



## FLORIDA ELECTIONS COMMISSION

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August 9, 2018

Emmett Mitchell, IV, Esquire  
Coates Law Firm, PL  
115 East Park Avenue, Ste. 1  
Tallahassee, FL 32399

**RE: Case No.: FEC 18-104; Respondent: Joseph P. Mullins**

Dear Mr. Mitchell:

On April 9, 2018, the Florida Elections Commission received a complaint alleging that your client 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(5), Florida Statutes:** Respondent, a 2018 candidate for Flagler County Commission, District 4, filed one or more campaign treasurer reports that were either incorrect or incomplete, as alleged in the complaint.

**Section 106.19(1)(a), Florida Statutes:** Respondent, a 2018 candidate for Flagler County Commission, District 4, accepted one or more contributions in excess of the limits prescribed by Section 106.08, Florida Statutes, as alleged in the complaint.

**Section 106.19(1)(b), Florida Statutes** Respondent, a 2018 candidate for Flagler County Commission, District 4, failed to report one or more contributions required to be reported by Chapter 106, Florida Statutes, as alleged in the complaint.

**Section 106.19(1)(c), Florida Statutes:** Respondent, a 2018 candidate for Flagler County Commission, District 4, falsely reported or deliberately failed to include information in one or more campaign reports required by Chapter 106, Florida Statutes, as alleged in the complaint.

Emmett Mitchell, IV, Esquire  
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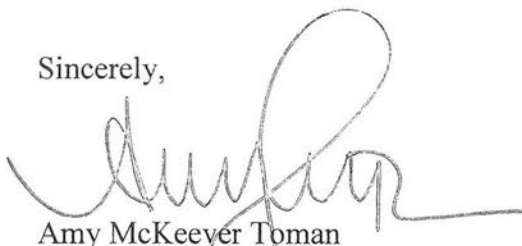
When we conclude the investigation, a copy of the Report of Investigation (ROI) will be mailed to you at the above address. Based on the results of the investigation, a staff attorney will make a written recommendation (Staff Recommendation or SR) to the Commission as to whether there is probable cause to charge 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. You and the complainant will receive notice at least 14 days before any hearing at which your case is to be considered.

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

For additional information, please refer to the "Frequently Asked Questions" section of the Commission's website ([www.fec.state.fl.us](http://www.fec.state.fl.us)).

If you have additional questions, please contact **Samantha Spore**, the investigator assigned to this case at extension 110.

Sincerely,



Amy McKeever Toman  
Executive Director

AMT/enr

**FLORIDA ELECTIONS COMMISSION**  
**REPORT OF INVESTIGATION**  
**Case No.: FEC 18-104**

**Respondent:** Joseph F. Mullins

**Counsel for Respondent:** Emmitt Mitchell, IV

**Complainant:** Kimble Medley

On April 9, 2018, the Florida Elections Commission ("Commission") received a sworn complaint alleging that Respondent violated Chapter 106, Florida Statutes. Commission staff investigated whether Respondent violated the following statutes:

Section 106.07(5), Florida Statutes, filing one or more campaign treasurer reports that were either incorrect or incomplete;

Section 106.19(1)(a), Florida Statutes, accepting one or more contributions in excess of the limits prescribed by Section 106.08, Florida Statutes;

Section 106.19(1)(b), Florida Statutes, failing to report one or more contributions required to be reported by Chapter 106, Florida Statutes;

Section 106.19(1)(c), Florida Statutes, falsely reporting or deliberately failing to include information in one or more campaign reports required by Chapter 106, Florida Statutes.

**I. Preliminary Information:**

1. Respondent was a candidate for the Flagler County Commission, District 4. He defeated Nathan A. McLaughlin, the incumbent, in the Republican primary election held on August 28, 2018. Respondent then defeated Jane Gentile-Youd in the November 6, 2018 general election.

2. Respondent's attorney is Emmett Mitchell, IV with Coates Law Firm, PL.

3. On February 20, 2018, Respondent filed the Appointment of Campaign Treasurer and Designation of Campaign Depository form ("DS-DE 9") and the Statement of Candidate form ("DS-DE 84") with the Flagler County Supervisor of Elections filing office. By filing his DS-DE 84 Respondent acknowledged that he had been provided access to read, and understands Chapter 106, Florida Statutes. Respondent designated himself as campaign treasurer. To review a copy of the DS-DE 9 and the DS-DE 84, refer to Exhibit 1.

4. Complainant is a resident of Flagler County, Florida.

## **II. Alleged Violation of Section 106.07(5); 106.19(1)(a); 106.19(1)(b); and 106.19(1)(c), Florida Statutes:**

5. I investigated whether Respondent violated these sections of the election laws by failing to correctly or completely include information on the campaign's 2018 M2 Campaign Treasurer Report ("CTR") and by accepting excessive contributions.

