

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Louis Earl McClanahan III

Case No.: FEC 17-307

TO: Louis Earl McClanahan III
5136 11th Avenue South
Gulfport, FL 33707

Division of Elections
500 S Bronough Street, Room 316
Tallahassee, FL 32399

NOTICE OF HEARING (INFORMAL HEARING)

A hearing will be held in this case before the Florida Elections Commission on, **May 15, 2018 at 8:30 am, or as soon thereafter as the parties can be heard**, at the following location: **412 Knott Building, Pat Thomas Committee Room, 404 South Monroe Street, Tallahassee, Florida 32399.**

Failure to appear in accordance with this notice will constitute a waiver of your right to participate in the hearing. Continuances will be granted only upon a showing of good cause.

This hearing will be conducted pursuant to Section 106.25, Florida Statutes, which governs your participation as follows:

If you are the Respondent, you may attend the hearing, and you or your attorney will have *5 minutes* to present your case to the Commission. However, some cases (including those in which consent orders or recommendations for no probable cause are being considered) may be decided by an *en masse* vote and, unless you request to be heard or the Commission requests that your case be considered separately on the day of the hearing, your case will *not* be individually heard.

If you are the Complainant, you may attend the hearing, but you will *not* be permitted to address the Commission. In addition, some cases (including those in which consent orders or recommendations for no probable cause are being considered) may be decided by an *en masse* vote and, unless the Respondent requests to be heard or the Commission requests that the case be considered separately on the day of the hearing, the case will *not* be individually heard.

If you are an Appellant, and you have requested a hearing, you may attend the hearing, and you or your attorney will have *5 minutes* to present your case to the Commission.

Please be advised that both confidential and public cases are scheduled to be heard by the Florida Elections Commission on this date. As an Appellant, Respondent or Complainant in one case, you will *not* be permitted to attend the hearings on other confidential cases.

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.

If you require an accommodation due to a disability, contact Donna Ann Malphurs at (850) 922-4539 or by mail at 107 West Gaines Street, The Collins Building, Suite 224, Tallahassee, Florida 32399, at least 5 days before the hearing.

See further instructions on the reverse side.

Amy McKeever Toman
Executive Director
Florida Elections Commission
April 30, 2018

Please refer to the information below for further instructions related to your particular hearing:

If this is a hearing to consider **an appeal from an automatic fine**, the Filing Officer has imposed a fine on you for your failure to file a campaign treasurer's report on the designated due date and, by filing an appeal, you have asked the Commission to consider either (1) that the report was in fact timely filed; or (2) that there were unusual circumstances that excused the failure to file the report timely. You are required to prove your case. If the Commission finds that the report was filed timely or that there were unusual circumstances that excused the failure, it may waive the fine, in whole or in part. The Commission may reduce a fine after considering the factors in Section 106.265, Florida Statutes. If the Commission finds that the report was not timely filed and there were no unusual circumstances, the fine will be upheld.

If this is a hearing to consider a **consent order before a determination of probable cause has been made**, the Commission will decide whether to accept or reject the consent order. If the Commission accepts the consent order, the case will be closed and become public. If the Commission rejects the consent order or does not make a decision to accept or deny the consent order, the case will remain confidential, unless confidentiality has been waived.

If this is a hearing to consider a **consent order after a determination of probable cause has been made**, the Commission will decide whether to accept or reject the consent order. If the Commission accepts the consent order, the case will be closed. If the Commission rejects the consent order or does not make a decision to accept or deny the consent order, the Respondent will be entitled to another hearing to determine if the Respondent committed the violation(s) alleged.

If this is a **probable cause hearing**, the Commission will decide if there is probable cause to believe that the Respondent committed a violation of Florida's election laws. Respondent should be prepared to explain how the staff in its recommendation incorrectly applied the law to the facts of the case. *Respondent may not testify, call others to testify, or introduce any documentary or other evidence at the probable cause hearing.* The Commission will only decide whether Respondent should be *charged* with a violation and, before the Commission determines whether a violation has occurred or a fine should be imposed, Respondent will have an opportunity for another hearing at which evidence may be introduced.

If this is an **informal hearing**, it will be conducted pursuant Sections 120.569 and 120.57(2), Florida Statutes; Chapter 28 and Commission Rule 2B-1.004, Florida Administrative Code. At the hearing, the Commission will decide whether the Respondent committed the violation(s) charged in the Order of Probable Cause. The Respondent will be permitted to testify. However, the Respondent may not call witnesses to testify.

Respondent may argue why the established facts in the Staff Recommendation do not support the violations charged in the Order of Probable Cause. At Respondent's request, the Commission may determine whether Respondent's actions in the case were willful. The Respondent may also address the appropriateness of the recommended fine. If Respondent claims that his limited resources make him unable to pay the statutory fine, *he must provide the Commission with written proof of his financial resources* at the hearing. A financial affidavit form is available from the Commission Clerk.

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STATE OF FLORIDA
ELECTIONS COMMISSION

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,
Petitioner,**

Case No.: FEC 17-307

v.

**Louis Earl McClanahan, III,
Respondent.**

ORDER OF PROBABLE CAUSE

THIS MATTER was heard by the Florida Elections Commission (Commission) at its regularly scheduled meeting on March 13, 2018, in Tallahassee, Florida.

On January 30, 2018, Staff recommended to the Commission that there was probable cause to believe that the Florida Election Code was violated. The facts articulated in Staff's Recommendation are adopted by reference and incorporated herein. Based on the Complaint, Report of Investigation, Staff's Recommendation, and oral statements (if any) made at the probable cause hearing, the Commission finds that there is **probable cause** to charge Respondent with the following violation(s):

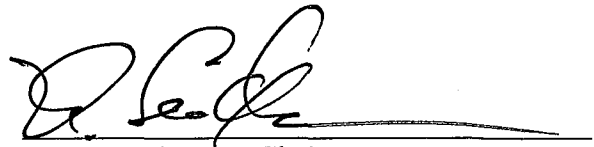
Count 1:

On or about August 10, 2017, Louis Earl McClanahan, III violated Section 106.07(7), Florida Statutes, when he failed to notify the filing officer in writing on the prescribed reporting date that he would not be filing his 2017 M7 Report.

THIS SPACE INTENTIONALLY LEFT BLANK

The Commission finds that there is **no probable cause** to charge Respondent with violating Section 106.19(1)(c), Florida Statutes.

DONE AND ORDERED by the Florida Elections Commission on March 13, 2018.



M. Scott Thomas, Chairman
Florida Elections Commission

Copies furnished to:
Stephanie J. Cunningham, Assistant General Counsel
Louis Earl McClanahan, III, Respondent
Division of Elections, Complainant

NOTICE OF RIGHT TO A HEARING

As the Respondent, you may elect to resolve this case in several ways. First, you may elect to resolve this case by consent order where you and Commission staff agree to resolve the violation(s) and agree to the amount of the fine. The consent order is then presented to the Commission for its approval. To discuss a consent order, contact the FEC attorney identified in the Order of Probable Cause.

Second, you may request an informal hearing held before the Commission, if you do not dispute any material fact in the Staff Recommendation. You have 30 days from the date the Order of Probable Cause is filed with the Commission to request such a hearing. The date this order was filed appears in the upper right-hand corner of the first page of the order. At the hearing, you will have the right to make written or oral arguments to the Commission concerning the legal issues related to the violation(s) and the potential fine. At the request of Respondent, the Commission will consider and determine willfulness at an informal hearing. Otherwise, live witness testimony is unnecessary.

Third, you may request a formal hearing held before an administrative law judge in the Division of Administrative Hearings (DOAH), if you dispute any material fact in the Staff Recommendation. You have 30 days from the date the Order of Probable Cause is filed with the Commission to request such a hearing. The date this order was filed appears in the upper right-hand corner of the first page of the order. At the hearing, you will have the right to present evidence relevant to the violation(s) listed in this order, to cross-examine opposing witnesses, to impeach any witness, and to rebut the evidence presented against you.

