-----------------------------------------------------------------------------------------------------------------------------------------------**Sent 4/15/2015**

To: Florida Election Commission

Re: Fire Board Election Complaint

Bonita Springs Action Group PAC (BSAG PAC)

Registered with the Florida Division of Elections as a PAC acct #61121

It should be no secret to anyone who is a casual observer of local elections that the Fire Department through their union have for years controlled who gets elected to the local fire board . The local fire board of course being the entity that has ultimate control over fire taxes and how these public moneys are spent for salaries and benefits, for the local Firefighters. One local news editor commented: “the inmates are running the asylum”

In an effort to further their control over local elections and avoid local scrutiny the Bonita Springs firefighters union local #3444 Inc. formed a Super Political Action Committee, titled it “The Bonita Springs Action Group”. They registered with the Florida Division of Elections in Tallahassee avoiding local reporting requirements.

By maintaining a simple majority on the local fire board the union has been able to dictate salaries, work rules and most significantly pension and other benefit programs.

Many local municipalities are complaining that excessive pension promises made to local firefighters is leading municipalities into bankruptcy. It is obvious that union demands supported by friendly Fire boards have created an unsustainable future for taxpayers in many local communities.

Recently local municipalities in places like San Bernardino and Stockton California, Detroit Michigan, Harrisburg Pennsylvania, Central Falls Rhode Island, and Jefferson County Alabama, to name only a few; have cited Fire fighter pensions as a significant cause of their bankruptcy filing.

To their credit firefighters are perhaps the best campaigners and public relations experts in America today and as such they are courted by politicians for support on other political campaigns. Obviously their support of candidates in other local elections gains them the support of legislators to aid in passing legislation favorable to firefighters. Admittedly many of their campaign tactics, while seemingly unfair, are in fact legal. However occasionally they step over the line and it is important for local and state election officials to show no mercy when they do.

In the most recent Fire Board Election for the Bonita Springs Fire and Rescue District serving the city of Bonita Springs Florida we note that two candidates were extensively supported by the local firefighters union.

The G3 Reporting Period September 13-26, 2014   candidates for election to Bonita Springs Fire District, James Murphy and /Evans Conforti filed reports with the Supervisor of Elections for Lee County showing they each received $500 contributions  from “The Bonita Springs Action Group” which is a PAC made up of employees of the local Bonita Springs Fire district and registered in Tallahassee.

Prior to and including the report period Sept 13-26, 2014  BSAG PAC shows NO record of contributions given to Conforti or Murphy?

Raising questions that demand answers:

1. How did Murphy and Conforti know they had received or were going to receive $500 checks from the Bonita Springs Action Group PAC? Was there illegal communications between the PAC and the candidates telling them they were about to receive $500 checks?

2. Subsequent to the Sept 13-26, 2014 Report Period, the Bonita Springs Action Group did not report contributions of $500 to Conforti or Murphy so did Conforti and Murphy file erroneous reports or did the PAC fail to disclose these payments?

3. Are there any records of Checks, cash or in kind contributions to substantiate these reported contributions?

Brent Batten of the Naples/Bonita Daily News (article enclosed) interviewed Murphy and attempted to interview Conforti prior to his Jan 27, 2015 article published in the Naples & Bonita Daily News. Murphy was asked about the $500 contributions from the PAC his campaign had reported.

Murphy said he was not aware of a $500 check received in his campaign.

4. Is it possible these two individuals were so heavily controlled by the firefighters union that they were not even in control of their own campaigns?  Sidebar: Murphy & Conforti campaign Treasurer Mike Burkard is a front line employee of the Bonita Fire District and contributor to BSAG PAC.

5. Did Batten's contact with Murphy and attempt to contact Conforti prompt the Bonita Springs Action Group PAC to file an amended Report on Jan 14, 2015?

6. How did the BSAG-PAC know Batten was about to publish a story about the $500 dollar contributions?

7. Was their illegal communication between the PAC and the candidates Conforti and Murphy?

Interesting to note on September 22, 2014 there was a $1,000 expenditure reported  by BSAG-PAC. The expenditure was listed as travel expenses but rejected by the Election Division for lack of receipts. The explanation for the $1,000 expenditure was then changed to read “Consulting Fees” paid to Mr. Lamb, Chairman of BSAG PAC and a Bonita Springs firefighter.

