

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: FLORIDA MAINSTREET MERCHANTS,
RESPONDENT

Case No.: FEC 11-036
FEC 11-37

NOTICE OF HEARING ON APPEAL OF AUTOMATIC FINE

TO: Samantha Hunter Padgett
Deputy General Counsel, Florida Retail Federation
227 South Adams Street
Tallahassee, FL 32302

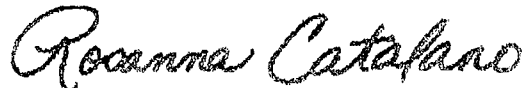
PLEASE TAKE NOTICE that on **May 10, 2011**, at **9:35 a.m.** or thereafter as the parties can be heard, the Florida Elections Commission will bring on to be heard Respondent's appeal of the fine imposed by the filing officer for Respondent failing to file timely the campaign treasurers reports due on August 6, 2010. The Commission shall meet at: **Senate Office Building, 404 S. Monroe Street, Room 401, Tallahassee, FL.**

Respondent and staff shall have **ten minutes** to present their case to the Commission. Failure to appear in accordance with this notice will constitute a waiver of your right to a hearing, and the Commission will decide this case on the record before it. Convenience of location is not a basis for continuing or postponing the scheduled hearing. **See reverse side for additional instructions.**

If you require an accommodation due to a disability, contact Patricia Rushing, Commission Clerk, at (850) 922-4539 or at the address listed below, at least 48 hours before the hearing.

PLEASE GOVERN YOURSELF ACCORDINGLY.

Dated on April 18, 2011.



Rosanna Catalano
Executive Director

INSTRUCTIONS FOR HEARING ON APPEAL OF AUTOMATIC FINE

Please be advised that other cases have been scheduled for the same time. Therefore, your case may not be called exactly at the time set forth on this notice.

At the automatic fine hearing, the Florida Elections Commission will decide whether Respondent's campaign treasurers report was timely filed or whether there were unusual circumstances that excuse his failure to timely file his report.

Rule 2B-1.0055, *Florida Administrative Code*, defines **unusual circumstances** as "uncommon, rare or sudden events over which the actor has no control and which directly result in the failure to act in accordance with the filing requirements. Circumstances which allow for time in which to take those steps necessary to assure compliance with the filing requirement shall be deemed not to constitute unusual circumstances."

The hearing will be conducted pursuant to Section 106.07(8)(c), *Florida Statutes*, if Respondent is a candidate, a political committee, or an electioneering communications organization; Section 106.04(8)(c), *Florida Statutes*, if Respondent is a committee of continuous existence; or Section 106.29(3)(c), *Florida Statutes*, if Respondent is a political party; and Commission Rules 2B-1.005, 1.0052, & 1.0055, *Florida Administrative Code*.

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.

Before making a decision, the Commission will review the written documents submitted by Respondent and staff at least ten days before the hearing and the information presented at the hearing. Rule 2B-1.005, *Florida Administrative Code*, provides that unless good cause is shown, the Commission will not consider any written document unless it has been filed with the Commission Clerk at least ten days before the hearing.

When the case is called, the Chair will read a brief statement and may ask the Respondent and his attorney, if one is present, to state their names for the record. Respondent will then have time to present his case to the Commission. Witnesses may be called to testify on Respondent's behalf. If Respondent calls witnesses, the staff attorney may cross-examine those witnesses after Respondent's questioning is finished. After Respondent's presentation, staff will have the same amount of time to present its case. If the staff attorney calls witnesses, Respondent may cross-examine those witnesses after staff's questioning is finished.

At any time during the presentations the Commissioners may ask questions of Respondent, his attorney, the witnesses, and staff. After the presentations are concluded, the Commissioners will discuss the case and decide whether Respondent's report was timely filed or whether there were unusual circumstances that excuse his failure to file timely his report. The Commission will make a decision by a majority vote of those members present and voting.

After the Commission meeting, the Commission will send Respondent a written order reflecting the Commission's decision. If the Commission upholds the fine, Respondent will have 30 days to pay the fine.

If you have any questions about the procedures for the hearing, please contact Patsy Rushing, Commission Clerk at 107 W. Gaines Street Collins Building, Suite 224 Tallahassee, FL 32399-1050, phone number: (850) 922-4539.

FLORIDA ELECTIONS COMMISSION CASE REPORT

Case Number: FEC-11-037

NAME: FLORIDA MAINSTREET MERCHANTS

DATE APPEAL RECEIVED: 10/22/10

DATE HEARD BY FEC: 5/10/10

DATE HEARING REQUEST RECEIVED: 10/22/10

DATE REPORT DUE: 8/6/10 (2010 F1)

DATE OF ELECTRONIC RECEIPT: 8/6/10

DATE FILING OFFICER RECEIVED REPORT: 8/19/10

NUMBER OF DAYS LATE: 13

AMOUNT OF FINE: \$5,150.00

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

TOTAL RECEIPTS FOR REPORTING PERIOD: \$0.00

TOTAL EXPENDITURES FOR REPORTING PERIOD: \$110,325.00

DATE FIRST NOTIFICATION WAS RECEIVED: Fine letter dated 10/6/10

SUMMARY: Florida Mainstreet Merchants is an electioneering communications organization (ECO) registered with the Division of Elections. The ECO's chair is Richard A. McAllister, and its treasurer is Sally West House. Samantha Hunter Padgett is the attorney representing the ECO in this appeal.

The ECO is appealing the fine claiming that there was confusion concerning its registration status. Additionally, Ms. West was not notified of the report due dates when she received the ECO's credentials. Ms. Padgett submitted an affidavit from Ms. West reflecting that Ms. West was unsure whether the ECO was considered a new or pre-existing committee; therefore, their registration form had to be corrected several times. Ms. West further states in her affidavit, "After conversing with the Division employee, I did not understand that Mainstreet would be required to submit the reports within two days...I felt two weeks was a reasonable period of time in which to submit reports."

Section 106.0703(8), Florida Statutes states "An electioneering communications organization shall, within 2 days after receiving its initial password or secure sign-on...electronically file the periodic reports that would have been required pursuant to this section..."

Tom Burkes who works for the Division of Elections, provided an affidavit stating that although he cannot recall the entire conversation with Ms. West, it is his practice to always discuss with ECOs the requirement to file back reports within two days of receipt of credentials.

This case has the same fact pattern as FEC 11-036.

PRIOR CASES: This ECO has not had any prior cases before the Commission.

FEC ACTION:		FINE DUE: \$ _____	DATE: _____
TIMELY FILED: YES _____ NO _____	UNUSUAL CIRCUMSTANCES: YES _____ NO _____		
WAIVER: PARTIAL _____ FULL _____	FINE INCORRECTLY CALCULATED: YES _____ NO _____		
UC REASON:	INITIALS:		

Florida Elections Commission
c/o Ms. Patsy Rushing, Clerk
107 W. Gaines Street
Suite 224
Tallahassee, FL 32399-0100

RECEIVED
10 OCT 22 PM 2:39
STATE OF FLORIDA
ELECTIONS COMMISSION

October 22, 2010

Dear Florida Elections Commission:

The Florida Division of Elections (Division) issued a notice of imposition of fine dated October 4, 2010 to Mr. Richard A. McAllister, Chairperson, Florida Mainstreet Merchants, at 227 South Adams Street, Tallahassee, FL 32302. Mr. McAllister's phone number is 850-222-4082.

Pursuant to Rule 2B-1.005, Florida Administrative Code, this letter serves as a notice to appeal the imposition of fine and a request for hearing by personal appearance before the Commission.

We ask the Commission to exercise the authority granted in Secs. 106.265 and 106.0703, Florida Statutes, and reduce the fine in whole or in part based on the mitigating circumstances in this case. A copy of the imposition of fine issued by the filing officer is included in the attached Exhibits.

Timeline of Events

On May 22, 2009, the United States District Court Northern District of Florida in *Broward Coalition v. Browning* struck down as unconstitutional Florida's law regarding Electioneering Communications Organizations (ECOs). Prior to this time, Florida Mainstreet Merchants (Mainstreet), an ECO registered with the Florida Division of Elections, consistently issued timely the reports due under the Florida law. Following the *Broward Coalition* decision, Mainstreet lawfully reported its activities to the federal government. *See* Exhibit A.

On May 28, 2010, HB 131 was signed into law, reenacting reporting requirements for ECOs in Florida. On June 3, 2010, the Florida Division of Elections issued a memo stating new registration information would be available on its website. *See* Exhibit B. This information was not immediately available on the website. *See* "Affidavit of Sally West". As a result, Mainstreet was not able to immediately register with the Division. *Id.* Form DS-DE 103 as filed by Mainstreet on July 22, 2010 shows the form was revised as of July 2010. *See* Exhibit C.

