasurer Handbook* or Chapter 106, Florida Statutes. To review the phone log, refer to Exhibit 9.

SIGNATURE OF INVESTIGATOR:  **Date:** February 2, 2023

¹ I subpoenaed campaign account records from the designated campaign depository. The records indicate that the campaign account was not opened until June 9, 2021.

² Respondent ultimately filed a 2021 M1 report on September 14, 2021, which was 216 days late. An automatic fine of \$1,262.50 was imposed for the late-filed report. To review the 2021 M1 report, refer to Exhibit 8.

FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Michael Harvey Sr. -- FEC 21-288

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	Division Acknowledgement Letter
Exhibit 4	First and Second Notice to File
Exhibit 5	Final notice to File
Exhibit 6	Filing History
Exhibit 7	Opening Business Account and First Bank Statement
Exhibit 8	Campaign Treasurer Report
Exhibit 9	Phone Log

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

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

(PLEASE PRINT OR TYPE)

RECEIVED

2020 DEC 21 AM 10:02

**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)

Michael Harvey Sr

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

16350 Bruce B Downs Blvd Unit 47676
Tampa FL 33647

4. Telephone

(813) 944-3399

5. E-mail address

mike@electmikeharvey.com

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

State Senate District 20

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 Democratic Party candidate.

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

10. Name of Treasurer or Deputy Treasurer

Brandy Harvey

11. Mailing Address

16350 Bruce B Downs Blvd Unit 47676

12. Telephone

(813) 944-3399

13. City Tampa	14. County Hillsborough	15. State FL	16. Zip Code 33647	17. E-mail address brandy@electmikeharvey.com
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18. I have designated the following bank as my Primary Depository Secondary Depository

19. Name of Bank

TD Bank

20. Address

3450 Clark Rd

21. City Sarasota	22. County Sarasota	23. State Florida	24. Zip Code 34231
-----------------------------	-------------------------------	-----------------------------	------------------------------

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

12-17-2020

26. Signature of Candidate

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

I, Brandy Harvey, do hereby accept the appointment
(Please Print or Type Name)

designated above as: Campaign Treasurer Deputy Treasurer.

12-17-2020
Date

Brandy Harvey
Signature of Campaign Treasurer or Deputy Treasurer

**STATEMENT OF
CANDIDATE**

(Section 106.023, F.S.)

(Please print or type)

OFFICE USE ONLY
RECEIVED

2020 DEC 21 AM 10:02

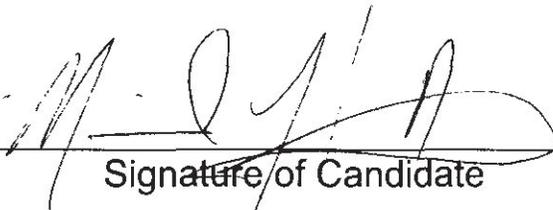
**DIVISION OF ELECTIONS
TALLAHASSEE, FL**

I, Michael Harvey Sr. ,

candidate for the office of State Senator District 20 ;

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

X


Signature of Candidate

12-17-2020
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

December 22, 2020

Michael Harvey, Sr.
16350 Bruce B Downs Boulevard, Unit 47676
Tampa, Florida 33647

Dear Mr. Harvey:

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 December 21, 2020. Your name has been placed on the 2022 active candidate list.

Campaign Treasurer's Reports

Your first campaign treasurer's report will be due on **January 11, 2021**. The report will cover the period of December 1-31, 2020 (2020 M12). 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. Enclosed are your confidential, filing credentials.

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

Identification Number: 79106

Timely Filing

All reports filed must be completed and filed through the EFS no later than midnight, Eastern Standard Time, 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](https://dos.myflorida.com/elections)

Michael Harvey, Sr.
December 22, 2020
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 three 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 <https://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/zjs

Enclosures

pc: Brandy Harvey, Treasurer



FLORIDA DEPARTMENT OF STATE

Laurel M. Lee
Secretary of State

DIVISION OF ELECTIONS

February 11, 2021

Michael Harvey Sr
Candidate for State Senator, District 20
16350 Bruce B Downs Boulevard
Unit 47676
Tampa, FL 33647-3647

CAN 79106

Dear Mr. Harvey:

Our records indicate that you have not filed either your campaign treasurer's report or notification that no reportable activity occurred, whichever is applicable. The filing date was February 10, 2021.