If you do not elect to resolve the case by consent order or request a formal hearing at the DOAH or an informal hearing before the Commission within 30 days of the date this Order of Probable Cause is filed with the Commission, the case will be sent to the Commission for a formal or

informal hearing, depending on whether the facts are in dispute. The date this order was filed appears in the upper right-hand corner of the first page of the order.

To request a hearing, please send a written request to the Commission Clerk, Donna Ann Malphurs. The address of the Commission Clerk is 107 W. Gaines Street, Collins Building, Suite 224, Tallahassee, Florida 32399-1050. The telephone number is (850) 922-4539. The Clerk will provide you with a copy of Chapter 28-106, *Florida Administrative Code*, and other applicable rules upon request. No mediation is available.

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Louis Earl McClanahan III

Case No.: FEC 17-307

TO: Louis Earl McClanahan III
5136 11th Avenue South
Gulfport, FL 33707

Division of Elections
500 S Bronough Street, Room 316
Tallahassee, FL 32399

NOTICE OF HEARING (PROBABLE CAUSE DETERMINATION)

A hearing will be held in this case before the Florida Elections Commission on, **March 13, 2018 at 10:00 am, or as soon thereafter as the parties can be heard**, at the following location: **Augustus B. Turnbull Conference Center, 555 West Pensacola Street, Room 103, Tallahassee, Florida 32301.**

Failure to appear in accordance with this notice will constitute a waiver of your right to participate in the hearing. Continuances will be granted only upon a showing of good cause.

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See further instructions on the reverse side.

Amy McKeever Toman
Executive Director
Florida Elections Commission
February 26, 2018

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If this is a hearing to consider **an appeal from an automatic fine**, the Filing Officer has imposed a fine on you for your failure to file a campaign treasurer's report on the designated due date and, by filing an appeal, you have asked the Commission to consider either (1) that the report was in fact timely filed; or (2) that there were unusual circumstances that excused the failure to file the report timely. You are required to prove your case. If the Commission finds that the report was filed timely or that there were unusual circumstances that excused the failure, it may waive the fine, in whole or in part. The Commission may reduce a fine after considering the factors in Section 106.265, Florida Statutes. If the Commission finds that the report was not timely filed and there were no unusual circumstances, the fine will be upheld.

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If this is a **probable cause hearing**, the Commission will decide if there is probable cause to believe that the Respondent committed a violation of Florida's election laws. Respondent should be prepared to explain how the staff in its recommendation incorrectly applied the law to the facts of the case. *Respondent may not testify, call others to testify, or introduce any documentary or other evidence at the probable cause hearing.* The Commission will only decide whether Respondent should be *charged* with a violation and, before the Commission determines whether a violation has occurred or a fine should be imposed, Respondent will have an opportunity for another hearing at which evidence may be introduced.

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Respondent may argue why the established facts in the Staff Recommendation do not support the violations charged in the Order of Probable Cause. At Respondent's request, the Commission may determine whether Respondent's actions in the case were willful. The Respondent may also address the appropriateness of the recommended fine. If Respondent claims that his limited resources make him unable to pay the statutory fine, *he must provide the Commission with written proof of his financial resources* at the hearing. A financial affidavit form is available from the Commission Clerk.

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: Louis Earl McClanahan, III
_____ /

Case No.: FEC 17-307

STAFF RECOMMENDATION FOLLOWING INVESTIGATION

Pursuant to Section 106.25(4)(c), Florida Statutes, undersigned staff counsel files this written recommendation for disposition of the referral in this case recommending that there is **probable cause** to charge Respondent with violating **Section 106.07(7), Florida Statutes**, and that there is **no probable cause** to charge Respondent with violating **Section 106.19(1)(c), Florida Statutes**. Based upon a thorough review of the Report of Investigation submitted on January 12, 2018, the following facts and law support this staff recommendation:

1. On October 5, 2017, the Florida Elections Commission (“Commission”) received a referral from the Department of State, Division of Elections (“Division”), alleging that Louis Earl McClanahan, III (“Respondent”) violated Chapter 106, Florida Statutes.
2. Respondent is a 2018 candidate for Governor. (ROI Exhibit 10)¹
3. By letter dated November 9, 2017, the Executive Director notified Respondent that Commission staff would investigate the following statutory provisions:

Section 106.07(7), Florida Statutes: As alleged in the complaint, Respondent may have failed to notify the filing officer on the prescribed reporting date that no report would be filed on that date because he had not received funds, made contributions, or expended reportable funds during the following reporting period:

- 2017 M7

Section 106.19(1)(c), Florida Statutes: As alleged in the complaint, Respondent may have falsely reported or deliberately failed to include information required by Chapter 106, Florida Statutes, when he failed to file a report on the prescribed reporting date for the following reporting period:

- 2017 M7

4. By letter dated March 21, 2017, Kristi Reid Bronson, Chief, Bureau of Election Records, sent Respondent a letter acknowledging that the Division had received his Appointment

¹ The Report of Investigation is referred to herein as “ROI.”

of Campaign Treasurer and Designation of Campaign Depository for Candidates form and that his name was placed on the 2018 active candidate list. (ROI Exhibit 2, page 1)

5. The acknowledgment letter advised Respondent that all candidates filing reports with the Division are required to use the electronic filing system ("EFS"), and provided Respondent with a user identification number and initial password to grant access to the EFS. (ROI Exhibit 2, page 1) The letter further advised Respondent that all of the Division's publications and reporting forms were available on its website and directed Respondent to print out the *Calendar of Reporting Dates* as well as other relevant documents. (ROI Exhibit 2, page 3)

6. Respondent's 2017 M7 Report was due to be filed by August 10, 2017; however, Respondent failed to timely file the report or notify the filing officer that no report would be filed. (ROI Exhibit 3, page 1) By letters dated August 11, 2017, September 7, 2017, and September 18, 2017, the Division notified Respondent that his 2017 M7 Report had not been received. The letters also notified Respondent that he was still required to notify the Division if he had no reportable financial activity. (ROI Exhibits 4-6)

7. A subpoena was issued to Respondent's designated campaign depository to ascertain whether any financial activity occurred during the relevant reporting period, i.e., July 1, 2017 – July 31, 2017. The financial institution had no records responsive to Commission staff's subpoena. (ROI Exhibit 7)

8. Respondent stated that he has not had any financial activity during his campaign. He also stated that he was under the impression that his candidacy had been withdrawn. (Attachment A) The Division's website shows that it has not received a request to withdraw candidacy for Respondent. (Attachment B)

9. As it appears that Respondent had no financial activity, Respondent was required to notify the filing officer in writing that he would not be filing his 2017 M7 Report on the prescribed reporting date, but failed to do so. Therewith, it does not appear that Respondent falsely reported or deliberately failed to include information in his 2017 M7 Report as the report was waived due to a lack of reportable financial activity.

10. As of January 11, 2018, Respondent had not filed his 2017 M7 Report or notified the filing officer that no report would be filed. (ROI Exhibit 9, page 1)

11. "Probable Cause" is defined as reasonable grounds of suspicion supported by circumstances sufficiently strong to warrant a cautious person in the belief that the person has committed the offense charged. *Schmitt v. State*, 590 So. 2d 404, 409 (Fla. 1991). Probable cause exists where the facts and circumstances, of which an [investigator] has reasonably trustworthy information, are sufficient in themselves for a reasonable man to reach the conclusion that an offense has been committed. *Department of Highway Safety and Motor Vehicles v. Favino*, 667 So. 2d 305, 309 (Fla. 1st DCA 1995).

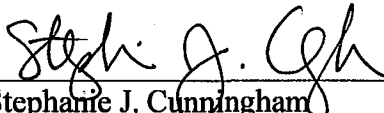
12. The facts set forth above show that Respondent is a 2018 candidate for Governor. Respondent failed to timely file his 2017 M7 Report or notify the filing officer that no report would be filed. It appears that Respondent had no financial activity during the relevant reporting period, and therefore, was required to notify the filing officer in writing that he would not be filing his 2017 M7 Report on the prescribed reporting date, but failed to do so. Therewith, it does not appear that Respondent falsely reported or deliberately failed to include information in his 2017 M7 Report as the report was waived due to a lack of reportable financial activity.

