

FLORIDA ELECTIONS COMMISSION

In the matter of:

Future Generations, Inc.
Amanda Kison, as treasurer, Future Generations, Inc.
Student Achievement First, LLC
Unknown Respondent

COMPLAINT

1. Citizens for Responsibility and Ethics in Washington (“CREW”) and Noah Bookbinder bring this complaint before the Florida Elections Commission (“FEC”) seeking an immediate investigation and enforcement action against Future Generations, Inc., its treasurer, Amanda Kison, Student Achievement First, LLC, and an Unknown Respondent for direct and serious violations of Florida law.

Summary

2. In 2016, Student Achievement First, LLC (“Student Achievement First”) made two \$30,000 contributions to Future Generations, Inc. (“Future Generations”), a political committee registered with the Florida Department of Elections. Both appear to be contributions made in the name of another individual or entity in violation of Florida law.

3. Student Achievement First is a Delaware limited liability company that was established approximately three weeks before the first contribution to Future Generations. Student Achievement First appears to have been established and operated for the sole purpose of providing a vehicle for an Unknown Respondent to make anonymous contributions to Future Generations. According to the chair of Future Generations, Student Achievement First “is funded by an anonymous donor from

Sarasota who does not want his name revealed.” In addition, Student Achievement First does not have any known business activity, and it is unlikely the company generated sufficient income to pay for the \$60,000 in contributions in the few weeks between its creation and when it made the contributions. Accordingly, if, as it appears, Student Achievement First was simply a conduit for the \$60,000 in contributions to Future Generations, Inc., the contributions were made in the name of another in violation of Florida law.

4. Furthermore, if Future Generations, knew the contributions were made in the name of another, as it appears, it likely violated Florida law as well.

Parties

5. Complainant CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the right of citizens to be informed about the activities of government officials and to ensuring the integrity of government officials. CREW seeks to empower citizens to have an influential voice in government decisions and in the governmental decision-making process. CREW uses a combination of research, litigation, and advocacy to advance its mission.

Complainant Noah Bookbinder is the executive director of CREW.

7. Future Generations is a Political Committee registered with the Florida Department of State’s Division of Elections. Future Generations Inc., Statement of Organization of Political Committee, filed Sept. 30, 2015 (attached as Exhibit A). Amanda Kison is the committee’s treasurer. *Id.*

8. Student Achievement First is a limited liability company organized and registered in Delaware. Delaware Department of State, Division of Corporations, Entity Detail for Student Achievement First, LLC (attached as Exhibit B).

9. Unknown Respondent is the person or entity that is the true source of funds that Student Achievement First transferred to Future Generations.

Factual Allegations

10. Student Achievement First was formed in Delaware as a General Limited Liability Company on June 27, 2016. Delaware Department of State, Division of Corporations, Entity Detail for Student Achievement First, LLC (attached as Exhibit B). Approximately three weeks later, on July 21, 2016, Student Achievement First contributed \$30,000 to Future Generations. Campaign Contributions, Future Generations Inc., (attached as Exhibit C). On August 4, 2016, Student Achievement First contributed another \$30,000 to Future Generations. *Id.*

11. On the same day Future Generations received the second contribution from Student Achievement First, Susan Nilon, then its chair, told the *Sarasota Herald-Tribune* that Student Achievement First “‘is funded by an anonymous donor from Sarasota who does not want his name revealed.’” Zac Anderson, Democrats take spotlight in state Senate campaign, *Sarasota Herald-Tribune*, Aug. 4, 2016 (attached as Exhibit D). In the same article, Nilon “declined to reveal the donors behind the LLC, saying they want to remain anonymous. She told the Herald-Tribune they are interested in public education.” *Id.*; see also Zac Anderson, Democratic PAC to support ‘progressive’ candidates for local offices, *Sarasota Herald-Tribune*, Aug. 4, 2016 (attached as Exhibit E). On information and belief, Student Achievement First does not

conduct any business or own any assets, and has not generated any income. The Florida Department of State's Campaign Finance Database displays the "Occupation" of Student Achievement First as "Educational Consulta[nt]" However, the address listed is that of the Corporation Trust Company, 1209 Orange Street, Wilmington, DE 19801, the group's registered agent. A search of the Florida Division of Corporations website reveals no current or prior registered corporation, limited partnership, limited liability company, trademark, in the name "Student Achievement First," nor does that name appear in the state's fictitious name database. *See* Florida Department of State, Division of Corporations (searches for "Student Achievement First" at <http://search.sunbiz.org/Inquiry/CorporationSearch/ByName> and <http://www.sunbiz.org/ficinam.html>). Student Achievement First further appears to have no presence on the Internet.