It was not readily apparent to Ms. Sally West House (Ms. West), Treasurer of Florida Mainstreet Merchants, how she should register Mainstreet. *See* Affidavit. She inquired of the Division if it should be regarded as a new organization or as a pre-existing organization. *Id.* She received verbal guidance from the Division that she should register as a new organization. *Id.* Ms. West filed the registration papers with the Division via certified letter on July 22, 2010. *See* Exhibits C and D.

Following the submission of the registration papers, the Division called Rick McAllister, Chairperson of Mainstreet, to tell him changes to the DS-DE 103 were necessary. *See* Affidavit. No written notification was given. *Id.* Mr. McAllister forwarded this message to Ms. West. *Id.* Ms. West was out of the office; she made the requested changes and filed the corrected document promptly upon her return. *See* Exhibit E. The Division requested additional changes, and a third registration form was filed. *See* Exhibit F. Ms. West filed the registration form three times due to requests for changes required by the Division. Ms. West complied with each request, and no additional changes were demanded after the third filing.

The Division issued a letter to Mainstreet on August 4, 2010 indicating the Application for Certification was received on August 3, 2010 and Mainstreet was now considered an active organization. *See* Exhibit G. Following the letter, Ms. West had additional questions, so she called the Division for clarification regarding the reports requested and the time allowed for filing of said reports. *See* Affidavit. Ms. West was assured by the Division staff person with whom she spoke that reports submitted in a timely manner would be acceptable. *Id.* After conversing with the Division, Ms. West did not understand she would be required to submit the reports within two days. *Id.* She felt two weeks was a reasonable period of time in which to submit reports. *Id.*

The Division employee to whom Ms. West spoke requested she send a fax to the Division for clarification. *See* Exhibit H. Ms. West sent a letter by fax to the Division on August 4, 2010. *See* Attachment to Exhibit F. Its purpose was to insure there was no confusion about the length of time for which Mainstreet Merchants had been in existence. The letter set forth Ms. West's understanding, based on her conversations with the Division's representative, that the required look-back reports would be submitted as soon as possible. Further, it demonstrated Mainstreet's good faith effort to comply with the law and disclose all activities as required.

Ms. West filed the 2010 F1 report on August 19, 2010. *See Exhibit I.* On October 4, 2010, the Division sent a letter to Mr. McAllister informing him that a report due August 6, 2010 was not filed until August 19, 2010. *See Exhibit J.* According to this letter, the report was 13 days late.

Mitigating Circumstances

We respectfully request the Commission consider the following:

- Prior to the *Broward Coalition* decision, Mainstreet filed reports with the Florida Division of Election since 2004. During the tenure of the current Treasurer, Sally West House, all reports were timely filed according to law. (We believe Mainstreet may have been subject to a fine in 2006, prior to Ms. West's tenure as Treasurer. Mainstreet records do not indicate any other concerns regarding Mainstreet's adherence to law.) Immediately following the *Broward Coalition* decision, Mainstreet filed reports with the federal government. This demonstrates Mainstreet's long-standing commitment to lawful and timely reporting of ECO activities.
- Throughout the registration process, Ms. West communicated with the Division on numerous occasions in an attempt to understand the registration process and submit the correct information. She promptly made changes as requested by the Division. Ms. West submitted a letter by fax to the Division at its request that spelled out Mainstreet's activities. This demonstrates Mainstreet's good faith effort to work with openly the Division to provide the correct information. It also demonstrates Mainstreet's good faith effort to respond promptly to clear directives from the Division.
- The ECO law was declared unconstitutional, and re-enacted one year later with substantial amendments. The Division stated that new registration information would be available on the website, and this was delayed. A new ECO handbook was not immediately available to provide guidance to potential registrants. The Division required the DS-DE 103 be submitted three different times and provided conflicting information to Ms. West. The Division also requested information from Ms. West to clarify Mainstreet's activities and history. This demonstrates there was a great deal of change and confusion regarding ECO registration following re-enactment of the law.

- According to Sec. 106.0703(7)(b), Florida Statutes, “for the reports immediately preceding each primary and general election, the fine shall be \$500 per day for each late day.” The letter clearly states the report was due August 6, 2010 and was not submitted until August 19, 2010. This is a period of 13 days. Under the provisions of the statute, the fine would be \$6,500.00 (13 days x \$500). The imposition of fine letter issued on October 4, 2010 indicates a fine of \$12,150.00. This demonstrates the Division did not fulfill its statutory duty to promptly and correctly notify Mainstreet of its late filing and the basis for the computation of the corresponding fine. Given the clear statement by the Division that the report was 13 days late, we are confused as to how the Division arrived at the figure of \$12,150.00.

We are troubled by the duty to keep, maintain, and submit reports for the period of time during which the law was unconstitutional. We are aware Sec. 106.0703(8), Florida Statutes, requires an ECO to “electronically file the periodic reports that would have been required pursuant to this section for reportable activities that occurred since the date of the last general election.” Compliance with this section would be straightforward had the statute remained in continuous effect. It is not at all clear that the law can retroactively require the submission of reports of contributions and expenditures of an entity not subject to state regulation during the period of time in which the Florida Division of Elections had no authority to enforce the ECO law and was enjoined by the Federal courts from doing so.

We respectfully assert requiring the submission of reports for the period of time in which the law was unconstitutional is an inappropriate retroactive application of the statute. To determine if a law should be applied retroactively, first one would consider if the legislature has stated a clear intent to apply the statute retroactively. *Metropolitan Dade County v. Chase Federal Housing*, 737 So.2d 494 (Fla., 1999). Absent clear legislative intent, “a law affecting substantive rights, liabilities and duties is presumed to apply prospectively.” *Id.* at 499. Second, one would consider if retroactive application is constitutionally permissible. *Id.*; *Florida Hospital Waterman, Inc. v. Buster*, 984 So.2d 478 (Fla., 2008). If retroactive application is merely procedural and remedial in nature, retroactive application is permissible. *McCord v. Smith*, 43 So.2d 704 (Fla., 1949). If retroactive application creates a new duty or obligation, or “attaches

new legal consequences to events completed before its enactment”, retroactive application would be inappropriate. *Metro Dade County* at 503, 499.

The statute contains a duty to report all reportable activities occurring since the last general election upon registration with the Division. This language was present in both the statute as it existed prior to *Broward Coalition* and the statute as reenacted in 2010. That the law was declared unconstitutional and the Division clearly exercised no authority in this area for the intervening period between laws is significant. The 2010 iteration of the law does not specify a retroactive duty to report activities taking place while there was no constitutional statute in place. Simply restating the previous law does not address whether the legislature intended to create a retroactive duty to keep and submit reports to the Division for the period of time in which the court’s opinion in *Broward Coalition* clearly forbade the Division from enforcing ECO laws. The 2010 reenactment cured constitutional infirmities in the statute for prospective application. But it would be unjust for the Division to circumvent the court’s decision in *Broward Coalition* and attempt to retroactively obtain reports that it had no authority to require during that period of time.

If it is determined that the reenactment of the law with no additional clarification or guidance is deemed sufficient to establish legislative intent, the additional duties and penalties of retroactive application make such application inappropriate. Mainstreet is being required to file a report for the intervening period in which there was no constitutional law in effect. Without the guidance of a constitutional state law, it is unclear what the state reporting requirements would have been. Thus it is a new duty, a duty not imposed prior to the passage of the 2010 law. It can be argued that requiring the filing is merely remedial in nature and seeks to insure there are no gaps in reporting. However, failing to file such reports or filing them in an untimely fashion carries a stiff penalty of several thousand dollars. The levy of a sizable penalty is a significant legal consequence that also makes retroactive application inappropriate.

We respectfully assert there is no clear legislative intent to require retroactive reporting to the Division for the period of time in which there was no constitutional state law requiring the registration and reporting of ECO contributions and expenditures in place. Further, requiring the submission of reports for that period of time creates a new duty for ECOs. Failure to fulfill that

new duty carries with it significant penalty. For these reasons, we respectfully assert retroactive application of a duty to submit reports to the Division, and the fines resulting from untimely submission of those reports, for ECO activities taking place from May 22, 2009 through May 28, 2010 is inappropriate and impermissible.

Florida Mainstreet Merchants has consistently acted in good faith, making every effort to comply with both the letter of the law and the spirit of the law. We respectfully assert the present situation is the result of confusion and honest mistake.

Based on the foregoing, we provide notice of our appeal and request a hearing by personal appearance. We respectfully request the Commission to waive the fine in whole or in part based on good faith efforts to comply with the law.

Thank you for your time.

Sincerely,

A handwritten signature in black ink, appearing to read 'SHP', written over a horizontal line.