The law (s. 106.07(8)(b), Fla. Stat.) requires the filing officer to immediately notify you about the missed filing date and the automatic fines that will be assessed for late filing of a report, if a report was due.

- If reportable activity occurred and you have not filed a report, statutory fines are automatically assessed as follows until you file your report:

\$50 per day for the first 3 days late

\$500 per day for each day after the 3rd day late

If the required report immediately precedes a primary and general election, the automatic fine is \$500 for each late day.

The total fine for the untimely report cannot exceed 25% of the total receipts or expenditures, whichever is greater, for the cover period. Even if you end up filing your report late, we cannot waive the statutory fines. We will notify you of the specific amount of fines owed once you file your report. You have 20 days from the day you receive the notice to pay the fine or to appeal the fine to the Florida Elections Commission.

- If no reportable activity occurred for the report date(s), you are still required to notify us in writing, via the Division's Electronic Filing System, that no reportable activity occurred. No automatic fines are statutorily assessed.

However, in all cases, failure to file and/or untimely filing of a report of reportable activity, or if applicable, a notice that no reportable activity occurred, may constitute an apparent violation of chapter 106, Fla. Stat. If we refer such matter to the Florida Elections Commission, the Commission may subsequently impose a civil penalty for each violation under chapter 106.265(1), Fla. Stat.

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

Sincerely,

Kristi Reid Willis, Chief
Bureau of Election Records

cc: Brandy Harvey, Treasurer



FLORIDA DEPARTMENT OF STATE

Laurel M. Lee
Secretary of State

DIVISION OF ELECTIONS

Second Notice

February 22, 2021

Michael Harvey Sr
Candidate for State Senator, District 20
16350 Bruce B Downs Boulevard
Unit 47676
Tampa, FL 33647-3647

CAN 79106

Dear Mr. Harvey:

Our records indicate that you have not filed either your campaign treasurer's report or notification that no reportable activity occurred, whichever is applicable. The filing date was February 10, 2021.

We mailed, via regular mail, the first notice of the failure to file the above-mentioned report or notification to the address on file with our office on February 11, 2021.

The first notice which we provided to you specifically explained the automatic fine provisions in the law (s. 106.07(8)(b), Fla. Stat.) for failure to file a required report. Such fines are continuing to accrue for a late-filed report. Also, that notice explained that if no reportable activity occurred for the report date(s), you are still required to provide notification in writing that no reportable activity occurred. Our initial notice further indicated that, in all cases, failure to file and/or untimely filing of a report of reportable activity, or if applicable, a notice that no reportable activity occurred, may constitute an apparent violation of chapter 106, Fla. Stat. If we refer such matter to the Florida Elections Commission, the Commission may subsequently impose a civil penalty for each violation under chapter 106.265(1), Fla. Stat.

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

Sincerely,

Kristi Reid Willis, Chief
Bureau of Election Records

cc: Brandy Harvey, Treasurer



FLORIDA DEPARTMENT OF STATE
Laurel M. Lee
 Secretary of State
 DIVISION OF ELECTIONS

Final Notice
Delivery Confirmation:

USPS TRACKING # **9114 9023 0722 4739 2832 02**
 & CUSTOMER RECEIPT For Tracking or inquiries go to USPS.com
 or call 1-800-222-1811

March 11, 2021

Michael Harvey Sr
 Candidate for State Senator, District 20
 16350 Bruce B Downs Boulevard
 Unit 47676
 Tampa, FL 33647-3647

CAN 79106

Dear Mr. Harvey:

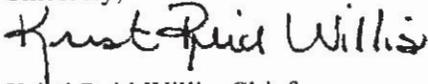
A recent review of the Division's records show that the Division has not yet received the below-referenced campaign treasurer's report or the required notification that no reportable activity occurred, whichever is applicable, during the following cover period:

<u>Year</u>	<u>Report</u>	<u>Cover Period</u>
2021	M1	1/1/21 - 1/31/21

The Division has previously notified you of the unfiled report or notification. Please file your report or notification. If the report is not filed within 7 days of receipt of this letter, the Division will refer this matter to the Florida Elections Commission, which may impose civil penalties of up to \$1000 per violation, apart from that automatic fine provisions of s. 106.07(8)(b), Fla. Stat.) that are applicable only to campaign finance reports.