Based upon these facts and circumstances, I recommend that the Commission find **no probable cause** to charge Respondent with violating **Section 106.19(1)(c), Florida Statutes**, and find **probable cause** to charge Respondent with violating the following:

Count 1:

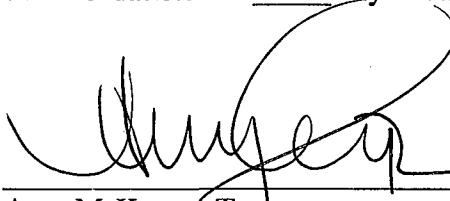
On or about August 10, 2017, Louis Earl McClanahan, III violated Section 106.07(7), Florida Statutes, when he failed to notify the filing officer in writing on the prescribed reporting date that he would not be filing his 2017 M7 Report.

Respectfully submitted on January 30, 2018.



Stephanie J. Cunningham
Assistant General Counsel

I reviewed this Staff Recommendation this 30th day of January 2018.



Amy McKeever Toman
Executive Director

FLORIDA ELECTIONS COMMISSION
PHONE LOG
Case No.: FEC 17-307

Respondent: Louis Earl McClanahan III

Complainant: Division of Elections

1. **Date and time:** December 6, 2017 @ 8:05 am
Name: Respondent
Phone #: (727) 301-6421
Summary: I attempted telephone contact to make initial contact. I left a message to return my call.
Memo to File? No
Entered by: CKO

2. **Date and time:** December 20, 2017 @ 11:40 am
Name: Quin Watson—Bank representative
Phone #: Unavailable
Summary: I had telephone contact from Respondent's campaign depository inquiring about additional identifying information for Respondent. I gave them address information and potential start dates for the depository. Ms. Watson advised me that she was unable to locate any information on Respondent. She explained that if I was able to locate any other account/tax id/identifying information, I would just need to contact her with additional information. She also explained that she would be emailing me an unable to locate declaration letter. I thanked her for her assistance with this matter.
Memo to File? No
Entered by: CKO

3. **Date and time:** December 20, 2017 @ 11:55 am
Name: Respondent
Phone #: (727) 301-6421
Summary: I had telephone contact to make initial contact. Respondent explained to me that he had been receiving correspondence from our office but he was under the impression that his candidacy had been withdrawn. Respondent advised me that he initially lost his pin number so he was unable to file any of his reports. He then went on to say that he decided to stop running for office. Respondent told me that he had sent in a letter to the DOE informing them of his intent to withdraw his candidacy but the letter ended up getting lost along the way somehow. I explained to Respondent that he was still responsible for filing campaign reports until his candidacy was officially over. I gave him contact information for the DOE. Respondent informed me that he had not had any financial activity at any time during his brief campaign. I also verified home/contact information.
Memo to File? No
Entered by: CKO

4. **Date and time:** January 8, 2018 @ 11:10 am
Name: Respondent
Phone #: (727) 301-6421

Summary: I attempted telephone contact to inquire if he would be returning the overdue questionnaire-affidavit. I left a message to return my call.

Memo to File? No

Entered by: CKO

5. **Date and time:** January 11, 2018 @ 11:40 am

Name: Quin Watson—Bank representative

Phone #: (205) 420-4451

Summary: I had telephone contact to inform Ms. Watson that the email that she sent me was unreadable. I inquired if she would be able to fax me a copy of the letter. She stated that she would and I gave her contact information. She explained that she would forward to my attention within the next few minutes. I thanked her for her assistance.

Memo to File? No

Entered by: CKO

Campaign Documents Search

Forms are available in Adobe's Acrobat PDF format for viewing or printing at your site. Accessing documents in PDF format requires use of [Adobe's Acrobat Reader](#), which may be installed free of charge.

| | |
|--------------|--------------------------------------|
| Account Num | <input type="text"/> |
| Account Name | <input type="text"/> |
| Account Type | all <input type="button" value="v"/> |
| Form Desc | <input type="button" value="v"/> |
| Election Id | all <input type="button" value="v"/> |
| Office Desc | <input type="button" value="v"/> |
| Submit | <input type="button" value="Clear"/> |

| Name | Type | Received | Description | Select |
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| McClanahan III, Louis Earl | CAN | 01/11/18 | Fail to File Letter | PDF |
| McClanahan III, Louis Earl | CAN | 01/09/18 | Fail to File Letter | PDF |
| McClanahan III, Louis Earl | CAN | 12/19/17 | Fail to File Letter | PDF |
| McClanahan III, Louis Earl | CAN | 12/12/17 | Fail to File Letter | PDF |
| McClanahan III, Louis Earl | CAN | 11/27/17 | Fail to File Letter | PDF |
| McClanahan III, Louis Earl | CAN | 11/14/17 | Fail to File Letter | PDF |
| McClanahan III, Louis Earl | CAN | 11/13/17 | Fail to File Letter | PDF |
| McClanahan III, Louis Earl | CAN | 10/26/17 | Fail to File Letter | PDF |
| McClanahan III, Louis Earl | CAN | 10/19/17 | Fail to File Letter | PDF |
| McClanahan III, Louis Earl | CAN | 10/11/17 | Fail to File Letter | PDF |
| McClanahan III, Louis Earl | CAN | 10/04/17 | Fail to File Letter | PDF |
| McClanahan III, Louis Earl | CAN | 09/26/17 | Fail to File Letter | PDF |
| McClanahan III, Louis Earl | CAN | 09/18/17 | Fail to File Letter | PDF |
| McClanahan III, Louis Earl | CAN | 09/07/17 | Fail to File Letter | PDF |
| McClanahan III, Louis Earl | CAN | 08/11/17 | Fail to File Letter | PDF |
| McClanahan III, Louis Earl | CAN | 07/18/17 | Late Report Letter | PDF |
| McClanahan III, Louis Earl | CAN | 07/11/17 | Fail to File Letter | PDF |
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| McClanahan III, Louis Earl | CAN | 06/26/17 | Late Report Letter | PDF |
| McClanahan III, Louis Earl | CAN | 06/26/17 | Late Report Letter | PDF |
| McClanahan III, Louis Earl | CAN | 06/21/17 | Pin/Password Reset Request | PDF |
| McClanahan III, Louis Earl | CAN | 06/20/17 | Fail to File Letter | PDF |
| McClanahan III, Louis Earl | CAN | 06/13/17 | Fail to File Letter | PDF |
| McClanahan III, Louis Earl | CAN | 06/13/17 | Fail to File Letter | PDF |
| McClanahan III, Louis Earl | CAN | 05/11/17 | Fail to File Letter | PDF |
| McClanahan III, Louis Earl | CAN | 04/11/17 | Fail to File Letter | PDF |
| McClanahan III, Louis Earl | CAN | 03/21/17 | Acknowledgment Letter | PDF |
| McClanahan III, Louis Earl | CAN | 03/20/17 | Candidate Appt of Campaign Treasurer | PDF |
| McClanahan III, Louis Earl | CAN | 03/08/17 | Miscellaneous | PDF |
| McClanahan III, Louis Earl | CAN | 02/14/17 | Candidate Appt of Campaign Treasurer | PDF |
| McClanahan III, Louis Earl | CAN | 02/07/17 | Candidate Appt of Campaign Treasurer | PDF |
| McClanahan III, Louis Earl | CAN | 02/07/17 | Statement of Candidate | PDF |

Attachment B

FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Case No.: FEC 17-307

Respondent: Louis Earl McClanahan III

Counsel for Respondent: n/a

Complainant: Division of Elections

Counsel for Complainant: n/a

On October 5, 2017, the Florida Elections Commission (“Commission”) received a referral from the Division of Elections alleging that Respondent violated Chapter 106, Florida Statutes. Commission staff investigated whether Respondent violated the following statutes:

Section 106.07(7), Florida Statutes, failure of a candidate who did not receive any contributions or make any expenditures during a reporting period to notify timely the filing officer, in writing, that no report is being filed; and

Section 106.19(1)(c), Florida Statutes, prohibiting a person or organization from falsely reporting or deliberately failing to report information required by Chapter 106, Florida Statutes.