Samantha Hunter Padgett
Deputy General Counsel
Florida Retail Federation

Cc: Ms. Kristi Reid Bronson
Bureau of Elections Records
The RA Gray Building - Rm. 316
500 South Bronough Street
Tallahassee, FL 32399-0250

List of Exhibits for Appeal of Fine Imposed October 4, 2010

Declaration of Sally West House

Exhibit A: Copy of Florida Mainstreet Merchants January 25, 2010 IRS filing

Exhibit B: Copy of Florida Division of Election's June 3, 2010 memo

Exhibit C: Copy of DS-DE 103 submitted by Florida Mainstreet Merchants on July 22, 2010

Exhibit D: Copy of Return Receipt for certified mailing of registration documents

Exhibit E: Copy of second, corrected DS-DE 103 filed on August 3, 2010

Exhibit F: Copy of third and final DS-DE 103 filed on August 3, 2010. (Attached to this document of the fax sent by Ms. West at request of Division.)

Exhibit G: Copy of August 4, 2010 letter from Florida Division of Elections acknowledging receipt of Application for Certification

Exhibit H: Copy of Division of Election staff notes regarding communications with Ms. West

Exhibit I: Copy of electronic confirmation of filing F1 report

Exhibit J: Copy of Imposition of Fine letter issued October 4, 2010

**DECLARATION OF SALLY WEST HOUSE
IN SUPPORT OF
FLORIDA MAINSTREET MERCHANTS NOTICE OF APPEAL AND
REQUEST FOR HEARING TO THE FLORIDA ELECTIONS COMMISSION**

I, Sally West House, declare under penalty of perjury that the following is true:

1. I am a citizen of the United States, a resident of the state of Florida, and I am over the age of 18. I make this declaration in support of Florida Mainstreet Merchants' appeal; it is based on my personal knowledge of the facts stated herein.
2. I am the registered Treasurer of Florida Mainstreet Merchants (Mainstreet), an Electioneering Communications Organization. In this role, I file all of the reports required by the Florida Division of Elections (Division) for Mainstreet. I have served in this role since January 2008. Excluding the current situation, Mainstreet has not been subject to any fines by the Division during my tenure as Treasurer.
3. Prior to *Broward Coalition v. Browning* in 2009, I submitted all required reports for Mainstreet to the Florida Division of Elections. Subsequent to the decision, I filed the appropriate termination paperwork with the Division of Elections for Mainstreet. I then began filing reports with the Internal Revenue Service as required by federal law for Mainstreet.
4. I received a memo dated June 3, 2010 from the Florida Division of Elections. This memo informed me that the Governor had signed into law House Bill 131, again subjecting electioneering communications organizations to state registration and reporting.
5. The June 3 memo stated new registration information would be available on the Division of Elections website. This information was not immediately available on the website. As a result, Mainstreet was not able to immediately register with the Division. I received

several informal emails from the Division informing me of the delays. Once the information was available, I commenced with the registration process for Mainstreet.

6. It was not readily apparent to me how I should register Florida Mainstreet Merchants. I had the option of checking one of two boxes. Box One stated that the organization was formed "[a]s a newly created organization during the current calendar quarter." Box Two stated this organization was formed "[f]rom an organization existing prior to the current calendar quarter." Because we properly terminated Mainstreet in 2009, I was unsure how Mainstreet would be classified.
7. I asked the Division if it should be regarded as a new organization or as a pre-existing organization. I received guidance from the Division that Mainstreet should be registered as a new organization. I filed the registration papers with the Division via certified letter on July 22, 2010.
8. Following the submission of the registration papers, the Division called Rick McAllister, Chairperson of Mainstreet, to tell him changes to the DS-DE 103 were necessary. No written notification was given. Mr. McAllister forwarded this message to me. I was out of the office and unable to make requested changes until my return. I made the requested changes and submitted the corrected DS-DE 103 to the Division.
9. The Division then requested additional changes to a different section of the DS-DE 103. I made the requested changes and submitted the DS-DE 103, via hand delivery, for the third time on August 3, 2010.
10. I received a letter from the Division to Mainstreet on August 4, 2010. The letter was sent to Rick McAllister, Chairperson of Florida Mainstreet Merchants; I was carbon copied. The letter indicated the Application for Certification was received on August 3, 2010 and Mainstreet was now considered an active organization.
11. The letter raised additional questions for me about reports that were requested by the letter, so I called the Division for clarification. The gentleman I spoke with stated that

because there were so many organizations going through the re-registration process, it was acceptable to submit them in a reasonable time period. He did not specify what constituted a reasonable time period, but encouraged me to submit the reports quickly.

12. The Division employee also requested that I send a letter to the Division for clarification.

I faxed the letter to the Division on August 4, 2010. The letter was intended to insure there was no confusion about the length of time that Mainstreet was in existence. Further, I wanted to demonstrate a good faith effort to comply with the law and disclose all activities as required, including reports of contributions and expenditures received by Mainstreet when there were no valid state registration or reporting requirements. After conversing with the Division employee, I did not understand that Mainstreet would be required to submit the reports within two days. At no time was I advised by the Division employee that his statement that it was acceptable to submit reports in a reasonable time meant within two days. I felt two weeks was a reasonable period of time in which to submit reports.

13. I filed the 2010 F1 and Q1 report on August 19, 2010.

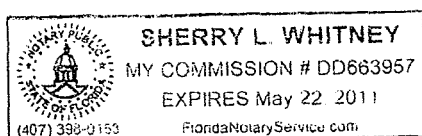
14. On October 4, 2010, the Division sent a letter to Mr. McAllister informing him that the 2010 F1 report due August 6, 2010 was not filed until August 19, 2010.

15. On October 6, the Division sent a letter to Mr. McAllister informing him that the 2010 Q1 report due August 6, 2010 was not filed until August 19, 2010

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 21, 2010.

Sherry L. Whitney



Sally West House
Sally West House

[Home](#)[8871](#)[8872](#)[Upload](#)[Logout](#)[Step I: General Information](#) | [Step II: Filing Information](#) | [Step III: Schedule A](#) | [Step IV: Schedule B](#) | [Step V: Submit](#)**Welcome Florida Mainstreet Merchants****You have successfully submitted Form 8872**

Your confirmation number is #9592205

You are required to maintain a copy of your Form 8872 at your principal place of business and major regional offices for public viewing during regular business hours. Click the link below to view and print a copy of your submitted Form 8872. If anyone requests a copy of your Form 8872 either in writing or in person, you may refer them to the copy posted on the Political Organization Disclosure website.

[View Form 8872](#)

Form **8872**
(November 2002)
Department of the Treasury
Internal Revenue Service

Political Organization Report of Contributions and Expenditures

OMB No 1545-1696

▶ See separate instructions.

A For the period beginning 01/01/2009 **and ending** 12/31/2009

B Check applicable box: ☒ Initial report ☐ Change of address ☐ Amended report ☐ Final report

1 Name of organization
Florida Mainstreet Merchants

Employer identification number
32 - 0026588

2 Mailing address (P.O. box or number, street, and room or suite number)
PO Box 10037

City or town, state, and ZIP code
Tallahassee, FL 32302 - 2037

3 E-mail address of organization:
sally@frf.org

4 Date organization was formed:
08/05/2002

5a Name of custodian of records
Sally W House

5b Custodian's address
PO Box 10037
Tallahassee, FL 32302 - 2037

6a Name of contact person
Sally W. House

6b Contact person's address
PO Box 10037
Tallahassee, FL 32302 - 2037

7 Business address of organization (if different from mailing address shown above). Number, street, and room or suite number
227 South Adams Street
City or town, state, and ZIP code
Tallahassee, FL 32301

8 Type of report (check only one box)

- ☐ First quarterly report
(due by April 15)
☐ Second quarterly report
(due by July 15)
☐ Third quarterly report
(due by October 15)
☒ Year-end report
(due by January 31)
☐ Mid-year report (Non-election
year only-due by July 31)

- ☐ Monthly report for the month of:
(due by the 20th day following the month shown above, except the
December report, which is due by January 31)
☐ Pre-election report (due by the 12th or 15th day before the election)
(1) Type of election:
(2) Date of election:
(3) For the state of:
☐ Post-general election report (due by the 30th day after general election)
(1) Date of election:
(2) For the state of:

9 Total amount of reported contributions (total from all attached Schedules A) 9. \$ 149400

10 Total amount of reported expenditures (total from all attached Schedules B) 10. \$ 139249

Under penalties of perjury, I declare that I have examined this report including accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct, and complete

Sally W House

01/25/2010

**Sign
Here**

Signature of authorized official

Date

Form 8872 (11-2002)