As we stated in the prior notices, even if you now file the report or notification, the untimely filing of a report of reportable activity, or if applicable, a notice that no reportable activity occurred, may constitute an apparent violation of chapter 106, Fla. Stat. If we refer such matter to the Florida Elections Commission, the Commission may subsequently impose a civil penalty for each violation under chapter 106.265(1), Fla. Stat.

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

Sincerely,

 Kristi Reid Willis, Chief
 Bureau of Election Records

cc: Brandy Harvey, Treasurer

USPS Tracking®

[FAQs >](#)

[Track Another Package +](#)

Tracking Number: 9114902307224739283202

[Remove X](#)

Your item has been delivered and is available at a PO Box at 5:51 pm on March 13, 2021 in TAMPA, FL 33647.

Delivered

March 13, 2021 at 5:51 pm
Delivered, PO Box
TAMPA, FL 33647

Get Updates 

Text & Email Updates



Tracking History



Product Information



See Less 



Florida Department of State - Division of Elections

Florida Election System Reports

Candidate/Committee Lookup

Candidate Name: Michael Harvey Sr

Name:

Account: [79106](#)

Election:

Acct:

Type:

Date Due	Type	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amount Paid
3/10/2022	M2		SNT	0	\$0.00		\$0.00	\$0.00
2/10/2022	M1		SNT	0	\$0.00		\$0.00	\$0.00
1/10/2022	M12		SNT	0	\$0.00		\$0.00	\$0.00
12/10/2021	M11		FEC	0	\$0.00		\$0.00	\$0.00
11/10/2021	M10	11/10/2021						
10/12/2021	M9	10/12/2021						
9/10/2021	M8	9/14/2021	CLO	4	\$0.00		\$0.00	\$0.00
8/10/2021	M7	8/10/2021						
7/12/2021	M6	7/12/2021						
6/10/2021	M5	7/12/2021	FEC	0	\$6.25		\$6.25	\$0.00
6/10/2021	M5	7/12/2021	CLO	32	\$0.00		\$0.00	\$0.00
5/10/2021	M4	7/12/2021	CLO	63	\$0.00		\$0.00	\$0.00
4/12/2021	M3	4/12/2021						
3/10/2021	M2	4/12/2021	FEC	0	\$6.25		\$6.25	\$0.00
3/10/2021	M2	4/12/2021	CLO	33	\$0.00		\$0.00	\$0.00
2/10/2021	M1	9/14/2021	FEC	216	\$1,262.50		\$1,262.50	\$0.00
1/11/2021	M12	1/11/2021						



NEW BUSINESS ACCOUNT

REGION: West Central Florida (24) RC #: 7770 ACCOUNT NUMBER: _____ IM 94004
 TYPE OF ACCOUNT: TD Business Simple Checking TYPE CODE: 713
 OPENED BY: Elizabeth G Perry DATE OPENED: 06/09/2021

BUSINESS NAME / MAILING ADDRESS: _____ TIN: _____ LEGAL ADDRESS: (No PO Boxes)
COMMITTEE TO ELECT MIKE HARVEY 871065137 16350 BRUCE B DOWN BLVD UNIT 47476
16350 BRUCE B DOWN BLVD UNIT 47476 TAMAP FL 33647

 TAMAP, FL USA 33647

Verification: Verification Completed If Existing Customer, Enter the RM Number: 00000058886080

Account Relationship: Political Campaign-w/Signers

Additional Account Verification: Business/Entity Documentation: Formation Docs & Resolution

IMPORTANT INFORMATION

Federal law requires all financial institutions to obtain, verify and record information that identifies each person who opens an account.

You, the undersigned, as authorized representative(s) of the business named above (the "Accountholder"), acknowledge receipt of the Business Deposit Account Agreement, Business Schedule of Charges and Business Fee Schedule which govern the Accountholder's accounts with TD Bank, N.A. (the "Bank"). Your signature below and the Accountholder's use of the account shall evidence the Accountholder's acceptance of and agreement to be bound by the terms and conditions as set forth in the Business Deposit Account Agreement, Business Schedule of Charges and Business Fee Schedule, and any Addenda thereto, as the same may be amended from time to time.

If you, the undersigned, are personally liable for the Accountholder's obligations with respect to the account (such as the Accountholder's principal(s), owners(s) or guarantor(s)), you hereby authorize the Bank to, from time to time, request consumer reports containing references about you from third parties, such as a consumer reporting agency, in connection with opening and maintaining the account. If the Bank declines or is otherwise unable to open a deposit account as a result of any information contained in such consumer report(s), the Bank will provide such notice containing data regarding the consumer reporting agency as required by applicable law.