12. The use of LLCs to make political donations, and the potential for such donations to be used to evade disclosure requirements, is well-documented in Florida. Ben Wilcox and Dan Krassner, Money in Politics Reforms in Florida: Initial Impacts and Comparisons to Other States, Leroy Collin Institute, Aug. 25, 2015, *available at* <http://collinsinstitute.fsu.edu/sites/collinsinstitute.fsu.edu/files/Campaign%20finance%20report%20AUG%202015.pdf>; Lucas Daprile, Loopholes pump limit-skirting, hard-to-track money into state races, *TCPalm*, Jan. 28, 2016, *available at* <http://archive.tcpalm.com/news/politics/local/loopholes-pump-limit-skirting-hard-to-track-money-into-state-races--24743fd5-39f4-662d-e053-0100007f-365914871.html>.

Counts I and II

Making contributions through or in the name of another

13. Under Florida law, “[a] person may not make any contribution through or in the name of another, directly or indirectly, in any election.” Fla. Stat. § 106.8(5)(a) Complainant Noah Bookbinder is the executive director of CREW.. A “contribution” is defined as “a distribution of money ... made for the purpose of influencing the results of an election or making an electioneering communication.” Fla. Stat. § 106.011(5)(a). For purposes of this provision, a “person” includes “an individual or a corporation, association, firm, partnership, joint venture, joint stock company, club, organization, estate, trust, business trust, syndicate, or other combination of individuals having collective capacity.” Fla. Stat. § 106.011(14). Any person who knowingly and willfully makes two or more contributions in the name of another is subject to criminal penalties. Fla. Stat. § 106.8(7)(b).

14. An Unknown Respondent appears to have made two \$30,000 contributions to Future Generations in the name of Student Achievement First in violation of section 106.8(5)(a). The Unknown Respondent appears to own or control Student Achievement First, a limited liability company that seemingly does not conduct any business, has not generated any income, and does not serve any function other than as a pass-through for the contributions to Future Generations. As confirmed by Future Generations’ then-chair Susan Nilon, the Unknown Respondent who funded Student Achievement First, including its contributions to Future Generations, did so to remain anonymous. Accordingly, the two \$30,000 contributions appear to have been made by the Unknown Respondent, not Student Achievement First.

15. Student Achievement First appears to have correspondingly violated Fla. Stat. § 106.8(5)(a) by permitting its name to be used to effect two \$30,000 contributions by the Unknown Respondent to Future Generations.

16. If these violations were knowing and willful, they are subject to criminal penalties and should be referred to the State Attorney for the Twelfth Judicial Circuit Court of Florida.

Count III

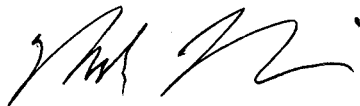
Accepting contributions through or in the name of another

17. In addition to banning contribution made through or in the name of another, under Florida law “[a]ny person who knowingly and willfully ... accepts” more than one such contribution “commits a felony of the third degree.” Fla. Stat. § 106.8(7)(b). The statute further provides that “[a]ny officer, partner, agent, attorney, or other representative of a ... political committee ... who aids, abets, advises, or participates in a violation of any provision punishable under this paragraph commits a felony of the third degree.” *Id.*

18. Records in the Florida Campaign Finance Database confirm that Future Generations received two contributions in the amount of \$30,000 each from Student Achievement First: one on July 21, 2016, and one on August 4, 2016. If Future Generations and Ms. Kison knowingly and willfully accepted the two contributions made by an Unknown Respondent in the name of Student Achievement First, they may have committed a third-degree felony and should be referred to the State Attorney for the Twelfth Judicial Circuit Court of Florida.

Conclusion

WHEREFORE, Citizens for Responsibility and Ethics in Washington and Noah Bookbinder request that the FEC conduct an investigation into these allegations, declare the respondents to have violated Florida law, and order respondents to correct these violations by amending Future Generations's disclosures to identify and make public the true source(s) of the contributions to the committee. In addition, respondents request that the FEC impose sanctions appropriate to these violations and take such further action as may be appropriate, including referral to the state attorney for the judicial circuit in which the violations occurred. CREW hereby states that a complaint of the same violation has not been made to any state attorney. Fl. Stat. § 106.25(2) (2016).