I. Preliminary Information:

1. Respondent is a 2018 candidate for the office of Governor. Respondent is a first-time candidate.
2. Complainant is the Division of Elections.
3. Respondent’s filing officer is Kristi Willis, Chief, Bureau of Election Records¹.
4. On February 7, 2017, Respondent filed his original Appointment of Campaign Treasurer and Designation of Campaign Depository (DS-DE 9) with his filing officer². Respondent appointed himself as his own campaign treasurer. To view a copy of Respondent’s February 7, 2017 DS-DE 9 form, refer to exhibit 1.
5. On March 21, 2017, Complainant sent Respondent a letter acknowledging he had been placed on the 2018 active candidate list. The letter advised Respondent that all candidates filing reports with the Division are required to use the electronic filing system (EFS). Respondent was provided with a user identification number and initial password allowing him access to the

¹ Ms. Willis was recently married and changed her name from Kristi Reid-Bronson, to Kristi Willis.

² Respondent subsequently filed two additional DS-DE 9 forms with his filing officer. Respondent appointed himself as his own campaign treasurer on each of these forms.

EFS. To view a copy of the March 21, 2017 acknowledgement letter, refer to exhibit 2.

6. On October 5, 2017, a DOE staff representative, Kristi Willis, submitted a sworn-affidavit alleging that Respondent failed to report campaign activity, or in the alternative failed to notify the filing officer that no report would be filed, for the 2017 M7 reporting period. To view a copy of the October 5, 2017 sworn-affidavit, refer to exhibit 3.

7. On August 11, 2017, Complainant mailed Respondent a failure-to-file letter informing him that the 2017 M7 Report had not been filed. This letter was sent to the address Respondent provided on his DS-DE 9 form (Exhibit 1). To view a copy of the August 11, 2017 failure-to-file letter, refer to exhibit 4.

8. On September 7, 2017, Complainant sent Respondent a second failure-to-file letter informing him that the 2017 M7 Report still had not been filed. This letter was also sent to the address Respondent provided on his DS-DE 9 form (Exhibit 1). To view a copy of the September 7, 2017 failure-to-file letter, refer to exhibit 5.

9. On September 18, 2017, Complainant mailed Respondent a failure-to-file letter via certified mail, informing him that the 2017 M7 Report had not been filed. This letter was sent to the address Respondent provided on his DS-DE 9 form (Exhibit 1). To view a copy of the September 18, 2017 failure-to-file letter with delivery confirmation receipt, refer to exhibit 6.

10. The allegations that Respondent failed to report campaign activity, or in the alternative, failed to notify the filing officer in writing, that no report would be filed for the 2017 M7 reporting period will be discussed in the following paragraphs.

II. Alleged Violation of Section 106.19(1)(c), Florida Statutes:

11. I investigated whether Respondent violated this section of the election laws by falsely reporting or deliberately failing to include information required by Chapter 106, Florida Statutes, when he failed to file a treasurer's report, or written notice to the filing officer that no report would be filed due to lack of reportable activity during the 2017 M7 reporting period, on the prescribed reporting date.

12. On December 19, 2017, I subpoenaed Respondent's campaign account records from Regions Bank, the campaign depository listed on Respondent's current DS-DE 9 form (Exhibit 1). In a Business Records Declaration dated December 20, 2017, Ms. Quin Watson, Subpoena Processing Specialist, stated that she was unable to locate any information on Respondent. To review a copy of the "business records declaration" from Respondent's depository, refer to exhibit 7.

13. Based upon Region bank's declaration in response to the Commission's subpoena, it appears that Respondent did not have any contributions or expenditures during the 2017 M7 reporting period³. Therefore, it appears there was no campaign activity for Respondent to disclose during this period.

³ The 2017 M7 reporting period covers the time-period of July 1, 2017 through July 31, 2017.

14. There is no record that Respondent has previously violated this section of the election laws.

III. Alleged Violation of Section 106.07(7), Florida Statutes:

15. I investigated whether Respondent violated this section of the election laws by failing to timely notify the filing officer, in writing, that no report would be filed due to not receiving any contributions or making any expenditures during the 2017 M7 reporting period.

16. To review the circumstances regarding Respondent's campaign activity, refer to paragraphs 12 and 13 of this report.

17. Section 106.07(7), Florida Statutes, states in part:

"Notwithstanding any other provisions of this chapter, in any reporting period during which a candidate or political committee has not received funds, made any contributions, or expended any reportable funds, the filing of the required report for that period is waived...any candidate or political committee not reporting by virtue of this subsection on dates prescribed elsewhere in this chapter shall notify the filing officer in writing on the prescribed reporting date that no report is being filed on that date."

18. In an e-mail dated April 2, 2014, Ms. Bronson was asked to clarify the procedure regarding how to notify the Division in writing on the prescribed reporting date that no report would be filed. In her response, Ms. Bronson stated, "The notice that no report will be filed is the waiver, which must be filed in the EFS. We do not require anything separate in writing." To review a copy of Ms. Bronson's e-mail, please refer to exhibit 8.

19. Based upon Region Bank's declaration and Ms. Willis's email, because Respondent did not have any contributions or expenditures during the 2017 M7 reporting period, it appears Respondent was required to notify the Division in writing on the prescribed reporting date that no report would be filed. As of the date of this report, there is no record that Respondent has filed a 2017 M7 Report, nor advised in writing of no reportable activity to disclose. To review a copy of Respondent's filing history, refer to exhibit 9.

20. There is no record that Respondent has previously violated this section of the election laws.

IV. FEC History:

21. None.

Conclusion:

22. Respondent was offered several opportunities to make comments regarding the findings of this investigation. Respondent has not responded to any of these attempts to discuss these findings.

23. In the March 21, 2017 acknowledgement letter, Respondent was informed that all

of the Division's publications are available online at the DOE's website. In the letter, Respondent was admonished as follows: **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, Candidate and Campaign Treasurer Handbook, Calendar of Reporting Dates, and Rule 1S-2.017, Florida Administrative Code**". To view a copy of the March 21, 2017 acknowledgement letter, refer to exhibit 2.

24. On February 7, 2017, Respondent filed his Statement of Candidate for Governor acknowledging that he had been provided access to read and understand the requirements of Chapter 106, Florida Statutes. To view a copy of the Statement of Candidate, refer to exhibit 10.

Respectfully submitted on January 12, 2018.



Cedric Oliver
Investigation Specialist

Current address of Respondent

Mr. Louis Earl McClanahan, III
5136 11th Avenue South
Gulfport, Fl 33707

Current address of Complainant

Division of Elections
500 South Bronough Street, Room 316
Tallahassee, Fl 32399

Name and Address of Filing Officer:

Ms. Kristi Willis
Bureau of Election Records Chief
500 South Bronough Street, Room 316
Tallahassee, Fl 32399

Copy furnished to: Mr. David Flagg, Investigations Manager

FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Louis E. McClanahan III -- FEC 17-307

| LIST OF EXHIBITS | |
|-------------------------|--|
| Exhibits #s | Description of Exhibits |
| Exhibit 1 | Respondent's DS-DE 9 forms |
| Exhibit 2 | Acknowledgement Letter |
| Exhibit 3 | Sworn-affidavit from Kristi Willis |
| Exhibit 4 | August 11, 2017 failure-to-file letter |
| Exhibit 5 | September 7, 2017 failure-to-file letter |
| Exhibit 6 | September 18, 2017 failure-to-file letter with delivery confirmation |
| Exhibit 7 | Regions Bank Declaration Page |
| Exhibit 8 | April 2, 2017 email from Kristi Willis (Bronson) |
| Exhibit 9 | Respondent's filing history |
| Exhibit 10 | Statement of Candidate |

**APPOINTMENT OF CAMPAIGN TREASURER
AND DESIGNATION OF CAMPAIGN
DEPOSITORY FOR
POLITICAL COMMITTEES**
(Sections 106.011(1) and 106.021(1), F.S.)