This section does not apply to U.S. non-resident aliens. Under penalty of perjury, you, the undersigned, certify that:

- The number shown on this form is the Accountholder's correct taxpayer identification number (or the Accountholder is waiting for a number to be issued to the Accountholder); and
- The Accountholder is not subject to backup withholding because: (a) the Accountholder is exempt from backup withholding, or (b) the Accountholder has not been notified by the Internal Revenue Service (IRS) that the Accountholder is subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified the Accountholder that the Accountholder is no longer subject to backup withholding; and
- The Accountholder is a U.S. person (including a U.S. resident alien); and
- The Foreign Account Tax Compliance Act (FATCA) code entered on this form (if any) indicating that the payee is exempt from FATCA reporting, is correct.

Certification Instructions. You must cross out Item 2 above if the Accountholder has been notified by the IRS that the Accountholder is currently subject to backup withholding because the Accountholder has failed to report all interest and dividends on the Accountholder's tax return or for any other reason. For real estate transactions, Item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellations of debt, contributions to an individual retirement arrangement (IRA) and, generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide the Accountholder's correct TIN.

The Internal Revenue Service does not require your or the Accountholder's consent to any provision of this document other than the certifications required to avoid backup withholding.

Relationship Consent

By checking this box and signing below, you, _____, authorize the Bank to use the balance from _____ (last 4 digits of account number), your personal checking account, to meet the balance requirement on the Accountholder's Business Convenience Checking Plus or Business Premier Checking account. See Business Deposit Account Agreement for details.

Authorized Representative(s)/Signer(s):

 Signature	 Signature
--	---

MICHAEL D HARVEY

Printed Name

Printed Name

11/18/1982

Date of Birth

314926733

TIN

Date of Birth

TIN

Verification: _____

Verification: _____

If Existing Personal Customer, Enter the RM Number: _____

If Existing Personal Customer, Enter the RM Number: _____

Date Signed: _____

Date Signed: _____

6/9/21
 Signature

Signature

Printed Name

Printed Name

Date of Birth

TIN

Date of Birth

TIN

Verification: _____

Verification: _____

If Existing Personal Customer, Enter the RM Number: _____

If Existing Personal Customer, Enter the RM Number: _____

Date Signed: _____

Date Signed: _____



E **STATEMENT OF ACCOUNT**

COMMITTEE TO ELECT MIKE HARVEY
16350 BRUCE B DOWN BLVD UNIT 47476
TAMAP FL 33647

Page: 1 of 2
Statement Period: Jun 09 2021-Jun 30 2021
Cust Ref #: 4394011806-713-E-***
Primary Account #:

TD Business Simple Checking

COMMITTEE TO ELECT MIKE HARVEY

Account #

ACCOUNT SUMMARY

Beginning Balance	0.00	Average Collected Balance	0.00
		Interest Earned This Period	0.00
Ending Balance	0.00	Interest Paid Year-to-Date	0.00
		Annual Percentage Yield Earned	0.00%
		Days in Period	22

DAILY ACCOUNT ACTIVITY

No Transactions this Statement Period

Call 1-800-937-2000 for 24-hour Bank-by-Phone services or connect to www.tdbank.com

Bank Deposits FDIC Insured | TD Bank, N.A. | Equal Housing Lender

How to Balance your Account

Begin by adjusting your account register as follows:

- Subtract any services charges shown on this statement.
- Subtract any automatic payments, transfers or other electronic withdrawals not previously recorded.
- Add any interest earned if you have an interest-bearing account.
- Add any automatic deposit or overdraft line of credit.
- Review all withdrawals shown on this statement and check them off in your account register.
- Follow instructions 2-5 to verify your ending account balance.

1. Your ending balance shown on this statement is:
2. List below the amount of deposits or credit transfers which do not appear on this statement. Total the deposits and enter on Line 2.
3. Subtotal by adding lines 1 and 2.
4. List below the total amount of withdrawals that do not appear on this statement. Total the withdrawals and enter on Line 4.
5. Subtract Line 4 from 3. This adjusted balance should equal your account balance.