District of Columbia: SS

Sworn to and subscribed before me on
the 9 day of January, 2017


Notary Public's Signature
My Commission Expires 11/30/21



EXHIBIT A

RECEIVED

STATEMENT OF ORGANIZATION OF POLITICAL COMMITTEE

(PLEASE TYPE)

RECEIVED
DEPARTMENT OF STATE
OFFICE USE ONLY

2015 SEP 30 AM 11:19

DIVISION OF ELECTIONS
TALLAHASSEE, FL

1. Full Name of Committee

Future Generations, Inc.

Telephone

(941) 556-9030

Mailing Address (include city, state and zip code)

783 South Orange Avenue, Suite 220
Sarasota, Florida 34236

Street Address (include city, state and zip code)

783 South Orange Avenue, Suite 220
Sarasota, Florida 34236

2. Affiliated or Connected Organizations (includes other committees of continuous existence and political committees)

Name of Affiliated or Connected Organization	Mailing Address	Relationship
N/A		

3. Area, Scope and Jurisdiction of the Committee

Candidate and ballot issues, statewide, legislative, multi-district, countywide and municipal elections

4. Nature of Organization or Organization's Special Interest (e.g., medical, legal, education, etc.)

Promote progressive and environmental issues

5. Identify by Name, Address and Position, the Custodian of Books and Accounts (include treasurer's name)

Full Name	Mailing Address	Committee Title or Position
Amanda R. Kison	783 S. Orange Ave., Suite 220 Sarasota, Florida 34236	Treasurer


6. List by Name, Address and Position, Other Principal Officers, Including Officers and Members of the Finance Committee, If Any (Include chairman's name)			
Full Name	Mailing Address	Committee Title or Position	
Morgan R. Bentley	783 S. Orange Ave., Suite 220 Sarasota, Florida 34236	Chairman	
Amanda R. Kison	783 S. Orange Ave., Suite 220 Sarasota, Florida 34236	Treasurer	
7. List by Name, Address, Office Sought and Party Affiliation Each Candidate or Other Individual that this Committee Is Supporting (if none, please indicate)			
Full Name	Mailing Address	Office Sought	Party
To be determined			
8. List Any Issues this Committee Is Supporting: To be determined List Any Issues this Committee Is Opposing: To be determined			
9. If this Committee Is Supporting the Entire Ticket of a Party, Give Name of Party N/A			
10. In the Event of Dissolution, What Disposition will be Made of Residual Funds? Return to contributors or donate to 501(c) or 527 organization			
11. List all Banks, Safety Deposit Boxes, or Other Depositories Used for Committee Funds			
Name of Bank or Depository & Account Number		Mailing Address	
BB&T Account No.: To be determined		1800 2nd Street #100 Sarasota, Florida 34236	
12. List all Reports Required to be Filed by this Committee with Federal Officials and the Names, Addresses and Positions of Such Officials, If Any			
Report Title	Dates Required to be Filed	Name & Position of Official	Mailing Address
8871	w/i 24 hours	IRS	Ogden, UT
990	annually, if required	IRS	Ogden, UT
1120-POL	annually, if required	IRS	Ogden, UT
STATE OF <u>Florida</u> <u>Sarasota</u> COUNTY			
I, <u>Morgan R. Bentley</u> , certify that the information in this Statement of			
Organization is complete, true and correct.			
X  Signature of Chairman of Political Committee		<u>9/28/15</u> Date	

EXHIBIT B



- HOME
 - About Agency
 - Secretary's Letter
 - Newsroom
 - Frequent Questions
 - Related Links
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 - Office Location
- SERVICES
 - Pay Taxes
 - File UCC's
 - Delaware Laws Online
 - Name Reservation
 - Entity Search
 - Status
 - Validate Certificate
 - Customer Service Survey
- INFORMATION
 - Corporate Forms
 - Corporate Fees
 - UCC Forms and Fees
 - Taxes
 - Expedited Services
 - Service of Process
 - Registered Agents
 - GetCorporate Status
 - Submitting a Request
 - How to Form a New Business Entity
 - Certifications, Apostilles & Authentication of Documents

[Frequently Asked Questions](#) [View Search Results](#)