Schedule A Itemized Contributions

Schedule A

Contributor's name, mailing address and ZIP code Aggregate Below Threshold- 375 Contributors PO Box 10037 Tallahassee, FL 32302 - 2037	Name of contributor's employer n/a Contributor's occupation n/a Aggregate contributions year-to-date \$ 30000	Amount of contribution \$ 30000 Date of contribution 05/28/2009
Contributor's name, mailing address and ZIP code Aggregate Below Threshold- 310 Contributors PO Box 10037 Tallahassee, FL 32302 - 2037	Name of contributor's employer n/a Contributor's occupation n/a Aggregate contributions year-to-date \$ 63500	Amount of contribution \$ 33500 Date of contribution 06/10/2009
Contributor's name, mailing address and ZIP code Aggregate Below Threshold- 533 Contributors PO Box 10037 Tallahassee, FL 32302 - 2037	Name of contributor's employer n/a Contributor's occupation n/a Aggregate contributions year-to-date \$ 111400	Amount of contribution \$ 47900 Date of contribution 06/18/2009
Contributor's name, mailing address and ZIP code Aggregate Below Threshold- 38 contributors PO Box 10037 Tallahassee, FL 32302 - 2037	Name of contributor's employer n/a Contributor's occupation n/a Aggregate contributions year-to-date \$ 139400	Amount of contribution \$ 3000 Date of contribution 09/15/2009
Contributor's name, mailing address and ZIP code Humana PO Box 740083 Louisville, KY 40201 - 7483	Name of contributor's employer n/a Contributor's occupation Health Insurance Corporation Aggregate contributions year-to-date \$ 136400	Amount of contribution \$ 25000 Date of contribution 08/04/2009
Contributor's name, mailing address and ZIP code Caremark RX, Inc. PO Box 287 Lincoln, RI 02865 - 0287	Name of contributor's employer n/a Contributor's occupation Healthcare Corporation Aggregate contributions year-to-date \$ 149400	Amount of contribution \$ 10000 Date of contribution 12/04/2009

Form 8872 (11-2002)

Schedule B Itemized Expenditures

Schedule B

Recipient's name, mailing address and ZIP code	Name of recipient's employer	Amount of Expenditure
Data Targeting	n/a	\$ 30000
6211 NW 132nd Street	Recipients's occupation	Date of expenditure
Gainesville, FL 32653	Communications Development	07/30/2009

Purpose of expenditure

Communications mailer- development and printing of materials related to Special Election in Florida Senate District 28.

Recipient's name, mailing address and ZIP code	Name of recipient's employer	Amount of Expenditure
Data Targeting	n/a	\$ 14824
6211 NW 132nd Street	Recipients's occupation	Date of expenditure
Gainesville, FL 32653	Communications Development	07/30/2009

Purpose of expenditure

development of mailers and printing for communications regarding Florida Senate race district 28

Recipient's name, mailing address and ZIP code	Name of recipient's employer	Amount of Expenditure
The Victory Group, Inc	n/a	\$ 90000
1220 Hillshire Road	Recipients's occupation	Date of expenditure
Baltimore, MD 21222	Communications and Printing	08/19/2009

Purpose of expenditure

Communications regarding Florida Senate District 8 special election

Recipient's name, mailing address and ZIP code	Name of recipient's employer	Amount of Expenditure
PNC Bank	n/a	\$ 50
10801 Falls Road	Recipients's occupation	Date of expenditure
Lutherville, MD 21096	n/a	08/19/2009

Purpose of expenditure

Wire Transfer fee for wire transfer to Victory Group

Recipient's name, mailing address and ZIP code	Name of recipient's employer	Amount of Expenditure
Messer Caparello & Self	n/a	\$ 1175
2618 Centennial Place	Recipients's occupation	Date of expenditure
Tallahassee, FL 32308	Law Firm	08/28/2009

Purpose of expenditure

Legal review of communications to ensure they meet with ECO guidelines.

Recipient's name, mailing address and ZIP code	Name of recipient's employer	Amount of Expenditure
Messer, Caparello & Self	n/a	\$ 100
2618 Centennial Place	Recipients's occupation	Date of expenditure
Tallahassee, FL 32308	Law Firm	09/14/2009

Purpose of expenditure

Legal review of communications to ensure they meet ECO standards.

Recipient's name, mailing address and ZIP code	Name of recipient's employer	Amount of Expenditure
Frank Terraferma	Terraferma Consulting Group LLC	\$ 3100
PO Box 853	Recipients's occupation	Date of expenditure
Tallahassee, FL 32302	Communications Consultant	09/14/2009

Purpose of expenditure

Development of communications poll in Florida Senate District 2.



JUL 21 2009

Invoice

6211 NW 132nd Street
Gainesville, FL 32653
(352) 332-2115 Voice
(561) 423-8203 EFax

DATE	INVOICE #
7/21/2009	1452

BILL TO
Florida Mainstreet Merchants 227 South Adams Street Tallahassee, FL 32301

P.O. NO.	TERMS

QUANTITY	DESCRIPTION	RATE	AMOUNT
30,000	% FLSD28-MSM-09G-EarlyBio - Write and design 5.5 x 11" self mailer "It's Time for Joe Negron" - Includes printing 4/4, select targeted database and purge for bad addresses and movers, direct imprint mailer and sort and bundle to USPS specifications. Includes presort standard rate postage and expedited drop shipping to area post offices. Mail date was 7-17-2009	0.50	15,000.00
30,000	% FLSD28-MSM-09G-MidBio - Write and design 5.5 x 11" self mailer "Have you heard?" - Includes printing 4/4, select targeted database and purge for bad addresses and movers, direct imprint mailer and sort and bundle to USPS specifications. Includes presort standard rate postage and expedited drop shipping to area post offices. Mail date was 7-21-2009	0.50	15,000.00
<div data-bbox="420 1373 732 1478" data-label="Image"> </div> <div data-bbox="428 1488 724 1541" data-label="Text"> BY: 2020 </div> <div data-bbox="792 1331 1052 1499" data-label="Text"> <i>Paid by Florida Mainstreet Merchants.</i> </div> <div data-bbox="859 1499 1023 1575" data-label="Text"> </div> <div data-bbox="779 1667 974 1827" data-label="Text"> <i>OK</i> </div>			
Total			\$30,000.00



6211 NW 132nd Street
Gainesville, FL 32653
(352) 332-2115 Voice
(561) 423-8203 EFax

JUL 30 2009

Invoice

DATE	INVOICE #
7/28/2009	1456

BILL TO
Florida Mainstreet Merchants 227 South Adams Street Tallahassee, FL 32301

P.O. NO.	TERMS

QUANTITY	DESCRIPTION	RATE	AMOUNT
29,647	% FLSD28-MSM-09G-JobsEconomy - Write and design 5.5 x 11" self mailer "Jobs and the Economy" - Includes printing 4/4, select targeted database and purge for bad addresses and movers, direct imprint mailer and sort and bundle to USPS specifications. Includes presort standard rate postage and expedited drop shipping to area post offices. Mail date was 7-28-2009	0.50	14,823.50
<div data-bbox="410 1335 719 1440" data-label="Text"> <p>PAID JUL 30 2009</p> </div> <div data-bbox="418 1455 711 1505" data-label="Text"> <p>BY: 2021</p> </div> <div data-bbox="792 1297 1052 1549" data-label="Text"> <p><i>paid by Florida Mainstreet Merchants</i> <i>[Signature]</i></p> </div> <div data-bbox="782 1600 971 1764" data-label="Text"> <p><i>OK</i> <i>[Signature]</i></p> </div>			
Total			\$14,823.50

Florida Main Street Merchants
8/20-9/15
Radio

The Victory Group, Inc.

WIRE TRANSFER INFORMATION
TO THE ACCOUNT OF:
The Victory Group, Inc.