RECEIVED
DEPARTMENT OF
2017 FEB -7 AM 10:29
CLASSIFICATION

CHECK APPROPRIATE BOX:

OFFICE USE ONLY

Original Appointment of Treasurer Reappointment of Treasurer Deputy Treasurer

| | | | |
|---|--|---|-----------------------|
| 1. Committee or Organization louis for governor ^{of} florida | | 2. Telephone (721) 301-6421 | |
| 3. Name of Treasurer or Deputy Treasurer LOUIS EARL McCLARAHAN III | | 4. Email (optional) () | |
| 5. Telephone (optional) () | | | |
| 6. Mailing Address 5136 11th Ave So. GULFPORT / FL / 33707-3644 | | | |
| 7. Street Address 5136 11th Ave So. GULFPORT / FL / 33707-3644 | | | |
| 8. The following bank has been designated as the <input checked="" type="checkbox"/> Primary Depository <input type="checkbox"/> Secondary Depository | | | |
| 9. Name of Bank Regions bank | | 10. Street Address 5728 Gulfport Blvd So. | |
| 11. City GULFPORT | | 12. State FL | 13. Zip Code 33707 |
| 14. Signature of Chairman <input checked="" type="checkbox"/> Louis Earl McClarahan III | | 15. Name of Chairman (Print or Type) Louis Earl McClarahan III | |

Campaign Treasurer's Acceptance of Appointment

I, LOUIS EARL McCLARAHAN III, do hereby accept the appointment as
(Please Print or Type)
treasurer or deputy treasurer for Louis for governor of Florida
(Committee or Organization)

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING CAMPAIGN TREASURER'S
ACCEPTANCE OF APPOINTMENT AND THAT THE FACTS STATED ARE TRUE.

1-31-17
Date

Louis Earl McClarahan III
Signature of Campaign Treasurer or Deputy Treasurer

**APPOINTMENT OF CAMPAIGN TREASURER
AND DESIGNATION OF CAMPAIGN
DEPOSITORY FOR CANDIDATES**

(Section 106.021(1), F.S.)

(PLEASE PRINT OR TYPE)

NOTE: This form must be on file with the qualifying officer before opening the campaign account.

RECEIVED
2017 FEB 14 AM 10:10
OFFICE OF ELECTIONS

OFFICE USE ONLY

1. CHECK APPROPRIATE BOX(ES):

Initial Filing of Form Re-filing to Change: Treasurer/Deputy Depository Office Party

2. Name of Candidate (in this order: First, Middle, Last)
louis earl mcclanhan III

3. Address (include post office box or street, city, state, zip code)
5136 11th ave so.
gulfport/fl/33707-3644

4. Telephone
(727) 301-6421

5. E-mail address
louiskart83@outlook.com

6. Office sought (include district, circuit, group number)
governor of Florida

7. If a candidate for a nonpartisan office, check if applicable:
 My intent is to run as a Write-In candidate.

8. If a candidate for a partisan office, check block and fill in name of party as applicable: My intent is to run as a
 Write-In No Party Affiliation democratic Party candidate.

9. I have appointed the following person to act as my Campaign Treasurer Deputy Treasurer

10. Name of Treasurer or Deputy Treasurer
louis earl mcclanahan III

11. Mailing Address
5136 11th ave so.

12. Telephone
(727) 301-6421

13. City
gulfport

14. County
pinellas

15. State
fl

16. Zip Code
33707

17. E-mail address
louiskart83@outlook.com

18. I have designated the following bank as my Primary Depository Secondary Depository

19. Name of Bank
region bank

20. Address
5728 gulfport Blvd s

21. City
gulfport

22. County
pinellas

23. State
fl

24. Zip Code
33707

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING FORM FOR APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY AND THAT THE FACTS STATED IN IT ARE TRUE.

25. Date

26. Signature of Candidate
 Louis Earl McClanahan III

27. **Treasurer's Acceptance of Appointment** (fill in the blanks and check the appropriate block)
I, louisearlmcclanahanIII, do hereby accept the appointment
(Please Print or Type Name)

designated above as: Campaign Treasurer Deputy Treasurer.
2-9-17 Date Louis Earl McClanahan III Signature of Campaign Treasurer or Deputy Treasurer

EXHIBIT 1 (2 of 3)

**APPOINTMENT OF CAMPAIGN TREASURER
AND DESIGNATION OF CAMPAIGN
DEPOSITORY FOR CANDIDATES**

(Section 106.021(1), F.S.)

(PLEASE PRINT OR TYPE)

NOTE: This form must be on file with the qualifying officer before opening the campaign account.

17 MAR 20 AM 12:42

DIVISION OF ELECTIONS
SECRETARY OF STATE

OFFICE USE ONLY

1. CHECK APPROPRIATE BOX(ES):

Initial Filing of Form Re-filing to Change: Treasurer/Deputy Depository Office Party

2. Name of Candidate (in this order: First, Middle, Last)

Louis earl mcclanahan III

3. Address (include post office box or street, city, state, zip code)

5136 11th ave so.
gulfport /fl/ 33707

4. Telephone

(727) 301-6421

5. E-mail address

louiskart83@outlook.com

6. Office sought (include district, circuit, group number)
governor

7. If a candidate for a nonpartisan office, check if applicable:

My intent is to run as a Write-In candidate.

8. If a candidate for a partisan office, check block and fill in name of party as applicable: My intent is to run as a

Write-In No Party Affiliation democratic Party candidate.

9. I have appointed the following person to act as my Campaign Treasurer Deputy Treasurer

10. Name of Treasurer or Deputy Treasurer

Louis earl mcclanahan III

11. Mailing Address

5136 11th ave so.

12. Telephone

(727) 301-6421

13. City

gulfport

14. County

pinellas

15. State

fl

16. Zip Code

33707

17. E-mail address

louiskart83@outlook.com

18. I have designated the following bank as my Primary Depository Secondary Depository

19. Name of Bank

Regions

20. Address

5728 gulfport blvd so.

21. City

gulfport

22. County

pinellas

23. State

FL

24. Zip Code

33707

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING FORM FOR APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY AND THAT THE FACTS STATED IN IT ARE TRUE.

25. Date

3-16-17

26. Signature of Candidate

X *Louis Earl McClanahan III*

27. Treasurer's Acceptance of Appointment (fill in the blanks and check the appropriate block)

I, louisearlmcclanahanIII, do hereby accept the appointment
(Please Print or Type Name)

designated above as: Campaign Treasurer Deputy Treasurer.

3-16-17

Date

X *Louis Earl McClanahan III*
Signature of Campaign Treasurer or Deputy Treasurer



FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

March 21, 2017

Louis Earl McClanahan, III
5136 11th Avenue South
Gulfport, Florida 33707

Dear Mr. McClanahan:

This will acknowledge receipt of the Appointment of Campaign Treasurer and Designation of Campaign Depository for the office of Governor, which was placed on file in our office on March 20, 2017. Your name has been placed on the 2018 active candidate list.

Campaign Treasurer's Reports

Your first campaign treasurer's report will be due on **April 10, 2017**. The report will cover the period of March 1-31, 2017 (M3). All candidates who file reports with the Division of Elections are required to file by means of the Division's Electronic Filing System (EFS).

Credentials and Sign-ons

Below is the web address to access the EFS and your user identification number. The enclosed sealed envelope contains your initial password. Once you have logged in using the initial password, you will be immediately prompted to change it to a confidential sign-on. You, your campaign treasurer, and deputy treasurers are responsible for protecting these passwords from disclosure and are responsible for all filings using these credentials, unless the Division is notified that your credentials have been compromised.

EFS Website Address: <https://efs.dos.state.fl.us>
Identification Number: 69721

Division of Elections
R.A. Gray Building, Suite 316 • 500 South Bronough Street • Tallahassee, Florida 32399
850.245.6240 • 850.245.6260 (Fax) dos.myflorida.com/elections/



EXHIBIT 2 (1 of 4)

Louis Earl McClanahan, III
March 21, 2017
Page Two

Pin Numbers

Pin numbers are confidential secure credentials that allow you to submit reports and update personal information. The enclosed sealed envelope contains your confidential pin numbers.