1	Ending Balance		0.00
2	Total Deposits	+	
3	Sub Total		
4	Total Withdrawals	-	
5	Adjusted Balance		

2	DEPOSITS NOT ON STATEMENT	DOLLARS	CENTS
	Total Deposits		2

4	WITHDRAWALS NOT ON STATEMENT	DOLLARS	CENTS
	Total Withdrawals		4

	WITHDRAWALS NOT ON STATEMENT	DOLLARS	CENTS
	Total Withdrawals		4

FOR CONSUMER ACCOUNTS ONLY IN CASE OF ERRORS OR QUESTIONS ABOUT YOUR ELECTRONIC FUNDS TRANSFERS:

If you need information about an electronic fund transfer or if you believe there is an error on your bank statement or receipt relating to an electronic fund transfer, telephone the bank immediately at the phone number listed on the front of your statement or write to:

TD Bank, N.A., Deposit Operations Dept, P.O. Box 1377, Lewiston, Maine 04243-1377

We must hear from you no later than sixty (60) calendar days after we sent you the first statement upon which the error or problem first appeared. When contacting the Bank, please explain as clearly as you can why you believe there is an error or why more information is needed. Please include:

- Your name and account number.
- A description of the error or transaction you are unsure about.
- The dollar amount and date of the suspected error.

When making a verbal inquiry, the Bank may ask that you send us your complaint in writing within ten (10) business days after the first telephone call.

We will investigate your complaint and will correct any error promptly. If we take more than ten (10) business days to do this, we will credit your account for the amount you think is in error, so that you have the use of the money during the time it takes to complete our investigation.

INTEREST NOTICE

Total interest credited by the Bank to you this year will be reported by the Bank to the Internal Revenue Service and State tax authorities. The amount to be reported will be reported separately to you by the Bank.

FOR CONSUMER LOAN ACCOUNTS ONLY BILLING RIGHTS SUMMARY

In case of Errors or Questions About Your Bill:

If you think your bill is wrong, or if you need more information about a transaction on your bill, write us at P.O. Box 1377, Lewiston, Maine 04243-1377 as soon as possible. We must hear from you no later than sixty (60) days after we sent you the FIRST bill on which the error or problem appeared. You can telephone us, but doing so will not preserve your rights. In your letter, give us the following information:

- Your name and account number.
- The dollar amount of the suspected error.
- Describe the error and explain, if you can, why you believe there is an error. If you need more information, describe the item you are unsure about.

You do not have to pay any amount in question while we are investigating, but you are still obligated to pay the parts of your bill that are not in question. While we investigate your question, we cannot report you as delinquent or take any action to collect the amount you question.

FINANCE CHARGES: Although the Bank uses the Daily Balance method to calculate the finance charge on your Moneyline/Overdraft Protection account (the term "ODP" or "OD" refers to Overdraft Protection), the Bank discloses the Average Daily Balance on the periodic statement as an easier method for you to calculate the finance charge. The finance charge begins to accrue on the date advances and other debits are posted to your account and will continue until the balance has been paid in full. To compute the finance charge, multiply the Average Daily Balance times the Days in Period times the Daily Periodic Rate (as listed in the Account Summary section on the front of the statement). The Average Daily Balance is calculated by adding the balance for each day of the billing cycle, then dividing the total balance by the number of Days in the Billing Cycle. The daily balance is the balance for the day after advances have been added and payments or credits have been subtracted plus or minus any other adjustments that might have occurred that day. There is no grace period during which no finance charge accrues. Finance charge adjustments are included in your total finance charge.

**FLORIDA DEPARTMENT OF STATE, DIVISION OF ELECTIONS
CAMPAIGN TREASURER'S REPORT SUMMARY**

(1) Mike Harvey (2) 79106
 Candidate, Committee or Party Name I.D. Number

(3) 16350 Bruce B Downs Boulevard Tampa FL 33647
 Address (number and street) City State Zip Code

Check box if address has changed since last report

(4) Check appropriate box(es):

Candidate (office sought):
 Political Committee Check If PC has DISBANDED
 Committee of Continuous Existence Check If CCE has DISBANDED
 Party Executive Committee

(5) REPORT IDENTIFIERS

Cover Period: From 01/01/2021 To 01/31/2021 Report Type: M1

Original Amendment Special Election Report

(6) CONTRIBUTIONS THIS REPORT

Cash & Checks	\$5,050.00
Loans	\$0.00
<i>Total Monetary</i>	\$5,050.00
In-Kind	\$0.00

(7) EXPENDITURES THIS REPORT

Monetary Expenditures	\$5,050.00
Transfers to Office Account	\$0.00
<i>Total Monetary</i>	\$5,050.00