In the crucial reporting period prior the election, on October 27, 2014 BSAG-PAC submitted a **waiver** instead of the daily campaign finance report, they signed an oath stating there was no activity to report.

January 14, 2015, more than two months after the election, the BSAG-PAC files an "amendment" showing expenditure on October 27, 2014 for $4,036. The payment was to purchase mailers for Conforti and Murphy.

8. Why is it the PAC did not report the expenditure to purchase mailers for these candidates until long after the election was over?

9. Why is it the Florida Division of Elections did not levy a maximum fine for the late report?

10. Why is it the Florida Division of Elections or the Lee County Supervisor of elections found no reason to pursue an investigation of these matters or the incompatible reports of campaign contributions between BSAG PAC and the candidates.

Further questions:

11. The Election laws covering the activities of super PAC's states there is to be no communication between the candidate and the super PAC. How did the PAC know mailers were needed or what to say on the mailers?

12. Given there is supposed to be no communication between this type of super PAC and the Candidate or the Candidates campaign how did the PAC get the candidates to approve the information on the mailers?

13. Florida Division of Elections records show the Bonita Springs Action Group collected over $24,000 for this campaign. Clearly an awesome amount to be spent on a local election to a local Fire Board! This type of spending by a Super PAC to support their candidates for a local election clearly gives them control of the election and makes it near impossible for other local candidates to compete on a level playing field. Why is it the Florida Division of Elections does not supervise these activities more closely?

14. Perhaps more egregious is the fact that this money was collected via payroll deduction from employees of the Fire District. In essence  BSAG PAC used the taxpayer supported facilities and personnel of the very agency they sought to control to recruit employees of that agency to support their activities.

This activity involves the taxpayer supported Bonita Springs Fire and Rescue District in direct electioneering activities. We believe this may be in violation of State and /or Federal Laws, is it not? The payroll connection was openly confirmed during public input toward the end of the March 2015 Fire District Public Meeting, DVD available from Fire District.

15. Other electioneering activities continue to prompt questions from the public. How do the firefighters manage to recruit so many election workers to stand at the poles clearly dressed as Firefighters with their Bonita Springs Fire District T shirts suggesting to the approaching voters that if they don’t vote for the Firefighter supported candidate there will be a decrease in fire and rescue services. Have firefighters been sanctioned or given warnings in the past by the supervisor of elections in Lee County for this type of activity?

16. The public continues to question; are these firefighters being paid for this activity?

17. More astute voters question are they getting other types of compensation such as additional time off for doing election duty?

18. As we are waiting some news from the Division of Elections, more      startling and objectionable revelations appear on the Divisions reporting web site:

In the reporting period 10/18/14 to 10/30/14 this PAC filed a **waiver** stating there was no activity to report. Now on 4/10/15, more than 6 months later and 5 months after the election they file an "amended" report showing $9,902.97 of expenditures identified as expenses for printing and signs purchased on 10/18, 10/19, 10/23 and 10/25/ 2014.

19. Another **waiver** was sent covering 11/1 - 11/30/2014, yet again on or about 4/10/15 this PAC reports an expenditure of $962.23 for Buffalo wings and Pizza that accrued 6 months earlier on 11/5/2014 day after the election. Total expenditures on this election  now total more than $20,000, a truly awesome amount for a local fire board election.

Information contained in this complaint was obtained from State and Lee County Websites, State Division of Elections (email & website), Scripps Media, Lee Supervisor of Elections, Bonita Fire Chief, Bonita Springs Fire District, The Taxpayer Action Group and concerned members of the public. Witnesses to the facts can be culled from the organizations as mentioned.

The Florida Election Statute makes it possible for anyone to pursue an investigation of any of these and other public concerns to the State. At this juncture, it is essential the Election Commission intervene to conduct an in-depth investigation of the issues as they relate to State Division of Elections, Bonita Springs Fire District and former & current Commissioners, the Lee Elections Supervisor and BSAG PAC.  Witnesses to the facts can be culled from the organizations and those mentioned within attached contents (available upon request).

Ron Pure