Entity Details

THIS IS NOT A STATEMENT OF GOOD STANDING

File Number:	6080301	Incorporation Date / Formation Date:	6/27/2016 (mm/dd/yyyy)
Entity Name:	STUDENT ACHIEVEMENT FIRST, LLC		
Entity Kind:	Limited Liability Company	Entity Type:	General
Residency:	Domestic	State:	DELAWARE

REGISTERED AGENT INFORMATION

Name:	THE CORPORATION TRUST COMPANY		
Address:	CORPORATION TRUST CENTER 1209 ORANGE ST		
City:	WILMINGTON	County:	New Castle
State:	DE	Postal Code:	19801
Phone:	302-658-7581		

Additional Information is available for a fee. You can retrieve Status for a fee of \$10.00 or more detailed information including current franchise tax assessment, current filing history

EXHIBIT C



Florida Department of State
Division of Elections

Campaign Contributions

Future Generations, Inc.

[About the Campaign Finance Data Base](#)

Rpt Yr	Rpt Type	Date	Amount	Contributor Name	Address	City State Zip	Occupation	Typ InKind Desc
2015	M10	10/30/2015	100.00	BENTLEY & BRUNING, PA	783 S. ORANGE AVE, STE 220	SARASOTA, FL 34236	LAW FIRM	CHE
2016	P1	06/22/2016	50,000.00	BRUNCKHORST FRANK	P.O. BOX 5697	SARASOTA, FL 34277	OWNER- BOAR'S HEAD P	CHE
2016	P3	07/21/2016	30,000.00	STUDENT ACHIEVEMENT FIRST, LLC	1209 ORANGE STREET	WILMINGTON, DE 19801	EDUCATIONAL CONSULTA	CHE
2016	P4	07/23/2016	500.00	LAW OFFICES OF DAVID GOLDMAN	308 COCONUT AVE	SARASOTA, FL 34236	LAWYERS	CHE
2016	P4	07/29/2016	16,000.00	FLORIDIANS FOR SMART GOVERNMEN	6751 PROFESSIONAL PARKWAY W, SUITE 103	SARASOTA, FL 34240	PAC	CHE
2016	P5	08/04/2016	30,000.00	STUDENT ACHIEVEMENT FIRST, LLC	1209 ORANGE STREET	WILMINGTON, DE 19801	EDUCATIONAL CONSULTA	CHE
2016	P7	08/23/2016	100.00	MALLOY KEVIN	5883 TIDEWOOD AVE	SARASOTA, FL 34231		CHE
2016	P7	08/25/2016	500.00	JUSTILIA 434 LLC	PO BOX 777	SARASOTA, FL 34239	PROPERTY MANAGEMENT	CHE
2016	P7	08/25/2016	250.00	HOLMES JAN	11 SUNSET DRIVE #203	SARASOTA, FL 34236	RETIRED	CHE
2016	P7	08/25/2016	25.00	CRANE JILLAURIE	1447 STRADA D'ORO	VENICE, FL 34292	RETIRED	CHE
2016	P7	08/25/2016	4,000.00	SCHNELL INA	PO BOX 9810	LONGBOAT KEY, FL 34228	RETIRED	CHE

131,475.00

11 Contribution(s) Selected

[Query the Campaign Finance Data Base](#)

[\[Department of State\]](#) [\[Division of Elections\]](#) [\[Candidates and Races\]](#) [\[Campaign Finance Information\]](#)

EXHIBIT D



Democrats take spotlight in state Senate campaign

Thursday Posted Aug 4, 2016 at 5:56 PM
Updated Aug 4, 2016 at 5:56 PM

By Zac Anderson zac.anderson@heraldtribune.com

Overshadowed by a crowded and bare-knuckle GOP primary, the two Democrats running for the District 23 state Senate seat finally had their turn in the spotlight Thursday at a Sarasota Tiger Bay forum that touched on everything from guns to health care reform.

New College of Florida professor Frank Alcock and recent University of South Florida graduate Frank Cirillo offered similar views on a range of issues, but the forum managed to draw out a few distinctions and even elicited a subtle jab from Cirillo, who said he was concerned about “dark money” entering the race.

Alcock — better known locally because of his community service and work as a political analyst — has been raising more money and also is getting help from outside groups. A political action committee called Future Generations Inc. recently paid for a mailer supporting Alcock.