(8) Other Distributions

Certification

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

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

Name of Treasurer Deputy Treasurer

X
Signature

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

Name of Candidate Chairman (PC/PTY Only)

X
Signature

Name: Mike Harvey

Report: 2021 M1

Period: 01/01/2021 to 01/31/2021

**** Records in Filed Report ****

Seq #	Full Name (Last, Suffix, First, Middle)	Contributor	Occupation	Amount
Date	Street Address & City, State, Zip	Type	In-Kind Description	Amend
* 1	HARVEY MICHAEL 16350 BRUCE B DOWNS BLVD UNIT 47676 TAMPA, FL 33647	S	PUBLISHER	\$5,050.00
		CHE		

Name: Mike Harvey

Report: 2021 M1

Period: 01/01/2021 to 01/31/2021

**** Records in Filed Report ****

Seq # Date	Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip	Type	Purpose	Amount Amend
* 1	HUGE DOMAINS HUGE DOMAINS 2635 WALNUT ST. DENVER, CO	MON	PURCHASE OF WEB SERVICE	\$5,000.00
* 2	VONAGE VONAGE 23 MAIN STREET HOLMDEL, NJ	MON	PHONE SERVICE	\$50.00

ID:

CAMPAIGN TREASURER'S REPORT – ITEMIZED FUND TRANSFERS

Name: Mike Harvey

Report: 2021 M1

Period: 01/01/2021 to 01/31/2021

**** Records in Filed Report ****

Seq # Date	Full Name (Last, Suffix, First, Middle Street Address & City, State, Zip	Type	Nature of Account	Amount Amend

ID:

CAMPAIGN TREASURER'S REPORT – ITEMIZED DISTRIBUTIONS

Name: Mike Harvey

Report: 2021 M1

Period: 01/01/2021 to 01/31/2021

**** Records in Filed Report ****

Seq #	Full Name (Last, Suffix, First, Middle)	Recipient	Purpose	Amount
Date	Street Address & City, State, Zip	Type	Related Expenditure	Amend

**FLORIDA ELECTIONS COMMISSION
PHONE LOG
Case No.: FEC 21-288**

Respondent: Michael Harvey

Complainant: Divison of Elections

1. **Date and time:** August 18, 2021
Name: Michael Harvey - Respondent
Phone #: 813-944-3399
Summary: I spoke with respondent about his case. He is willing to assist in the investigation and will provide screenshots of his client portal with the division as well as his January bank statements. Respondent was not sure if his campaign depository was active for the month of January. Respondent stated he believed he had submitted his M1 report but was not sure as to why the Division had not received it. He is going to call the Division and speak to an auditor about his campaign. Respondent will also look into whether or not he should get a treasurer specifically for his campaign.
Entered by: Brian Ayres
2. **Date and time:** March 30, 2022 @ 3:38pm
Name: Michael Harvey - Respondent
Phone #: 813-944-3399
Summary: I called Respondent after I have been able to look through his bank records. Respondent's campaign was not open until June of 2021, meaning he needed to file a waiver for the 2021 M1 report. Call was unsuccessful.
Entered by: Brian Ayres
3. **Date and time:**
Name:
Phone #:
Summary:
Entered by:
4. **Date and time:**
Name:
Phone #:
Summary:
Entered by:
5. **Date and time:**
Name:
Phone #:
Summary:
Entered by:
6. **Date and time:**
Name:

Phone #:
Summary:
Entered by:

7. **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.

- **What was the reason you were unable to file either a waiver of activity or a CTR for the 2021 M1 reporting period?**

Definitely thought they had submitted this report. Will send screenshots for what he is seeing.

- **Can you provide your January bank statement from your designated campaign depository and any and all online campaign contributions that may have taken place in the Month of January 2021?**

yes

- Have you ever run for public office? If so, please name each office you ran for and state what year each election occurred.

Nil and water conservation district, 2020.

- 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.

no

- 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.

no

- 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.

Previous and current

- What action have you taken to determine your responsibilities under Florida's election laws?

Looked them up. Not aware of M1, will go on candidate side.

- Do you possess a copy of Chapter 106, Florida Statutes? If so, when did you first obtain it? Have you read it?

no

- Do you possess a copy of the *Candidate and Campaign Treasurer*? If so, when did you first obtain it? Have you read it?

no

- *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.

Unknown, audit letters and public documents

- 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?

