

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Darren Rashaud Gardner

Case No.: FEC 16-322

TO: Darren Rashaud Gardner
9132 Jennifer Blvd.
Jacksonville, FL 32222

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, **August 16, 2017 at 8:30 am, or as soon thereafter as the parties can be heard**, at the following location: **Senate Office Building, 404 South Monroe Street, Room 110-S, 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
August 1, 2017

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.



FLORIDA ELECTIONS COMMISSION
107 W. Gaines Street, Suite 224
Collins Building
Tallahassee, Florida 32399-1050
(850) 922-4539

May 31, 2017

Darren Rashaud Gardner
9132 Jennifer Blvd.
Jacksonville, FL 32222

RE: Case No.: FEC 16-322; Respondent: Darren Rashaud Gardner

Dear Mr. Gardner:

The Florida Elections Commission at its last regularly scheduled meeting was unable to hear this case. Therefore, this case has been rescheduled for its next meeting, which is scheduled for August 15-16, 2017 in Tallahassee. A notice of hearing will be mailed approximately 14 days before the hearing.

If you have any questions, please contact us at the number listed above or at fec@myfloridalegal.com.

Sincerely,

Amy McKeever Toman
Executive Director

AMT/dam
cc: Division of Elections, Complainant

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: Darren Rashaud Gardner

Case No.: FEC 16-322

TO: Darren Rashaud Gardner
9132 Jennifer Blvd.
Jacksonville, FL 32222

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 17, 2017 at 8:30 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 214, 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.

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
May 1, 2017

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.

STATE OF FLORIDA
17 FEB 28 2017
STATE OF FLORIDA
ELECTIONS COMMISSION

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,
Petitioner,**

Case No.: FEC 16-322

v.

**Darren Rashuad Gardner,
Respondent.**

_____ /

ORDER OF PROBABLE CAUSE

THIS MATTER was heard by the Florida Elections Commission (Commission) at its regularly scheduled meeting on February 28, 2017, in Tallahassee, Florida.

On December 23, 2016, 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:

Count 1:

Respondent violated Section 106.19(1)(c), Florida Statutes, when Respondent deliberately failed to include information required by Chapter 106, Florida Statutes, when Respondent failed to file a 2016 M5 Report on the prescribed reporting date.

The Commission also finds there is no probable cause to charge Respondent with violating Section 106.07(7), Florida Statutes.

DONE AND ORDERED by the Florida Elections Commission on February 28, 2017.



M. Scott Thomas, Chairman
Florida Elections Commission

Copies furnished to:
Eric M. Lipman, General Counsel
Darren Rashaud Gardner, 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: Darren Rashaud Gardner

Case No.: FEC 16-322

TO: Darren Rashaud Gardner
9132 Jennifer Blvd.
Jacksonville, FL 32222

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, **February 28, 2017 at 8:30 am, or as soon thereafter as the parties can be heard**, at the following location: **Senate Office Building, 404 South Monroe Street, Room 110-S, Tallahassee, Florida 32399**

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Amy McKeever Toman
Executive Director
Florida Elections Commission
February 13, 2017

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**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Darren Rashaud Gardner

Case No.: FEC 16-322

STAFF RECOMMENDATION FOLLOWING INVESTIGATION

Pursuant to Section 106.25(4)(c), Florida Statutes, undersigned staff counsel files this written recommendation for disposition of the complaint in this case recommending that there is **probable cause** to charge Respondent with violating **Section 106.19(1)(c), Florida Statutes**, and **no probable cause** to charge Respondent with violating **Section 106.07(7), Florida Statutes**. Based upon a thorough review of the Report of Investigation submitted on December 7, 2016, the following facts and law support this staff recommendation.

1. On August 16, 2016, the Florida Elections Commission (“Commission”) received a referral from the Division of Elections (“Division”) alleging that Darren Rashaud Gardner (“Respondent”) violated Chapter 106, Florida Statutes.

2. Respondent was a candidate for State Representative, District 13, in the 2016 election. He did not qualify. Respondent’s Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates form (“DS-DE 9”) was filed with the Division on May 3, 2016. However, Respondent’s DS-DE 9 failed to include his treasurer’s complete address. Respondent’s second DS-DE 9 which included his treasurer’s complete address was filed with the Division on May 4, 2016. (ROI Exhibit 1)¹

3. On November 2, 2016, the Executive Director sent Respondent notification that Commission staff would investigate the following sections of law:

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:

- 2016 M5

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

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:

- 2016 M5

4. By letter dated May 5, 2016, Kristi Bronson, Chief, Bureau of Election Records, notified Respondent that his name had been placed on the 2016 active candidate list. The letter advised Respondent that all candidates who file 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 access the EFS. (ROI Exhibit 2, page 1)

5. Ms. Bronson's May 5, 2016 letter further advised Respondent that all of the Division's publications and reporting forms were available on its website and directed Respondent to print a copy of the *Candidate and Campaign Treasurer Handbook* ("Handbook") and the *Calendar of Reporting Dates* as well as other documents. (ROI Exhibit 2, page 3)

Section 106.19(1)(c), Florida Statutes.