Each candidate is required to provide the Division of Elections with confidential personal information that may be used to allow access in the event that password is forgotten or lost. When you enter the campaign account screen, there will be a drop down box where you pick a question (such as *What is your mother's maiden name?*) and supply an answer. All passwords and answers to questions are stored as encrypted data and cannot be viewed by Division staff and given out over the phone. Please notify the Division if your credentials have been compromised.

Timely Filing

All reports filed must be completed and filed through the EFS no later than midnight, Eastern Standard Time, 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.

Any candidate failing to file a report on the designated due date shall be subject to a fine of \$50 per day for the first 3 days late and, thereafter, \$500 per day for each late day, not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, for reports immediately preceding each primary and general election, the fine shall be \$500 per day for each late day, not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report.

Electronic Receipts

The person submitting the report on the EFS will be issued an electronic receipt indicating and verifying the report was filed. Each campaign treasurer's report filed by means of the EFS is considered to be under oath by the candidate and campaign treasurer and such persons are subject to the provisions of Section 106.07(5), Florida Statutes.

Louis Earl McClanahan, III
March 21, 2017
Page Three

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' website at <http://dos.myflorida.com/elections/>. 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, *Candidate and Campaign Treasurer Handbook*, *Calendar of Reporting Dates*, and Rule 1S-2.017, Florida Administrative Code.

Please let me know if you need additional information.

Sincerely,



KRB Kristi Reid Bronson, Chief
Bureau of Election Records

KRB/mcc

Enclosures

EXHIBIT 2 (3 of 4)



FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

March 8, 2017

Louis Earl Mcclanahan, III
5136 11th Avenue South
Gulfport, Florida 33707

Dear Mr. Mcclanahan:

This will acknowledge receipt of the Appointment of Campaign Treasurer and Designation of Campaign Depository (Form DS-DE), which was received on February 14, 2017. However, the form is missing the date of the candidate's signature.

Please complete a new Form DS-DE 9 and mail it to the Division of Elections, 500 South Bronough Street, The R.A. Gray Building, Room 316, Tallahassee, Florida 32399-0250.

Please call 850-245-6280 if you have any questions.

Sincerely,

Kristi Reid Bronson, Chief
Bureau of Election Records

KRB/mcc

Division of Elections
R.A. Gray Building, Suite 316 • 500 South Bronough Street • Tallahassee, Florida 32399
850.245.6240 • 850.245.6260 (Fax) dos.myflorida.com/elections/



EXHIBIT 2(4 of 4)

AFFIDAVIT

STATE OF FLORIDA

County of Leon

Kristi Reid Willis, being duly sworn, says:

1. I am the Chief of the Bureau of Election Records of the Division of Elections (Division). In that capacity, I oversee the Division's duties related to the filing of campaign finance reports.
2. This affidavit is made upon my personal knowledge, including information obtained from review of the attached records, of which I am the custodian.
3. I am of legal age and competent to testify to the matters stated herein.
4. Louis Earl McClanahan III (69721) is a 2018 candidate for the office of Governor.
5. On March 20, 2017, Mr. McClanahan III filed the Appointment of Campaign Treasurer and Designation of Campaign Depository with the Division. He appointed himself as treasurer.
6. The 2017 M7 campaign treasurer's report was due on August 10, 2017. On August 11, 2017, the Division mailed Mr. McClanahan III notification that the 2017 M7 treasurer's report had not been filed.
7. On September 7, 2017, the Division mailed Mr. McClanahan III notification that the 2017 M7 treasurer's report had not been filed.
8. On September 18, 2017, the Division mailed Mr. McClanahan III final notification with delivery confirmation that the 2017 M7 treasurer's report had not been filed. (See attached letter and delivery confirmation.)
9. Mr. McClanahan III did not notify the Division of Elections prior to or on the prescribed reporting date for the 2017 M7 report that no report was to be filed.

10. As of October 4, 2017, Mr. McClanahan III has not filed the 2017 M7 report.

I hereby swear or affirm that the foregoing information is true and correct to the best of my knowledge.

Kristina W. Wilks

Signature of Affiant

Sworn to (or affirmed) and subscribed before me this 4th day of October, 2017.

Stacy L Bagley

Signature of Notary Public - State of Florida

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known

RECEIVED
2017 OCT -5 P 4:15
STATE OF FLORIDA
NOTARY PUBLIC COMMISSION





FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

August 11, 2017

Louis Earl McClanahan III
5136 11th Avenue South
Gulfport, FL 33707-3707

CAN 69721

Dear Mr. McClanahan:

Our records indicate that you have not filed either your campaign treasurer's report or notification that no reportable activity occurred, whichever is applicable. The filing date was August 10, 2017.

The law (s. 106.07(8)(b), Fla. Stat.) requires the filing officer to immediately notify you about the missed filing date and the automatic fines that will be assessed for late filing of a report, if a report was due.

- If reportable activity occurred and you have not filed a report, statutory fines are automatically assessed as follows until you file your report:
 - \$50 per day for the first 3 days late
 - \$500 per day for each day after the 3rd day late
 - If the required report immediately precedes a primary and general election, the automatic fine is \$500 for each late day.

The total fine for the untimely report cannot exceed 25% of the total receipts or expenditures, whichever is greater, for the cover period. Even if you end up filing your report late, we cannot waive the statutory fines. We will notify you of the specific amount of fines owed once you file your report. You have 20 days from the day you receive the notice to pay the fine or to appeal the fine to the Florida Elections Commission.

- If no reportable activity occurred for the report date(s), you are still required to notify us in writing, via the Division's Electronic Filing System, that no reportable activity occurred. No automatic fines are statutorily assessed.

However, in all cases, failure to file and/or untimely filing of a report of reportable activity, or if applicable, a notice that no reportable activity occurred, may constitute an apparent violation of chapter 106, Fla. Stat. If we refer such matter to the Florida Elections Commission, the Commission may subsequently impose a civil penalty for each violation under chapter 106.265(1), Fla. Stat.

If you have any questions, please contact the help desk at (850) 245-6280.

Sincerely,

Kristi Reid Willis, Chief
Bureau of Election Records

EXHIBIT 4



FLORIDA DEPARTMENT OF STATE
Ken Detzner
Secretary of State
DIVISION OF ELECTIONS

Second Notice

September 7, 2017

Louis Earl McClanahan III
5136 11th Avenue South
Gulfport, FL 33707-3707

CAN 69721

Dear Mr. McClanahan:

Our records indicate that you have not filed either your campaign treasurer's report or notification that no reportable activity occurred, whichever is applicable. The filing date was August 10, 2017.

We mailed, via regular mail, the first notice of the failure to file the above-mentioned report or notification to the address on file with our office on August 11, 2017.

The first notice which we provided to you specifically explained the automatic fine provisions in the law (s. 106.07(8)(b), Fla. Stat.) for failure to file a required report. Such fines are continuing to accrue for a late-filed report. Also, that notice explained that if no reportable activity occurred for the report date(s), you are still required to provide notification in writing that no reportable activity occurred. Our initial notice further indicated that, in all cases, failure to file and/or untimely filing of a report of reportable activity, or if applicable, a notice that no reportable activity occurred, may constitute an apparent violation of chapter 106, Fla. Stat. If we refer such matter to the Florida Elections Commission, the Commission may subsequently impose a civil penalty for each violation under chapter 106.265(1), Fla. Stat.

If you have any questions, please contact the help desk at (850) 245-6280.

Sincerely,

Kristi Reid Willis, Chief
Bureau of Election Records



FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

Final Notice

Delivery Confirmation:

USPS TRACKING # **9114 9014 9645 1102 5584 38**
& CUSTOMER RECEIPT For Tracking or inquiries go to USPS.com
or call 1-800-222-1811.