BANK: **PNC Bank**
 10801 Falls Rd.
 Lutherville, MD 21096
 410.321.9032
 Manager: Carl Reed
 Asst. Manager: Donna Browning

ACCOUNT: The Victory Group, Inc.
 Financial Office
 1220 Hillshire Rd.
 Baltimore, MD 21222
 410.282.3625
 410.282.3553 fax
 Chief Financial Officer: Cathy Martin-Benson
 Account #5501321825
 Wire transit/ABA Routing #031000053

**THE ABOVE ACCOUNT INFORMATION IS CONFIDENTIAL
PLEASE SECURE THIS DOCUMENT**

Gross Amount Due \$ 90,000.00

Amount Due: Wednesday August 19, 2009

MESSER, CAPARELLO & SELF
2618 CENTENNIAL PLACE
TALLAHASSEE, FLORIDA 32308
TELEPHONE (850)222-0720
EIN 59-2921100

AUG 18 2009

FLORIDA RETAIL FEDERATION
227 SOUTH ADAMS STREET
TALLAHASSEE FL 32301

Page: 1
August 10, 2009
Account No: 1486-13793
Statement No: 410283

Attn: RANDY MILLER

FLORIDA RETAIL FEDERATION

Fees

		Hours	
06/03/2009			
MH	Reviewed email memorandum from Sally West re effect of Judge Mickell's decision; prepared email memorandum to Sally West re same; ✓	0.30	
07/13/2009			
MH	Reviewed email from Sally West re impact of ECO litigation / no appeal; prepared letter to Sally West re same; called / left message for Sally West re same; prepared email memoranda to Sally West re same; ✓	2.20	
MH	Reviewed email memoranda from Sally West re draft mail piece / Joe Negron; reviewed revised draft mail piece re Joe Negron; prepared email memorandum to Sally West re same; ✓	0.30	
07/14/2009			
MH	Reviewed email memoranda from Sally West re draft mail piece (No. 2) / Joe Negron; reviewed revised draft mail piece (No. 2) re Joe Negron; prepared email memorandum to Sally West re same; ✓	0.30	
07/15/2009			
MH	Reviewed email memorandum from Sally West re revised draft mail piece (No. 2) / Joe Negron; reviewed revised draft mail piece (No. 2) re Joe Negron; prepared email memorandum to Sally West re same; ✓	0.30	
7/26/2009			
MH	Reviewed email memoranda from Sally West re draft mail piece / "We need Joe Negron;" reviewed draft mail piece; prepared email memoranda to Sally West re same; ✓	0.30	
7/30/2009			
MH	Conferred with FRF staff re ECO / 527 issues; ✓	1.00	
	For Current Services Rendered	4.70	1,175.00

Timekeeper	Recapitulation	Hours	Rate	Total
MARK HERRON		4.70	\$250.00	\$1,175.00

Total Current Work 1,175.00

Previous Balance 125.00

BY: 2023

paid by: Mainstreet Merchants.

OK

MESSER, CAPARELLO & SELF
2618 CENTENNIAL PLACE
TALLAHASSEE, FLORIDA 32308
TELEPHONE (850)222-0720
EIN 59-2921100

22

FLORIDA RETAIL FEDERATION
227 SOUTH ADAMS STREET
TALLAHASSEE FL 32301

SEP 11 2009

Page: 1
September 09, 2009
Account No: 1486-13793
Statement No: 410849

Attn: RANDY MILLER

FLORIDA RETAIL FEDERATION

Fees

Hours

08/17/2009	MH	Reviewed email memorandum from Sally West re draft John Thrasher radio advertisement; reviewed draft script, prepared email memorandum to Sally West re same;	0.40	
		For Current Services Rendered	0.40	100.00

Recapitulation

<u>Timekeeper</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
MARK HERRON	0.40	\$250.00	\$100.00

Total Current Work	100.00
Previous Balance	\$1,175.00

Payments

09/01/2009	Payment Received, Thank You.	-1,175.00
	Balance Due	<u>\$100.00</u>
	Please Remit	<u>\$100.00</u>

PAID

BY: 2024

paid by Mainstreet
Merchants. *(Signature)*

OK
(Signature)

ALL INVOICES DUE UPON RECEIPT.
THANK YOU FOR YOUR PROMPT PAYMENT.

23
INVOICE

Terraferma Consulting Group LLC
PO Box 853
Tallahassee, FL 32302

SEP - 2 2009

INVOICE DESCRIPTION:

Polling

DATE September 2, 2009

BILL TO:


Mainstreet Merchants
227 South Adams Street
Tallahassee, FL 32301

DATE	DESCRIPTION	QUANTITY	RATE	AMOUNT
8/28/2009	Poll SD 2 Republican Primary	1	\$3,100	\$3,100
<p style="text-align: center;">PAID</p> <p style="text-align: center;">BY: 2025</p> <p style="text-align: center;">Paid by Mainstreet Merchants.</p> <p style="text-align: center;">E.M.</p>				
				\$3,100
				TOTAL DUE

MAKE CHECKS PAYABLE TO:
Terraferma Consulting Group LLC
PO Box 853
Tallahassee, FL 32302

OK
[Signature]

DEC - 4 2009

Thomas Howell
 **Ferguson P.A.**

Certified Public Accountants
 2615 Centennial Blvd., Suite 200 (32308)
 P.O. Drawer 14569
 Tallahassee, FL 32317-4569

Taxpayer I.D. No.: 59-3186310
 Phone: (850) 668-8100
 Fax: (850) 668-8199
 Email: thf@thf-cpa.com

Debbie Crow
Florida Retail Federation, Inc.
227 South Adams Street
Tallahassee, FL 32301-1720

Invoice No. 71137
Invoice Date 11/30/2009
Client No. 62553.FMM

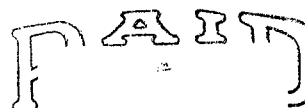
Re: Florida Mainstreet Merchants, Inc.

For professional tax services rendered through November 6, 2009, as follows:

Preparation of 2008 Form 990-EZ, Short Form Return of Organization Exempt from Income Tax.

\$ 750.00 ✓

Tax consulting services related to Form 8872, Political Organization Report of Contributions and Expenditures for new Florida electioneering laws. Including research and discussions by Allison Davis and Debie Leonard regarding political contributions to ECOs. ✓



450.00

Administrative and technology expenses
 (6.60 hours @ \$10/hour)

BY:  2026

66.00

Out-of-pocket expenses - computer processing fee

65.00

Total \$ 1,331.00

DL
DC

We appreciate your business! If you have any questions, please call.



FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

DAWN K. ROBERTS
Interim Secretary of State

MEMORANDUM

TO: Electioneering Communication Organizations

FROM: Donald Palmer, Director
Division of Elections *DP*

DATE: June 3, 2010

SUBJECT: Chapter 2010-167, Laws of Florida

With the Governor signing into law House Bill 131 (now Chapter 2010-167, Laws of Florida), electioneering communication laws will again be enforced in Florida. The new laws regarding electioneering communications and electioneering communications organizations (ECOs) became effective on May 28, 2010. The chapter law can be found at: <http://laws.flrules.org/>.

The Division of Elections has posted a new registration form on its website to accommodate ECOs in complying with the new laws. All ECOs that meet the criteria of the new law, **including any ECO that kept its registration current during the period of non-enforcement of the electioneering communications law**, must submit new Forms DS-DE 6, 41, and 103 with the applicable filing officer.

The Division will post a new ECO handbook on its website as soon as it is available. We suggest that once it is available, you review the handbook for an overview of the new definition of an "electioneering communication" and the registration, reporting, and disclaimer requirements. When complete, the handbook will be posted under "Publications" at:

<http://election.dos.state.fl.us/publications/index.shtml>.

If you have questions, you may contact the Division's helpline at 850-245-6280.

Division of Elections

R. A. Gray Building, Room 316 • 500 South Bronough Street • Tallahassee, Florida 32399-0250
Telephone: (850) 245-6240 • Facsimile: (850) 245-6260
<http://www.elections.myflorida.com>

ELECTIONEERING COMMUNICATION STATEMENT OF ORGANIZATION

(PLEASE TYPE)

RECEIVED

10 JUL 22 AM 10: 59

DIVISION OF ELECTIONS
SECRETARY OF STATE

OFFICE USE ONLY

1. Full Name of Organization

Florida Mainstreet Merchants

Telephone

850-222-4082

Mailing Address (include city, state and zip code)

227 South Adams Street

Street Address (include city, state and zip code)

Tallahassee, FL 32302

2. Affiliated or Connected Organizations

Name of Affiliated or Connected Organization	Mailing Address	Relationship
Florida Retail Federation	227 South Adams Street Tallahassee, FL 32302	Affiliate

3. Area, Scope and Jurisdiction of the Organization

To educate voters on issues and candidates.

4. Identify by Name, Address & Position, the Custodian of Books & Accounts for the Organization

Full Name	Mailing Address	Street Address	Title or Position
Sally West House	227 S. Adams Street Tallahassee, FL 32302	227 S. Adams Street Tallahassee, FL 32302	Treasurer

5. This Organization was formed (check applicable box): (Calendar quarters end the last day of March, June, September, and December.)

- ☒ As a newly created organization during the current calendar quarter.
☐ From an organization existing prior to the current calendar quarter.