The committee is run by two prominent area Democrats — Susan Nilon and Morgan Bentley — and is largely funded with a \$50,000 check from Democratic donor Frank Brunckhorst. But it also received a \$30,000 check from an organization called Student Achievement First LLC, which was incorporated in June in Wilmington, Del., a state notorious for allowing corporations to shield information. Delaware records list the LLC’s registered agent as The Corporation Trust Company.

Nilon said the LLC is funded by "an anonymous donor from Sarasota who does not want his name revealed." She added that the PAC will be involved in multiple races, including that of Republican Sarasota County School Board member Caroline Zucker, and that the LLC money was not used to help Alcock.

"It's important we stick to our principles and be accountable to the people," Cirillo said after the event. "I'm fine with big donors as long as you know who they are."

Alcock said he does not know anything about Student Achievement First LLC.

"I have no idea who these folks are," he said, adding that he is "proud of where my money has come from" and that he doesn't "have any say with that committee." Nilon backed up those comments.

Cirillo's remark about dark money came in response to an audience member asking how she could be certain the candidates would stick to their principles and not fall prey to special interest influence.

Sen. Nancy Detert — the debate moderator and current holder of the District 23 seat, which covers Sarasota County and part of Charlotte County — added that there are a lot of "time thieves" in the Legislature who "start making you work on their stuff, and before you know it you don't have time to work on your stuff."

Both Cirillo and Alcock pledged to work on issues that are important to the community. Alcock said he is most passionate about health care reform and will be a strong advocate for Medicaid expansion in Florida.

Cirillo said his greatest passion is environmental protection. He criticized how lawmakers have used money from a constitutional amendment that focused on land and water conservation.

Both candidates said they strongly oppose gun legislation that has come before the Legislature in recent years, including a bill that would allow concealed weapons on college campuses. They both support a \$15 minimum wage.

Cirillo said he voted for U.S. Sen. Bernie Sanders in the Democratic presidential primary, while Alcock voted for Democratic nominee Hillary Clinton.

Alcock got a laugh when Detert — who is known for her humor and independent streak — asked about the candidates' leadership abilities.

"What makes you the boss of me?" Detert joked, adding: "What qualifies you as a leader?"

"Nobody's going to be Nancy Detert's boss, ever," Alcock said, to applause. "But I would on midnight (on Election Day) be Nancy Detert's representative. And so at that moment we start with trying to earn the trust."

EXHIBIT E



Democratic PAC to support 'progressive' candidates for local offices

Thursday Posted Aug 4, 2016 at 6:07 PM

By Zac Anderson zac.anderson@heraldtribune.com

A prominent Sarasota Democrat has formed a new political action committee aimed at supporting "progressive" candidates for local offices.

Future Generations Inc. PAC is run by liberal activist Susan Nilon, who sent a press release Thursday saying the organization was formed to level the financial playing field for candidates "who pledge to advance progressive public policies."

"Historically, inadequate financial support for local candidates has limited the choices available to Sarasota County voters at the ballot box," according to the release.

The PAC has raised more than \$100,000 and already is drawing criticism over the source of its funding, which includes a \$30,000 check from an LLC registered in Delaware. Nilon declined to reveal who is behind the LLC, saying the donor wants to remain anonymous.

Frank Cirillo, a Democratic candidate for the District 23 state Senate seat, criticized the use of such "dark money" in local politics during a candidate forum Thursday. He said afterward that such tactics do not align with progressive values. Campaign finance reform, including greater donor transparency, is a key issue for many Democrats.

"Yes, from some people's perspective dark money is bad for the political process," Nilon said. "I totally agree. I'd like complete transparency as well for everybody. However, this is the hand we've been dealt, and I don't think that

progressives, Democrats or anyone else should have to sit out. We want to win elections, too.”

The press release by Future Generations criticizes organizations "with hidden agendas" that have been involved in local political campaigns in the past. It takes aim at groups that have worked to "privatize public schools, hospitals, and other public services" and pledges to back candidates who support "Public Education, Public Hospitals, Equal Rights, Environmental Protection, Smart Growth, Governmental Accountability, Citizen Engagement, and Health Care access for all."

Nilon said the PAC will be involved in a number of local races and won't just support Democrats. It already has paid for mailers backing Frank Alcock, Cirillo's Democratic opponent in the state Senate primary, and Republican Sarasota County School Board member Caroline Zucker.