September 18, 2017

Louis Earl McClanahan III
5136 11th Avenue South
Gulfport, FL 33707-3707

CAN 69721

Dear Mr. McClanahan:

A recent review of the Division's records show that the Division has not yet received the below-referenced campaign treasurer's report or the required notification that no reportable activity occurred, whichever is applicable, during the following cover period:

| <u>Year</u> | <u>Report</u> | <u>Cover Period</u> |
|-------------|---------------|---------------------|
| 2017 | M7 | 7/1/17 - 7/31/17 |

The Division has previously notified you of the unfiled report or notification. Please file your report or notification. If the report is not filed within 7 days of receipt of this letter, the Division will refer this matter to the Florida Elections Commission, which may impose civil penalties of up to \$1000 per violation, apart from that automatic fine provisions of s. 106.07(8)(b), Fla. Stat.) that are applicable only to campaign finance reports.

As we stated in the prior notices, even if you now file the report or notification, the untimely filing of a report of reportable activity, or if applicable, a notice that no reportable activity occurred, may constitute an apparent violation of chapter 106, Fla. Stat. If we refer such matter to the Florida Elections Commission, the Commission may subsequently impose a civil penalty for each violation under chapter 106.265(1), Fla. Stat.

If you have any questions, please contact the help desk at (850) 245-6280.

Sincerely,

Kristi Reid Willis, Chief
Bureau of Election Records

USPS Tracking® Results

FAQs > (<http://faq.usps.com/?articleId=220900>)

Track Another Package +

Remove X

Tracking Number: 9114901496451102558438

 **Delivered**

Expected Delivery On: Wednesday, September 20, 2017 ⓘ

Product & Tracking Information

See Available Actions

Postal Product: Features:
USPS Tracking®

| DATE & TIME | STATUS OF ITEM | LOCATION |
|-----------------------------|--------------------------|----------------------------|
| September 20, 2017, 2:19 pm | Delivered, In/At Mailbox | SAINT PETERSBURG, FL 33707 |

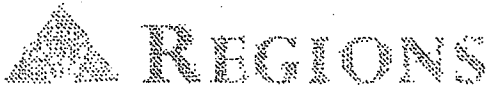
Your item was delivered in or at the mailbox at 2:19 pm on September 20, 2017 in SAINT PETERSBURG, FL 33707.

| | | |
|-----------------------------|------------------------|----------------------------|
| September 20, 2017, 4:43 am | Arrived at Post Office | SAINT PETERSBURG, FL 33711 |
|-----------------------------|------------------------|----------------------------|

| | | |
|-----------------------------|---------------------------------|----------------------------------|
| September 20, 2017, 1:17 am | Departed USPS Regional Facility | YBOR CITY FL DISTRIBUTION CENTER |
|-----------------------------|---------------------------------|----------------------------------|

EXHIBIT 6(2 of 2)

Regions Bank
Legal Department
Legal Processing Section
201 Milan Parkway
Birmingham, AL 35211



December 20, 2017

VIA EMAIL:

Cedric Oliver
107 W. Gaines Street
Collins Building
Suite 224
Tallahassee, FL 32399-1050

RE: LEM; Campaign Account of Louis Earl McClanahan III; Louis E. McClanahan III for Governor; Louis E. McClanahan Campaign for Governor; Louis E. McClanahan Campaign Account

Our Record No.: 28-313623

Dear Investigator Oliver:

This letter serves as Regions Bank's ("Regions") official response to your request for information or subpoena recently served on Regions. We are unable to provide you with any information responsive to your request for the reason indicated below:

- No records responsive to your subpoena were located. Unable to locate campaign/business accounts opened in 2017.

If you have any questions, please contact me at (205) 420-4451. Thank you.

Sincerely,

Quin Watson
Subpoena Processing Specialist

RE: Referrals
 Bronson, Kristi R.
 to:
 Tracie Aulet
 04/02/2014 02:49 PM
 Show Details

Security:

To ensure privacy, images from remote sites were prevented from downloading. Show Images

The notice that no report will be filed is the waiver, which must be filed in the EFS. We do not require anything separate in writing.

Regards,

*Kristi Reid Bronson, Chief
 Division of Elections,
 Bureau of Election Records
 (850) 245-6240*

From: Tracie Aulet [mailto:Tracie.Aulet@myfloridalegal.com]
 Sent: Wednesday, April 02, 2014 12:56 PM
 To: Bronson, Kristi R.
 Subject: Referrals

Good Afternoon Kristi,

I am investigating a referral from DOE for failure to notify the filing officer in writing on the prescribed reporting date that no report would be filed, i.e. the untimely filing of waivers.

Would you please inform me as to what the procedure is for a candidate who wants to notify the Division in writing that there will be no report filed? Is it similar to the request for password in that they have to fax a signed letter to the Division? Does the Division acknowledge receipt of the notification that no report will be filed? Once the letter is received is the candidate still required to file the actual waiver of report?


Thank you for your assistance in this matter.

Sincerely,

Tracie L. Aulet
 Investigation Specialist II
 Florida Elections Commission
 The Collins Building, Suite 224
 107 West Gaines Street
 Tallahassee, FL 32399

Please note that Florida has a broad public records law, and that all correspondence to me via e-mail may be subject to disclosure.

@ItsWorkingFL

 What's Working Today

The Department of State is committed to excellence.
 Please take our [Customer Satisfaction Survey](#).

EXHIBIT 8



[search](#) | [directory](#) | [contact us](#) | [411](#) | [subscribe](#) | [tour](#) | [help](#)

Florida Department of State - Division of Elections

Florida Election System Reports

Candidate/Committee Lookup

Candidate Name: Louis Earl McClanahan III

Name:

Account: 69721

Election:

Acct:

Type:

| Date Due | Type | Date Filed | Status | Days Late | Fine Assessed | Appealed | Amount Fined | Amount Paid |
|------------|------|------------|--------|-----------|---------------|----------|--------------|-------------|
| 1/10/2018 | M12 | | SNT | 0 | \$0.00 | | \$0.00 | \$0.00 |
| 12/11/2017 | M11 | | SNT | 0 | \$0.00 | | \$0.00 | \$0.00 |
| 11/13/2017 | M10 | | FEC | 0 | \$0.00 | | \$0.00 | \$0.00 |
| 10/10/2017 | M9 | | FEC | 0 | \$0.00 | | \$0.00 | \$0.00 |
| 9/22/2017 | M8 | | FEC | 0 | \$0.00 | | \$0.00 | \$0.00 |
| 8/10/2017 | M7 | | FEC | 0 | \$0.00 | | \$0.00 | \$0.00 |
| 7/10/2017 | M6 | 7/11/2017 | CLO | 1 | \$0.00 | | \$0.00 | \$0.00 |
| 6/12/2017 | M5 | 6/21/2017 | CLO | 9 | \$0.00 | | \$0.00 | \$0.00 |
| 5/10/2017 | M4 | 6/21/2017 | CLO | 42 | \$0.00 | | \$0.00 | \$0.00 |
| 4/10/2017 | M3 | 6/21/2017 | CLO | 72 | \$0.00 | | \$0.00 | \$0.00 |

EXHIBIT 9 (1 of 3)



**Florida Department of State
Division of Elections**

**2018 General Election
Louis Earl McClanahan III (DEM)
Governor**

Campaign Finance Activity

Note: The information presented below was obtained from the Committee's/Candidate's Campaign Treasurer's Report filed with the Division of Elections. About the Campaign Finance Data Base.

| | Filing Period | Contributions | | | Expend | Other | Transfers |
|----------------------------------|---------------------------|---------------|-------|--------|--------|-------|-----------|
| | | Monetary | Loans | InKind | | | |
| <input type="radio"/> | 03/20/2017 - 03/31/2017 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| <input type="radio"/> | 04/01/2017 - 04/30/2017 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| <input type="radio"/> | 05/01/2017 - 05/31/2017 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| <input type="radio"/> | 06/01/2017 - 06/30/2017 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| <input checked="" type="radio"/> | All Dates (Totals) | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

Note: ^(E) indicates that report was filed electronically

X Indicates that detail has not been released

W Indicates that a waiver was filed and **L** Indicates that a loan report was filed

Select Detail Type

Contributions ▼

Select Sort Order

Date(Ascending) ▼

Select Output Type

Display On Screen ▼

Submit Query Now

Query the Campaign Finance Data Base

EXHIBIT 9 (2 of 3)

[Department of State] [Division of Elections] [Candidates and Races] [Campaign Finance
Information]

EXHIBIT 9(3 of 3)

**STATEMENT OF
CANDIDATE**

(Section 106.023, F.S.)
(Please print or type)

OFFICE USE ONLY

RECEIVED
REGISTRATION
2017 FEB -7 AM 10:29

STATE REGISTRATION

I, LOUIS EARL McCLANAHAN III,

candidate for the office of GOVERNOR;

have been provided access to read and understand the requirements of
Chapter 106, Florida Statutes.