6. List By Name, Mailing and Street Address, & Position, Other Principal Officers, including the treasurer and deputy treasurer, if any (include chairperson's name and information)

Full Name	Mailing Address	Street Address	Title or Position
Richard A. McAllister	227 S. Adams Street Tallahassee, FL 32302	227 S. Adams Street Tallahassee, FL 32302	Chairman

7. List By Name, Address, Office Sought, & Party Affiliation, Each Candidate or Other Individual that this Organization Is Supporting

Full Name	Mailing Address	Office Sought	Party
n/a			

8. In the Event of Dissolution, What Disposition will be Made of the Residual Funds?
To be determined by the board at the time of dissolution

9. List All Banks, Safety Deposit Boxes, or Other Depositories Used by this Organization for Electioneering Communications

Name of Bank or Depository	Mailing Address
Suntrust Bank	3522 Thomasville Road Tallahassee, FL 32399

10. List All Reports Required to be Filed by this Organization with Federal Officials, & the Names, Addresses, & Positions of Such Officials, If Any

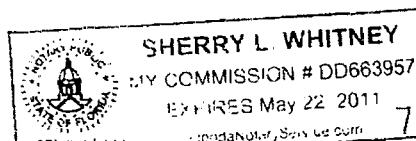
Report Title	Dates Required to be Filed	Name & Position of Official	Mailing Address
n/a			

STATE OF Florida Leon COUNTY

I, Sherry L. Whitney, certify that the information in this Statement of

Organization is complete, true, and correct.

X Richard A. McAllister
Signature of Chairperson of Organization



7/20/2010
Date

Is your RETURN ADDRESS completed on the reverse side?

SENDER: ■ Complete items 1 and/or 2 for additional services. ■ Complete items 3, 4a, and 4b. ■ Print your name and address on the reverse of this form so that we can return this card to you. ■ Attach this form to the front of the mailpiece, or on the back if space does not permit. ■ Write "Return Receipt Requested" on the mailpiece below the article number. ■ The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.	
3. Article Addressed to: FL Dept. of State Division of Elections Rm 316 RA Gray Bldg 500 S. Bronough St. Tallahassee, FL 32399		4a. Article Number 7005 1160 0001 8914 1435	
5. Received By: (Print Name) DEPT. OF STATE		4b. Service Type <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD	
6. Signature: (Addressee or Agent) X JUL 22 2008		7. Date of Delivery DEPT. OF STATE JUL 22 2008	
		8. Addressee's Address (Only if requested and fee is paid) JUL 22 2008	

PS Form 3811, December 1994 102595-97-B-0179 Domestic Return Receipt

Thank you for using Return Receipt Service.

EXHIBIT D

EXHIBIT E

ELECTIONEERING COMMUNICATION STATEMENT OF ORGANIZATION

(PLEASE TYPE)

RECEIVED
DEPARTMENT OF STATE

2010 AUG -3 AM 9:57

DIVISION OF ELECTIONS
TALLAHASSEE, FL

OFFICE USE ONLY

1. Full Name of Organization

Florida Mainstreet Merchants

Telephone

850-222-4082

Mailing Address (include city, state and zip code)

227 South Adams Street, Tallahassee, FL 32301

Street Address (include city, state and zip code)

Same As Above

2. Affiliated or Connected Organizations

Name of Affiliated or Connected Organization	Mailing Address	Relationship
Florida Retail Federation	227 South Adams Street Tallahassee, FL 32301	Affiliate

3. Area, Scope and Jurisdiction of the Organization

Statewide, State, Local, Multi-County, and Municipal

4. Identify by Name, Address & Position, the Custodian of Books & Accounts for the Organization

Full Name	Mailing Address	Street Address	Title or Position
Sally W. House	227 South Adams St Tallahassee, FL 32301	Same	Treasurer

5. This Organization was formed (check applicable box): (Calendar quarters end the last day of March, June, September, and December.)

☒ As a newly created organization during the current calendar quarter.

☐ From an organization existing prior to the current calendar quarter.

6. List By Name, Mailing and Street Address, & Position, Other Principal Officers, including the treasurer and deputy treasurer, if any. Include the top-ranking officer's (e.g., chairperson) name and information.

Full Name	Mailing Address	Street Address	Title or Position
Richard A. McAllister	227 S. Adams St Tallahassee, FL 32301	Same	Chairman

7. List By Name, Address, Office Sought, & Party Affiliation, Each Candidate or Other Individual that this Organization Is Supporting

Full Name	Mailing Address	Office Sought	Party
n/a			

8. In the Event of Dissolution, What Disposition will be Made of the Residual Funds?
To be determined at the time of dissolution

9. List All Banks, Safety Deposit Boxes, or Other Depositories Used by this Organization for Electioneering Communications

Name of Bank or Depository	Mailing Address
Suntrust Bank	3522 Thomasville Road Tallahassee, FL 32399

10. List All Reports Required to be Filed by this Organization with Federal Officials, & the Names, Addresses, & Positions of Such Officials, If Any

Report Title	Dates Required to be Filed	Name & Position of Official	Mailing Address
n/a			

STATE OF Florida Leon COUNTY

I, Richard A. McAllister, certify that the information in this Statement of

Organization is complete, true, and correct

X

Richard A. McAllister
Signature of Chairperson of Organization

8/3/2010

Date

ELECTIONEERING COMMUNICATION STATEMENT OF ORGANIZATION

(PLEASE TYPE)

RECEIVED
TALLAHASSEE

2010 AUG -3 PM 1:28

DEPARTMENT OF STATE
DIVISION OF ELECTIONS

SEE ATTACHMENT

OFFICE USE ONLY

5/560

1. Full Name of Organization

Florida Mainstreet Merchants

Telephone

850-222-4082

Mailing Address (include city, state and zip code)

227 South Adams Street, Tallahassee, FL 32301

Street Address (include city, state and zip code)

Same as above

2. Affiliated or Connected Organizations

Name of Affiliated or Connected Organization	Mailing Address	Relationship
Florida Retail Federation	227 South Adams Street Tallahassee, FL 32301	Affiliate

3. Area, Scope and Jurisdiction of the Organization

Statewide, state legislative, local, multi-county, municipal

4. Identify by Name, Address & Position, the Custodian of Books & Accounts for the Organization

Full Name	Mailing Address	Street Address	Title or Position
Sally W House	227 South Adams St Tallahassee, FL 32301	Same	Treasurer HAND DELIVERED

5. This Organization was formed (check applicable box): (Calendar quarters end the last day of March, June, September, and December.)

☒ As a newly created organization during the current calendar quarter.

☐ From an organization existing prior to the current calendar quarter.

6. List By Name, Mailing and Street Address, & Position, Other Principal Officers, including the treasurer and deputy treasurer, if any. Include the top-ranking officer's (e.g., chairperson) name and information.

Full Name	Mailing Address	Street Address	Title or Position
Richard A. McAllister	227 South Adams St Tallahassee, FL 32301	Same	Chairman

7. List By Name, Address, Office Sought, & Party Affiliation, Each Candidate or Other Individual that this Organization Is Supporting

Full Name	Mailing Address	Office Sought	Party
To be determined			

8. In the Event of Dissolution, What Disposition will be Made of the Residual Funds?

Pro-rata contributions to be returned to contributors at time of dissolution

9. List All Banks, Safety Deposit Boxes, or Other Depositories Used by this Organization for Electioneering Communications

Name of Bank or Depository	Mailing Address
Suntrust Bank	3522 Thomasville Road Tallahassee, FL 32399

10. List All Reports Required to be Filed by this Organization with Federal Officials, & the Names, Addresses, & Positions of Such Officials, If Any

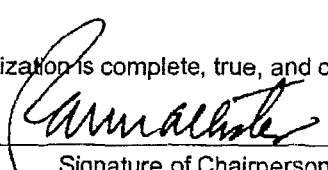
Report Title	Dates Required to be Filed	Name & Position of Official	Mailing Address
N/A- none required			

STATE OF Florida Leon COUNTY

I, Richard A. McAllister, certify that the information in this Statement of

Organization is complete, true, and correct.

X


Signature of Chairperson of Organization

08/03/2010

Date

RECEIVED
10 AUG -4 PM 4:49
DIVISION OF ELECTIONS
SECRETARY OF STATE

August 4, 2010

Department of State
Division of Elections
Director's Office
Room 316, R. A. Gray Building
500 South Bronough Street
Tallahassee, FL 32399-0250

VIA FACSIMILE: 245-6259

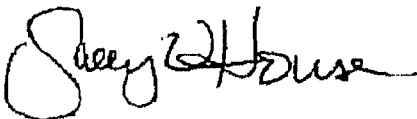
RE: Florida Mainstreet Merchants

The Florida Mainstreet Merchants is an ECO that was formerly registered with the Division of Elections and was reporting to the Division on the regularly scheduled reporting dates. The last date on which a report for the Florida Mainstreet Merchants was filed was for the Reporting Period of 06/26/2009 through 07/09/2009 and was a Waiver as there was no activity during that period. After that date, the Florida Mainstreet Merchants reverted to Federal Election laws and filed a report with the IRS for the period of 06/01/2009 through 12/31/2009.

