

Donna Scott

From: Robert W. Burns III <rwburns3rd@gmail.com>
Sent: Tuesday, August 25, 2020 11:02 AM
To: Donna Scott
Subject: 19-343_R's Atty response to complaint.pdf
Attachments: 19-343_R's Atty response to complaint.pdf

For the record for my public comments under **item K.**

Robert W. Burns III



FEC 19-343 Response Bryan A. Lober William Spicola to: Florida Elections Commission

07/12/2019 05:23 PM

From: "William Spicola" <william@williamspicolapa.com>

To: "Florida Elections Commission" <FEC@myfloridalegal.com>

1 Attachment



FEC 19-343 Response Bryan A. Lober.pdf

Good afternoon,

Please see the attached response for case FEC 19-343 I am submitting on behalf of Mr. Bryan A. Lober. If you there are any problems with my submission please let me know. Otherwise, I hope you have a wonderful weekend.

Sincerely,

William N. Spicola

Florida Bar Number:70732



WILLIAM SPICOLA
PA

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

Via Email: FEC@myfloridalegal.com

July 12, 2019

RE: Case No.: FEC 19-343

Dear Sir or Madam:

I am writing in response to the complaint against Mr. Bryan A. Lober by an individual named Robert Burns ("Complainant"). Mr. Lober ran for public office for the first time in 2018. Despite his lack of experience, Mr. Lober was able to win the election against what some people would term a "career politician." Mr. Lober serves as the Vice Chair of the Commission as unanimously selected by his fellow commissioners. Complainant has publicly demonstrated his personal animosity towards Mr. Lober at multiple Commission meetings and this complaint is the result of Complainant making good on a threat toward Mr. Lober. It is that personal animosity which motivated this complaint.

The malicious motivation of Complainant admittedly does not change the rules over elections given there is substance to one of the allegations. With respect to the first allegation, as reported by Mr. Lober, he used his personal credit card for campaign expenses. Mr. Lober, himself, reported the use of the credit card for campaign expenses because he was under the mistaken impression that the use of credit cards by local candidates was permissible. This indiscretion was the result of a genuine misunderstanding of Florida Statute Section 106.125. Mr. Lober genuinely believed that Florida Statute Section 106.125 regulated the use of a credit card by candidates for statewide office and specified the requirement for use of credit cards for candidates for statewide office, not local office. This led Mr. Lober to believe that credit card use was permissible for local campaigns without the restrictions outlined in Florida Statute Section 106.125. Complainant learned of Mr. Lober's use of a personal credit card solely through Mr. Lober's own candid disclosure in publicly accessible campaign finance reports. While ignorance of the rules is not an excuse, Mr. Lober certainly did not commit a knowing or willful violation of Florida Statute Section 106.125.

With respect to the second allegation, the claim is that the records are incomplete but each of these reports has complete records and lists the fair market value of the contributions and what

the contributions were. The lack of detail as to which records are purportedly incomplete or why they are incomplete makes responding to this allegation more difficult, but there is no subversion of Florida Statute 106.055. There is not a rational reason for Mr. Lober to submit a false report inaccurately valuing what he paid for the items reported. If you examine each reported transaction on all of the reports, it is possible to argue that a couple entries could have been more specific but there certainly is not a willful violation of Florida Statute Section 106.07(5).

With respect to the third allegation, Mr. Lober did submit a P5 report that contained an inadvertent error. However, an amended P5 report was timely filed as soon as the scrivener's error was discovered by Mr. Lober. This amendment was filed months prior to the filing of this complaint. Again, Complainant was able to learn of this error solely through Mr. Lober's own candid disclosure in publicly accessible campaign finance reports.

In conclusion, this complaint is motivated by Complainant's personal animosity toward Mr. Lober. In his campaign finance reports, Mr. Lober, himself, clearly reported that he used his personal credit card. Any violation related to credit card use was a mistake resulting from what Mr. Lober mistakenly believed the statute meant. Mr. Lober fairly valued the items he reported through in kind contributions. The reporting error that he made, in the P5 report, was timely corrected with an amended filing. Mr. Lober respectfully requests to discuss a settlement of this complaint prior to a determination of probable cause being made.

Sincerely,

/WNS/

William N. Spicola
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