No nothing to add, did not knowingly or mislead anything on purpose.

**FLORIDA ELECTIONS COMMISSION
PHONE LOG
Case No.: FEC 21-288**

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

Phone #:
Summary:
Entered by:

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

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

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Nil and water conservation district, 2020.

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Previous and current

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Looked them up. Not aware of M1, will go on candidate side.

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no

- Do you possess a copy of the *Candidate and Campaign Treasurer*? If so, when did you first obtain it? Have you read it?

no

- *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.

Unknown, audit letters and public documents

- 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?

No nothing to add, did not knowingly or mislead anything on purpose.

Brian Ayres

From: Brian Ayres
Sent: Wednesday, August 18, 2021 12:39 PM
To: Mike Harvey
Subject: RE: Complaint filed against Michael Harvey

Mr. Harvey,

I am available from now until 4:30. Anytime between then I am more than happy to call and go over this case with you.

Brian Ayres

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

From: Mike Harvey <mike@electmikeharvey.com>
Sent: Wednesday, August 18, 2021 9:35 AM
To: Brian Ayres <Brian.Ayres@myfloridalegal.com>
Subject: Re: Complaint filed against Michael Harvey

Good Morning,
Yes, I would be more than willing. What time works best for you?

Michael Harvey
Candidate Senate District 20
mike@electmikeharvey.com
www.electmikeharvey.com
813-944-3399

CONFIDENTIALITY NOTICE:

This communication constitutes an electronic communication within the meaning of the Electronic Communications Privacy Act, 18 U.S.C. § 2510, and its disclosure is strictly limited to the recipient intended by the sender of this message. This communication may contain confidential and privileged material for the sole use of the intended recipient and receipt by anyone other than the intended recipient does not constitute a loss of the confidential or privileged nature of the communication. Any review or distribution by others is strictly prohibited. If you are not the intended recipient please contact the sender by return electronic mail and delete all copies of this communication.

On Aug 18, 2021, at 9:27 AM, Brian Ayres <Brian.Ayres@myfloridalegal.com> wrote:

Hello Mr. Harvey,

I would be happy to explain the legal sufficiency letter to you and any other questions you may have. Especially with getting this matter finished quickly.

Will you be available this afternoon for a phone call?

Respectfully,
Brian Ayres
Florida Elections Commission
Investigator

From: Mike Harvey <mike@electmikeharvey.com>
Sent: Tuesday, August 17, 2021 7:34 PM
To: Brian Ayres <Brian.Ayres@myfloridalegal.com>
Subject: Complaint filed against Michael Harvey

I'm not even sure what is alleged in the complaint. I have never filled a false report deliberately failed to include information. I would love to cooperate fully and get this matter resolved as quickly as possible. Thank you.

<image0.jpeg>

Michael Harvey
Candidate Senate District 20
mike@electmikeharvey.com
www.electmikeharvey.com
813-944-3399

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Florida Elections Commission

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



August 12, 2021

Michael Harvey Sr.
219 Flamingo Drive Unit 3705
Apollo Beach, FL 33752-7024

RE: Case No.: FEC 21-288; Respondent: Michael Harvey Sr.

Dear Mr. Harvey:

On March 26, 2021, the Florida Elections Commission received a complaint alleging that 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 violations:

Section 106.07(7), Florida Statutes: As alleged in the complaint, Respondent, a 2022 candidate for State Senator, District 20, may have 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 2021 M1 reporting period.

Section 106.19(1)(c), Florida Statutes: As alleged in the complaint, Respondent, a 2022 candidate for State Senator, District 20, may have falsely reported or deliberately failed to include information during the 2021 M1 reporting period, as required by Chapter 106.

When we conclude the investigation, a copy of the Report of Investigation (ROI) will be mailed to you at the above address. Based on the results of the investigation, a staff attorney will prepare and present a written Staff Recommendation (SR) to the Commission as to whether there is probable cause to charge you, the Respondent, with violating Chapters 104 or 106, Florida Statutes. You will have an opportunity to respond to both the ROI and the SR. The Commission will then hold one or more hearings to determine whether the alleged violations occurred and, if so, the amount of the fine to be imposed upon you. Notice will be mailed to you and the Complainant at least 14 days before any hearing at which your case is to be considered.

Pursuant to Section 106.25(4)(i)3., Florida Statutes, the Commission may enter into a consent agreement with a Respondent to settle a complaint prior to a finding of probable cause. If you are interested in entering negotiations directed towards reaching a consent agreement to resolve this matter, please contact the Commission and request to speak with the attorney assigned to this case.