During the calendar year for which Florida Mainstreet Merchants was not, under Florida Law, required to file with the Division of Elections, from 7/30/2009 until the present date, the ECO had total expenditures in the sum of \$406,837.50 and total contributions in the sum of \$298,000. Reports consistent with the reporting dates for the last year will be filed as soon as possible.

If you have any questions, please do not hesitate to contact me at 850-222-4082.

Sincerely,



Sally W. House

Treasurer, Florida Mainstreet Merchants



FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

DAWN K. ROBERTS
Interim Secretary of State

August 4, 2010

Mr. Richard A. McAllister, Chairperson
Florida Mainstreet Merchants
227 South Adams Street
Tallahassee, Florida 32301

Dear Mr. McAllister:

This will acknowledge receipt of the Application for Certification for **Florida Mainstreet Merchants**, which was placed on file in our office on August 3, 2010. This information appears to comply with the requirements of Sections 106.011 and 106.03, Florida Statutes, and the name of this organization has been placed on the active list as an electioneering communication organization.

Credentials and Sign-ons

Below is the web address to access the EFS and the organization's user identification number. The enclosed sealed envelope contains the organization's initial password. Once you have logged in using the initial password, you will be immediately prompted to change it to a confidential sign-on.

EFS Web site Address: <https://efs.dos.state.fl.us>
Identification Number: 54560

Pin Numbers

Pin numbers are confidential secure credentials that allow you to submit reports and update personal information. Each treasurer's report filed by means of the EFS is considered to be under oath by the treasurer and such person is subject to the provisions of Section 106.07(5), Florida Statutes. The enclosed sealed envelope provides a confidential pin number for the chairman. By copy of this letter, a confidential PIN number to access the Division of Election's electronic filing system was sent to the treasurer. The treasurer is responsible for protecting these credentials from disclosure and is responsible for all filings using these credentials unless the Division is notified that your credentials have been compromised.

Mr. Richard A. McAllister
 August 4, 2010
 Page Two

Campaign Treasurer's Reports

Pursuant to Section 106.0703, Florida Statutes, **within two days** after receiving your credentials, the organization must file the periodic finance reports that would have been required pursuant to Section 106.07, Florida Statutes, for reportable activities that occurred since November 4, 2008. **This includes the 2008 Q4, 2009 Q1, Q2, Q3, Q4, and 2010 Q1 and F1 reports.**

✓ ✓ ✓ ✓ federal report
 All reports 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.

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' web site at <http://election.dos.state.fl.us>. 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, 2010 Electioneering Communications Organization Handbook, 2010 Calendar of Reporting Dates and Rule 1S-2.017, Florida Administrative Code.

Please let me know if you need additional information.

Sincerely,



Kristi Reid Bronson, Chief
 Bureau of Election Records

KRB/tab

Enclosures

cc: Ms. Sally West House, Treasurer

HISTORY NOTES

Florida Mainstreet Merchants - 54560

Unique ID	Date Recorded	Last Edited Date	Originally Recorded By
18746	8/4/2010 11:37:00 AM		taburkes

RE: Release of credentials

8/4/2010 11:30 A.M.

I called and spoke with Ms. House (treasurer) to release their credentials so that they may file their past reports. I released the credentials to her and reminded her of our earlier conversation regarding submitting a fax to us confirming that they were a pre-existing committee and that they aware of past reports being due. She said she should have a fax to us by 1:00 today.

EXHIBIT I

37



Florida Department of State
Division of Elections
Online Reporting System

Signed On As: 54560

Tuesday, October 19, 2010

Florida Mainstreet Merchants(54560-ECO)



Filed Report Summary

Home Filings Transactions Print Queue Campaign Account Sign Out Help

Summary of all filings received

Report: 2010 - F1 - 13 2010 General Election Covers: 4/1/2010-7/16/2010 Due: 8/13/2010

Amended Last Review: 10/8/2010 Reviewed: Reviewed Review
Waiver Complete: Complete Detail Record Recalculate
Filed Date: 8/19/2010 File Status: Filed Report

Transactions	Contributions	Amount	Expenditures	Amount
4	Cash and Checks:	0.00	Monetary:	110,325.00
	Loans:	0.00	Transfers to Off Acct:	0.00
	Total Monetary:	0.00	Total Monetary:	110,325.00
	In-Kind Contributions:	0.00	Other Distributions:	0.00

Activity this report

Orig Report Submit Date: 1 (08/19/2010) By: 54560

Contributions	Amount	Expenditures	Amount
Cash and Checks:	0.00	Monetary:	111,150.00
Loans:	0.00	Transfers to Off Acct:	0.00
Total Monetary:	0.00	Total Monetary:	111,150.00
In-Kind Contributions:	0.00	Other Distributions:	0.00

Florida Department of State, Division of Elections 2005



FLORIDA DEPARTMENT OF STATE

Dawn K. Roberts

Interim Secretary of State

DIVISION OF ELECTIONS

7/23

October 4, 2010

2010 FI Report

Mr. Richard A. McAllister, Chairperson
Florida Mainstreet Merchants
227 South Adams Street
Tallahassee, FL 32302

Dear Mr. McAllister:

The campaign treasurer's report that was due August 6, 2010, was not filed until August 19, 2010. Accordingly, you are fined in the amount of \$12,150.00. The fine must be paid to the Division of Elections within 20 days of receipt of this notice unless appealed to the Florida Elections Commission.

If you wish to appeal the fine, you must submit a notice of appeal to the Commission within 20 days of the date of the receipt of this notice. (See Rules 2B-1.005, 2B-1.0052 and 2B-1.0055, Florida Administrative Code.) The Florida Elections Commission's address is 107 West Gaines Street, Suite 224, Tallahassee, Florida 32399-0100.

Please send a copy of your notice of appeal to the Bureau of Election Records at the address listed below. If you have any questions, please contact us at (850) 245-6240.

Sincerely,

Kristi Reid Bronson, Chief
Bureau of Election Records

cc: Sally West House, Treasurer
227 South Adams Street
Tallahassee, FL 32302

AFFIDAVIT

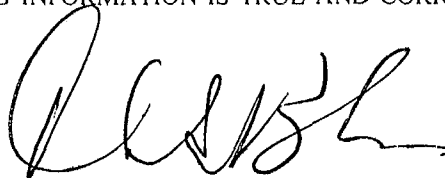
STATE OF FLORIDA

County of Leon

Tom Burkes, being duly sworn, says:

1. This affidavit is made upon my personal knowledge.
2. I am of legal age and competent to testify to the matters stated herein.
3. I am currently employed by the Division of Elections as Administrative Assistant
4. On August 4, 2010, I telephoned Ms. Sally House at (850) 222-4082.
5. The name of the individual I spoke to identified herself as Sally House.
6. The purpose of my call to Ms. House was to provide her with the necessary credentials to file campaign reports electronically via the EFS. Due to the fact the conversation I had with Ms. House was about nine months ago, I cannot recall the entire conversation. However, it is my practice to always discuss with ECO's the requirement to file back reports within two days of receipt of credentials. At that time the credentials are provided to the treasurer over the telephone. The acknowledgement letter along with the credentials follow in the mail.

I HEREBY SWEAR OR AFFIRM THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



Signature of Affiant

Sworn to (or affirmed) and subscribed before me this 14th day of April, 2011.




Signature of Notary Public - State of Florida

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒

Florida Department of State

Room 316, R.A. Gray Building
500 South Bronough Street
Tallahassee, FL 32399-0250
(850)245-6200

Division of Elections

Committee Tracking System

Florida Mainstreet Merchants

Type: Electioneering Communications Organization

Status: Active

Address: 227 South Adams Street
Tallahassee, FL 32302

Phone: (850)222-4082

Chairperson: Richard A. McAllister

Treasurer: Sally West House
227 South Adams Street
Tallahassee, FL 323020000

Registered Agent: Sally West House
227 South Adams Street
Tallahassee, FL 323010000

Purpose:

Affiliates:

Campaign Finance Activity

Campaign Documents

4/14/2011

Filed Reports for Elec ID: 20101102-GEN

Page 1

Account: 54560 - ECO Florida Mainstreet Merchants
 Chairperson: McAllister, Richard A. Appt: 8/3/10