6. Respondent's 2016 M5 Report covering the dates of May 1, 2016, through May 31, 2016, was due on June 10, 2016. Respondent failed to file his 2016 M5 Report on the prescribed due date. (Attachments A and B)

7. By letters dated June 13, 2016, and July 5, 2016, Ms. Bronson notified Respondent that the Division's records indicated he had not filed either a 2016 M5 Report or notification that no reportable activity occurred, whichever was applicable. (ROI Exhibits 4 and 5)

8. On July 14, 2016, Ms. Bronson sent a "Final Notice" notifying Respondent that the Division had not yet received Respondent's 2016 M5 Report or the required notification that no reportable activity occurred, whichever was applicable. Ms. Bronson's July 14, 2016 letter was confirmed delivered on July 18, 2016. (ROI Exhibit 6)

9. During a November 21, 2016 telephone conversation, Respondent told Investigator Oliver that he did not spend or collect any monies during his campaign except for a \$100 personal loan to open his campaign account. (Attachment C, Phone Log Entry 2)²

² A loan is considered a contribution. §106.011(5), Fla. Stat.

10. Respondent filed his 2016 M5 Report on December 12, 2016; 185 days late. The only transaction Respondent listed on the report was a May 5, 2016 \$100 contribution from himself to his campaign. (Attachment B and Attachment D, page 2)

11. Investigator Oliver subpoenaed copies of Respondent's campaign account records from his campaign depository, Branch Banking and Trust Company ("BB&T"). In its November 21, 2016 response, BB&T stated a search of its records did not locate any deposit account information for Respondent during the time frame requested.³ (ROI Exhibit 7)

12. Based on the information above, it appears Respondent may have deliberately failed to include information required by Chapter 106, Florida Statutes, when Respondent did not file his 2016 M5 Report on the prescribed due date.

Section 106.07(7), Florida Statutes.

13. Section 106.07(7), Florida Statutes, requires candidates who have no reportable financial transactions during a reporting period to notify the filing officer that the candidate would not be filing a report for the applicable reporting period. Because Respondent reported receiving a \$100 contribution on May 5, 2016, Respondent was not required to provide notification he would not be filing a 2016 M5 Report.

14. Based upon the information above, Respondent was not required to notify the filing officer he would not be filing a 2016 M5 Report.

15. "Probable Cause" is defined as a reasonable ground 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).

16. The above facts show Respondent was a candidate for State Representative, District 13, in the 2016 election. He did not qualify. Respondent's 2016 M5 Report was due on June 10, 2016. Even though the Division sent Respondent three notifications that it had not received either Respondent's 2016 M5 Report or notification that no reportable activity occurred, Respondent failed to file a 2016 M5 Report until December 12, 2016. Respondent's 2016 M5 Report listed a May 5, 2016 \$100 contribution from himself to his campaign even though Respondent's campaign depository could not locate any account information for Respondent for the 2016 M5 reporting period.

³ On December 21, 2016, BB&T sent a letter stating a search of its records did not locate any **depository** account information for Respondent during the time frame requested. (Attachment E)

Based on the foregoing, I recommend the Commission find probable cause to charge Respondent with the following violation:

Count 1:

Respondent violated Section 106.19(1)(c), Florida Statutes, when Respondent deliberately failed to include information required by Chapter 106, Florida Statutes, when Respondent failed to file a 2016 M5 Report on the prescribed reporting date.

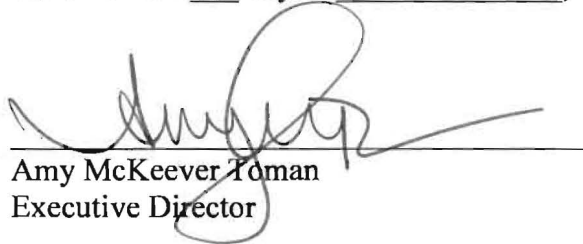
I further recommend the Commission find no probable cause to charge Respondent with violating Section 106.07(7), Florida Statutes.

Respectfully submitted on December 23²⁰¹⁶,



Eric M. Lipman
General Counsel

I have reviewed this Staff Recommendation on the 23rd day of December, 2016.