6. Complainant alleged that Respondent accepted excessive contributions from Mullins Sports and Entertainment, LLC, a Georgia corporation for which Respondent is registered agent, and incorrectly reported contributions made to the campaign by that corporation as having been made by other individuals, who were given money from the corporation to contribute to Respondent's campaign.

7. Complainant attached an image composed of a list of contributors reported in Respondent's 2018 M2 CTR and a picture of five checks from Mullins Sports and Entertainment, LLC. Only four of the five checks are visible; the checks were made out to "Danny Eden" for \$1,000.00; "Jennifer" for \$1,000.00, "Julie Eden" for \$1,000.00, and "Heather Buchanan" for \$500.00. The check to Ms. Buchanan was dated February 22, 2018; none of the other checks is dated. As evidenced by Respondent's 2018 M2 CTR, each of these individuals contributed to Respondent's campaign in the same amounts shown on the checks written to them by Mullins Sports and Entertainment, LLC. The contributions all took place on February 22, 2018, which is the same day as the check to Heather Buchanan was dated. The check to Ms. Buchanan had "tickets" in the memo line; none of the other checks had completed memo lines. All checks are signed by the Respondent and total \$3,500.00. Refer to Exhibit 2 for image attachment to complaint- contributors and check images. Refer to Exhibit 3 for the 2018 M2 CTR.

8. In an affidavit dated May 16, 2019, Kaiti Lenhart of the Flagler County Supervisor of Elections attested that the Supervisor of Elections provided Respondent with a link to Chapters 104 and 106, Florida Statutes. The *Candidate and Campaign Treasurer Handbooks* for 2016 and 2018 were provided to Respondent on February 20 and March 23, 2018, respectively. According to the Filing Officer, Respondent attended a candidate orientation on February 26, 2018 at 10:30am. Refer to Exhibit 4 for the Affidavit of Filing Officer.

9. Commission staff obtained bank records from Respondent's campaign depository at Intracoastal Bank. The bank records show that Respondent deposited five checks that totaled \$3,750.00 on February 27, 2018. The checks included \$1,000.00 each from Jennifer A. Mullins, Eden Farms, LLC, and the account of Daniel R. Eden, Jr, and Julie M. Eden, and \$500.00 from Heather Buchanan<sup>1</sup>. Ms. Mullins' check was dated February 20, 2018; the others were dated February 22, 2018. It was also discovered Respondent failed to report a \$1,000.00 contribution from Mullins Properties – Southern Grace, made on February 28, 2018. Refer to Exhibit 5 for bank records from the 2018 M2 Reporting period.

10. Complainant attached a digital recording of an interview of Heather Buchanan, who stated she was sent by Respondent to deliver checks from him to individuals in exchange for checks

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<sup>1</sup> The fifth check was \$250.00 from the account of GW Hottle and Frances J Hottle dated February 21, 2018. Respondent reported receiving this contribution on the 2018 M2 report on February 21, 2018.

written by those individuals in the same amounts. She further stated that Respondent wrote her a check<sup>2</sup>. Refer to Exhibit 6 for a partial transcript of the radio show and a statement from Respondent responding to the allegations made during the radio interview.

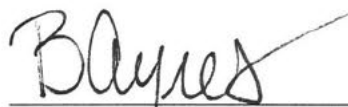
11. Respondent provided an affidavit in response to the complaint. Respondent explained that Jennifer Mullins and Julie Eden are his sisters and are beneficiaries of a trust established by their mother from which he disburses payments to them. Respondent stated he makes the payments from his company accounts, including Mullins Sports and Entertainment, LLC. Respondent asserted that each of them wanted to contribute to his campaign and asked their contributions be taken from their trust payment. As such he, wrote checks to his sisters from Mullins Sports and Entertainment, LLC in February 2018. Respondent stated Heather Buchanan is a former employee who made a contribution of \$500.00 from funds she would have received for wages. Ms. Buchanan subsequently did not want to make the contribution. She was refunded her \$500.00 contribution on April 16, 2018, and Respondent reported the refund in his April report. Refer to Exhibit 8 for Respondent's affidavit.

12. In respondent's 2018 M4 report, he reported an expenditure in the amount of \$500.00 to Heather Buchanan on April 16, 2018, for a contribution refund. A \$500.00 check to Ms. Buchanan dated March 28, 2018, was found in Respondent's campaign account records. Refer to Exhibit 9 for the 2018 M4 and relevant bank images.

### **III. FEC History:**

13. Respondent has no prior history of complaints filed with the Commission.

Respectfully submitted on December 6, 2019.



Brian Ayres  
Investigation Specialist

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<sup>2</sup> Investigator listened to recording and composed a transcript from it and the Investigator attempted to contact Ms. Buchanan but was unsuccessful. See Exhibit 7 for investigation phone log.