X Louis Earl McClanahan III 1-31-17
Signature of Candidate Date

Each candidate must file a statement with the qualifying officer within 10 days after the Appointment of Campaign Treasurer and Designation of Campaign Depository is filed. Willful failure to file this form is a first degree misdemeanor and a civil violation of the Campaign Financing Act which may result in a fine of up to \$1,000, (ss. 106.19(1)(c), 106.265(1), Florida Statutes).



FLORIDA ELECTIONS COMMISSION

107 W. Gaines Street,
Suite 224 Collins Building
Tallahassee, Florida 32399-1050
Telephone: (850) 922-4539
Fax: (850) 921-0783

www.fec.state.fl.us; fec@myfloridalegal.com

November 9, 2017

Louis Earl McClanahan, III
5136 11th Avenue South
Gulfport, FL 33707

RE: Case No.: FEC 17-307; Respondent: Louis Earl McClanahan, III

Dear Mr. McClanahan:

On October 5, 2017, the Florida Elections Commission received a complaint alleging that you 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(7), Florida Statutes: As alleged in the complaint, Respondent may have failed to notify the filing officer on the prescribed reporting date that no report would be filed on that date because he had not received funds, made contributions, or expended reportable funds during the following reporting period:

- 2017 M7

Section 106.19(1)(c), Florida Statutes: As alleged in the complaint, Respondent may have falsely reported or deliberately failed to include information required by Chapter 106, Florida Statutes, when he failed to file a report on the prescribed reporting date for the following reporting period:

- 2017 M7

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

Louis Earl McClanahan, III
November 9, 2017
Page 2
FEC 17-307

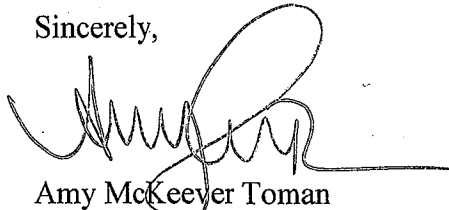
of the fine to be imposed. You and the complainant will receive notice at least 14 days before any hearing at which your case is to be considered.

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).

If you have additional questions, please contact **Cedric Oliver**, the investigator assigned to this case at extension 114.

Sincerely,



Amy McKeever Toman
Executive Director

AMT/enr

**DIVISION OF ELECTIONS
FEC NOTICE FORM**

RECEIVED

2017 OCT -5 P 4: 15

To FEC from Division of Elections

STATE OF FLORIDA
ELECTIONS DIVISION

Name: Louis Earl McClanahan III
Account Number: 69721
Treasurer: Louis Earl McClanahan III

The Division of Elections hereby provides this notice to the Florida Elections Commission pursuant to Sections 106.07(8)(d), 106.22(7) and 106.25, Florida Statutes. An apparent violation of Chapter 106, F.S., has occurred based upon the candidate's alleged failure to file a report after notice as required by section 106.07(8)(d), Florida Statutes, or failure to notify the filing officer on the prescribed reporting date that no report was to be filed as required by Section 106.07(7), Florida Statutes.

The following report or notice is outstanding after notification:

2017 M7

Sent By: Kristi Reid Willis
Date: October 4, 2017

KRW

stb

AFFIDAVIT

STATE OF FLORIDA

County of Leon

Kristi Reid Willis, being duly sworn, says:

1. I am the Chief of the Bureau of Election Records of the Division of Elections (Division). In that capacity, I oversee the Division's duties related to the filing of campaign finance reports.
2. This affidavit is made upon my personal knowledge, including information obtained from review of the attached records, of which I am the custodian.
3. I am of legal age and competent to testify to the matters stated herein.
4. Louis Earl McClanahan III (69721) is a 2018 candidate for the office of Governor.
5. On March 20, 2017, Mr. McClanahan III filed the Appointment of Campaign Treasurer and Designation of Campaign Depository with the Division. He appointed himself as treasurer.
6. The 2017 M7 campaign treasurer's report was due on August 10, 2017. On August 11, 2017, the Division mailed Mr. McClanahan III notification that the 2017 M7 treasurer's report had not been filed.
7. On September 7, 2017, the Division mailed Mr. McClanahan III notification that the 2017 M7 treasurer's report had not been filed.
8. On September 18, 2017, the Division mailed Mr. McClanahan III final notification with delivery confirmation that the 2017 M7 treasurer's report had not been filed. (See attached letter and delivery confirmation.)
9. Mr. McClanahan III did not notify the Division of Elections prior to or on the prescribed reporting date for the 2017 M7 report that no report was to be filed.

10. As of October 4, 2017, Mr. McClanahan III has not filed the 2017 M7 report.

I hereby swear or affirm that the foregoing information is true and correct to the best of my knowledge.

Kristina Willis
Signature of Affiant

Sworn to (or affirmed) and subscribed before me this 4th day of October, 2017.

Stacy L Bagley
Signature of Notary Public - State of Florida

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known

RECEIVED
2017 OCT -5 P 4:15
STATE OF FLORIDA
NOTARIES COMMISSION





FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

Final Notice

Delivery Confirmation:

USPS TRACKING # **9114 9014 9645 1102 5584 38**
& CUSTOMER RECEIPT For Tracking or inquiries go to USPS.com
or call 1-800-222-1811.

September 18, 2017

Louis Earl McClanahan III
5136 11th Avenue South
Gulfport, FL 33707-3707

CAN 69721

Dear Mr. McClanahan:

A recent review of the Division's records show that the Division has not yet received the below-referenced campaign treasurer's report or the required notification that no reportable activity occurred, whichever is applicable, during the following cover period:

| <u>Year</u> | <u>Report</u> | <u>Cover Period</u> |
|-------------|---------------|---------------------|
| 2017 | M7 | 7/1/17 - 7/31/17 |

The Division has previously notified you of the unfiled report or notification. Please file your report or notification. If the report is not filed within 7 days of receipt of this letter, the Division will refer this matter to the Florida Elections Commission, which may impose civil penalties of up to \$1000 per violation, apart from that automatic fine provisions of s. 106.07(8)(b), Fla. Stat.) that are applicable only to campaign finance reports.

As we stated in the prior notices, even if you now file the report or notification, the untimely filing of a report of reportable activity, or if applicable, a notice that no reportable activity occurred, may constitute an apparent violation of chapter 106, Fla. Stat. If we refer such matter to the Florida Elections Commission, the Commission may subsequently impose a civil penalty for each violation under chapter 106.265(1), Fla. Stat.

If you have any questions, please contact the help desk at (850) 245-6280.

Sincerely,

Kristi Reid Willis, Chief
Bureau of Election Records

USPS Tracking® Results

FAQs > (<http://faq.usps.com/?articleId=220900>)

Track Another Package +

Remove X

Tracking Number: 9114901496451102558438



Delivered

Expected Delivery On: Wednesday, September 20, 2017 ⓘ

Product & Tracking Information

[See Available Actions](#)

Postal Product:

Features:

USPS Tracking®

| DATE & TIME | STATUS OF ITEM | LOCATION |
|-----------------------------|--------------------------|----------------------------|
| September 20, 2017, 2:19 pm | Delivered, In/At Mailbox | SAINT PETERSBURG, FL 33707 |



Your item was delivered in or at the mailbox at 2:19 pm on September 20, 2017 in SAINT PETERSBURG, FL 33707.

| | | |
|-----------------------------|---------------------------------|----------------------------------|
| September 20, 2017, 4:43 am | Arrived at Post Office | SAINT PETERSBURG, FL 33711 |
| September 20, 2017, 1:17 am | Departed USPS Regional Facility | YBOR CITY FL DISTRIBUTION CENTER |