Report: 2010 Q1 (11)		From: 1/1/2010	Amd: Y	Filed: FIL	8/19/2010 11:11:12 A
Due: 8/13/2010		To: 3/31/2010	Cmplt: COM	Reviewed: AUD	1/31/2011 11:07:39 A
<i>Submitted</i>	<i>Treasurer</i>	<i>Appointed</i>	<i>Withdrew</i>	<i>Entry Method</i>	<i>File Method</i>
8/19/2010	Sally West House	8/3/2010		Web Data Entry	Web Filed
10/8/2010	Sally West House	8/3/2010		Web Data Entry	Web Filed
Report: 2010 IR (19)		From: 1/1/2010	Amd: N	Filed: FIL	1/31/2011 2:32:58 P
Due: 12/31/2010		To: 12/31/201	Cmplt: INC	Reviewed: AUD	1/31/2011 2:40:53 P
<i>Submitted</i>	<i>Treasurer</i>	<i>Appointed</i>	<i>Withdrew</i>	<i>Entry Method</i>	<i>File Method</i>
1/31/2011	Sally West House	8/3/2010		Web Data Entry	Web Filed
Report: 2010 F1 (13)		From: 4/1/2010	Amd: Y	Filed: FIL	8/19/2010 11:28:45 A
Due: 8/13/2010		To: 7/16/2010	Cmplt: COM	Reviewed: AUD	10/8/2010 4:08:34 P
<i>Submitted</i>	<i>Treasurer</i>	<i>Appointed</i>	<i>Withdrew</i>	<i>Entry Method</i>	<i>File Method</i>
8/19/2010	Sally West House	8/3/2010		Web Data Entry	Web Filed
10/8/2010	Sally West House	8/3/2010		Web Data Entry	Web Filed
Report: 2010 F2 (10)		From: 7/17/2010	Amd: Y	Filed: FIL	8/6/2010 10:27:24 A
Due: 8/13/2010		To: 7/30/2010	Cmplt: COM	Reviewed: AUD	10/8/2010 4:12:05 P
<i>Submitted</i>	<i>Treasurer</i>	<i>Appointed</i>	<i>Withdrew</i>	<i>Entry Method</i>	<i>File Method</i>
8/6/2010	Sally West House	8/3/2010		Web Data Entry	Web Filed
10/8/2010	Sally West House	8/3/2010		Web Data Entry	Web Filed
Report: 2010 F3 (12)		From: 7/31/2010	Amd: N	Filed: FIL	8/19/2010 11:13:23 A
Due: 8/20/2010		To: 8/19/2010	Cmplt: NOD	Reviewed: AUD	8/19/2010 11:12:39 A
<i>Submitted</i>	<i>Treasurer</i>	<i>Appointed</i>	<i>Withdrew</i>	<i>Entry Method</i>	<i>File Method</i>
8/19/2010	Sally West House	8/3/2010		Web Data Entry	Web Filed
Report: 2010 G1 (14)		From: 8/20/2010	Amd: N	Filed: FIL	9/16/2010 2:47:26 P
Due: 9/17/2010		To: 9/10/2010	Cmplt: COM	Reviewed: AUD	9/16/2010 2:46:25 P
<i>Submitted</i>	<i>Treasurer</i>	<i>Appointed</i>	<i>Withdrew</i>	<i>Entry Method</i>	<i>File Method</i>
9/16/2010	Sally West House	8/3/2010		Web Data Entry	Web Filed
Report: 2010 G2 (15)		From: 9/11/2010	Amd: N	Filed: FIL	9/30/2010 4:10:52 P
Due: 10/1/2010		To: 9/24/2010	Cmplt: COM	Reviewed: AUD	9/30/2010 4:09:25 P
<i>Submitted</i>	<i>Treasurer</i>	<i>Appointed</i>	<i>Withdrew</i>	<i>Entry Method</i>	<i>File Method</i>
9/30/2010	Sally West House	8/3/2010		Web Data Entry	Web Filed

4/14/2011

Filed Reports for Elec ID: 20101102-GEN

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Account: 54560 - ECO Florida Mainstreet Merchants
 Chairperson: McAllister, Richard A. Appt: 8/3/10

Report: 2010 G3 (16)	From: 9/25/2010	Amd: N	Filed: FIL	10/14/2010 4:44:47 P		
Due: 10/15/2010	To: 10/8/2010	Cmplt: COM	Reviewed: AUD	9/30/2010 4:14:03 P		
<i>Submitted</i>	<i>Treasurer</i>	<i>Appointed</i>	<i>Withdrew</i>	<i>Entry Method</i>	<i>File Method</i>	<i>Chair PIN</i>
10/14/2010	Sally West House	8/3/2010		Web Data Entry	Web Filed	10/14/2010

Report: 2010 G4 (17)	From: 10/9/2010	Amd: N	Filed: FIL	10/29/2010 11:10:22		
Due: 10/29/2010	To: 10/28/201	Cmplt: COM	Reviewed: AUD	11/1/2010 2:36:53 P		
<i>Submitted</i>	<i>Treasurer</i>	<i>Appointed</i>	<i>Withdrew</i>	<i>Entry Method</i>	<i>File Method</i>	<i>Chair PIN</i>
10/29/2010	Sally West House	8/3/2010		Web Data Entry	Web Filed	10/29/2010

Report: 2010 Q4 (18)	From: 10/29/201	Amd: N	Filed: FIL	1/14/2011 2:24:54 P		
Due: 1/10/2011	To: 12/31/201	Cmplt: COM	Reviewed: AUD	1/14/2011 2:24:36 P		
<i>Submitted</i>	<i>Treasurer</i>	<i>Appointed</i>	<i>Withdrew</i>	<i>Entry Method</i>	<i>File Method</i>	<i>Chair PIN</i>
1/14/2011	Sally West House	8/3/2010		Web Data Entry	Web Filed	

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

- (1) Florida Mainstreet Merchants (2) 54560
Candidate, Committee or Party Name I.D. Number
- (3) 227 South Adams Street Tallahassee FL 32302-0000
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 04/01/2010 To 07/16/2010 Report Type: F1
☐ Original ☒ Amendment ☐ Special Election Report

(6) CONTRIBUTIONS THIS REPORT

Cash & Checks \$0.00
 Loans \$0.00
Total Monetary \$0.00
 In-Kind \$0.00

(7) EXPENDITURES THIS REPORT

Monetary Expenditures \$110,325.00
 Transfers to Office Account \$0.00
Total Monetary \$110,325.00

(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

4/14/2011

Queued Items for 2010-F1

Page 1

Account: 54560

Florida Mainstreet Merchants

Rpt Seq: 13

<i>ProcessDescription</i>	<i>Status</i>	<i>Submitter</i>	<i>Created</i>	<i>LastUpdate</i>
Create Pending Report	Processing Complete	54560	8/19/2010 11:18:43 AM	8/19/2010 11:18:43 AM
Review Pending Report	Processing Complete	54560	8/19/2010 11:27:57 AM	8/19/2010 11:27:57 AM
File Pending Report	Processing Complete	54560	8/19/2010 11:28:45 AM	8/19/2010 11:28:45 AM
Amend Filed Report	Processing Complete	54560	10/8/2010 4:07:29 PM	10/8/2010 4:07:29 PM
Review Pending Report	Processing Complete	54560	10/8/2010 4:08:34 PM	10/8/2010 4:08:34 PM
File Pending Report	Processing Complete	54560	10/8/2010 4:09:23 PM	10/8/2010 4:09:23 PM


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Florida Department of State - Division of Elections

Florida Election System Reports

Candidate/Committee Lookup

Committee Name: Florida Mainstreet Merchants

Name:

Account: 54560

Election: Acct: Type:

Date Due	Type	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amount Paid
4/11/2011	Q1	4/8/2011						
1/10/2011	Q4	1/14/2011	CLO	4	\$625.00		\$625.00	\$625.00
12/31/2010	IR	1/31/2011						
10/29/2010	G4	10/29/2010						
10/15/2010	G3	10/14/2010						
10/1/2010	G2	9/30/2010						
9/17/2010	G1	9/16/2010						
8/20/2010	F3	8/19/2010						
8/13/2010	SG2	8/5/2010						
8/13/2010	F2	8/6/2010						
8/6/2010	Q1	8/19/2010	APP	13	\$5,150.00		\$5,150.00	\$0.00
8/6/2010	F1	8/19/2010	APP	13	\$5,150.00		\$5,150.00	\$0.00
9/18/2009	SG2	8/5/2010	CLO	321	\$0.00		\$0.00	\$0.00
9/4/2009	SG1	8/5/2010	CLO	335	\$0.00		\$0.00	\$0.00
8/21/2009	SF2	8/5/2010	CLO	349	\$0.00		\$0.00	\$0.00
8/7/2009	SF1	8/5/2010	CLO	363	\$0.00		\$0.00	\$0.00
7/10/2009	SG1	8/5/2010	CLO	391	\$0.00		\$0.00	\$0.00
6/26/2009	SF2	8/5/2010	CLO	405	\$0.00		\$0.00	\$0.00
6/12/2009	SF1	8/5/2010	CLO	419	\$0.00		\$0.00	\$0.00