Michael Harvey Sr.
August 12, 2021
Page 2
FEC 21-288

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

Pursuant to Section 106.25, Florida Statutes, complaints, investigations, investigative reports, and other documents relating to an alleged violation of Chapters 104 or 106, Florida Statutes, are confidential until the Commission finds probable cause or no probable cause, unless the Respondent files a written waiver of confidentiality with the Commission. The confidentiality provision does not apply to the Complainant or the Respondent.

Should you retain counsel, your attorney must file a notice of appearance with the Commission before any member of the commission staff can discuss this case with him or her.

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

If you have additional questions, please contact **Brian Ayres**, the investigator assigned to this case, by phone at (850) 922-4539 or by email at Brian.Ayres@myfloridalegal.com.

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

**DIVISION OF ELECTIONS
FEC NOTICE FORM**

To FEC from Division of Elections

FILED-F1 ELECTIONS COM
26 MAR '21 PM 3:40

Candidate: Michael Harvey Sr.
Account Number: 79106
Treasurer: Brandy Harvey

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, Florida Statutes. An apparent violation of Chapter 106, Florida Statutes, has occurred based upon the candidate's alleged failure to file a report after notice or failure to file a notification to 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.

The following report is outstanding after notification: 2021 M1

- Michael Harvey Sr. (79106) is a 2022 candidate for the office of State Senator.
- On December 21, 2020, Mr. Harvey filed the Appointment of Campaign Treasurer and Designation of Campaign Depository with the Division.
- The 2021 M1 campaign treasurer's report was due on February 10, 2021. On February 11, 2021, the Division mailed Mr. Harvey notification that the 2021 M1 campaign treasurer's report had not been filed.
- On February 22, 2021, the Division mailed Mr. Harvey notification that the 2021 M1 campaign treasurer's report had not been filed.
- On March 11, 2021, the Division mailed Mr. Harvey final notification with delivery confirmation that the 2021 M1 report had not been filed. (See attached letter and delivery confirmation.)
- Mr. Harvey did not notify the Division of Elections prior to or on the prescribed reporting date for the 2021 M1 report that no report was to be filed.
- As of March 24, 2021, Mr. Harvey has not filed the 2021 M1 report.

Sent By: Kristi Reid Willis
Date: March 24, 2021 *KRW*
zjs



FLORIDA DEPARTMENT OF STATE

Laurel M. Lee

Secretary of State

DIVISION OF ELECTIONS

Final Notice
Delivery Confirmation:

USPS TRACKING # & CUSTOMER RECEIPT **9114 9023 0722 4739 2832 02**
For Tracking or inquiries go to USPS.com or call 1-800-222-1811

March 11, 2021

Michael Harvey Sr
Candidate for State Senator, District 20
16350 Bruce B Downs Boulevard
Unit 47676
Tampa, FL 33647-3647

CAN 79106

Dear Mr. Harvey:

A recent review of the Division's records show that the Division has not yet received the below-referenced campaign treasurer's report or the required notification that no reportable activity occurred, whichever is applicable, during the following cover period:

<u>Year</u>	<u>Report</u>	<u>Cover Period</u>
2021	MI	1/1/21 - 1/31/21

The Division has previously notified you of the unfiled report or notification. Please file your report or notification. If the report is not filed within 7 days of receipt of this letter, the Division will refer this matter to the Florida Elections Commission, which may impose civil penalties of up to \$1000 per violation, apart from that automatic fine provisions of s. 106.07(8)(b), Fla. Stat.) that are applicable only to campaign finance reports.

As we stated in the prior notices, even if you now file the report or notification, the untimely filing of a report of reportable activity, or if applicable, a notice that no reportable activity occurred, may constitute an apparent violation of chapter 106, Fla. Stat. If we refer such matter to the Florida Elections Commission, the Commission may subsequently impose a civil penalty for each violation under chapter 106.265(1), Fla. Stat.

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

Sincerely,

Kristi Reid Willis, Chief
Bureau of Election Records

cc: Brandy Harvey, Treasurer

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Your item has been delivered and is available at a PO Box at 5:51 pm on March 13, 2021 in TAMPA, FL 33647.

Delivered

March 13, 2021 at 5:51 pm
Delivered, PO Box
TAMPA, FL 33647

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