Amy McKeever Toman
Executive Director

Calendar of Reporting Dates

for 2016 Candidates registered with the Division of Elections

<u>Cover Period</u>	<u>Report Code</u>	<u>Due Date</u>
12/01/15 - 12/31/15	2015 M12	01/11/16
01/01/16 - 01/31/16	2016 M1	02/10/16
02/01/16 - 02/29/16	2016 M2	03/10/16
03/01/16 - 03/31/16	2016 M3	04/11/16
04/01/16 - 04/30/16	2016 M4	05/10/16
05/01/16 - 05/31/16	2016 M5	06/10/16

06/01/16 - 06/24/16	2016 P1	07/01/16
06/25/16 - 07/08/16	2016 P2	07/15/16
07/09/16 - 07/22/16	2016 P3	07/29/16
07/23/16 - 07/29/16	2016 P4	08/05/16
07/30/16 - 08/05/16	2016 P5	08/12/16
08/06/16 - 08/12/16	2016 P6	08/19/16
08/13/16 - 08/25/16	2016 P7	08/26/16

08/26/16 - 09/02/16	2016 G1	09/09/16
09/03/16 - 09/16/16	2016 G2	09/23/16
09/17/16 - 09/30/16	2016 G3	10/07/16
10/01/16 - 10/07/16	2016 G4	10/14/16
10/08/16 - 10/14/16	2016 G5	10/21/16
10/15/16 - 10/21/16	2016 G6	10/28/16
10/22/16 - 11/03/16	2016 G7	11/04/16

Termination Reports

<u>Cover Period</u>	<u>Report Code</u>	<u>Due Date</u>
After May Qualifying	TR	08/04/16
After June Qualifying	TR	09/22/16
Primary Election	TR	11/28/16
General Election	TR	02/06/17

ATTACHMENT A



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Florida Department of State - Division of Elections

Florida Election System Reports

Candidate/Committee Lookup

Candidate Name: Darren Rashaud Gardner

Name:

Account: 66011

Election:

2016 Election ▼

Acct: 66011

Type: Candidate ▼

Date Due	Type	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amount Paid
9/22/2016	TR		FEC	0	\$0.00		\$0.00	\$0.00
7/1/2016	P1	12/12/2016						
6/10/2016	M5	12/12/2016	PEN	185	\$25.00		\$25.00	\$0.00

ATTACHMENT B

**FLORIDA ELECTIONS COMMISSION
PHONE LOG
Case No.: FEC 16-322**

Respondent: Darren R. Gardner

Complainant: Division of Elections

1. **Date and time:** November 17, 2016 @ 2:00 pm
Name: Respondent
Phone #: (904) 330-6070
Summary: I attempted telephone contact to make initial contact. I was unable to leave a message due to phone being busy each time I attempted contact.
Memo to File? No
Entered by: CKO

2. **Date and time:** November 21, 2016 @ 10:30 am
Name: Respondent
Phone #: (904) 330-6070
Summary: I had telephone contact to make initial contact. I discussed complaint allegations with Respondent. He advised me that his campaign did not spend nor collect any monies during his election campaign. Respondent stated that he opened his depository with a \$100.00 personal loan but that was all the money raised during his campaign. I explained that investigative process to him. Respondent request that this case be transferred to the legal department to begin settlement negotiations. I obtained Respondent's DOB: 6/26/86.
Memo to File? No
Entered by: CKO

3. **Date and time:** November 21, 2016 @ 11:20 am
Name: Ron Pittman--Bank representative
Phone #: (910) 272-4250
Summary: I had telephone contact to give the bank more information for Respondent. I gave them his DOB. Mr. Pittman stated that he would research and get back with me by COB. He also told me that he could fax over the information to my attention if needed. I confirmed this and gave him the fax number while thanking him for his assistance. He advised me that I should have my results by COB.
Memo to File? No
Entered by: CKO

4. **Date and time:** November 29, 2016 @ 11:00 am
Name: Respondent
Phone #: (904) 330-6070
Summary: I listened in on settlement negotiations. Respondent advised FEC staff that he did open a depository. Respondent was instructed to send Investigator Oliver his depository account number by COB. Respondent was given email address/contact information for Investigator Oliver.
Memo to File? No
Entered by: CKO

ATTACHMENT c , Page 1

5. **Date and time:** November 30, 2016 @ 12:15 pm
Name: Respondent
Phone #: (904) 330-6070
Summary: I had telephone contact to inquire about the depository account number. I was unable to leave a message due to voicemail being full.
Memo to File? No
Entered by: CKO

6. **Date and time:** December 2, 2016 @ 9:40 am
Name: Respondent
Phone #: (904) 330-6070
Summary: I attempted telephone contact to check on account number and overdue questionnaire-affidavit. I left a message to return my call.
Memo to File? No
Entered by: CKO

7. **Date and time:** December 5, 2016 @ 8:30 am
Name: Respondent
Phone #: (904) 330-6070
Summary: I attempted telephone contact to complete final interview. I left a message to return my call.
Memo to File? No
Entered by: CKO

ATTACHMENT c, *pages*

**FLORIDA DEPARTMENT OF STATE, DIVISION OF ELECTIONS
CAMPAIGN TREASURER'S REPORT SUMMARY**

(1) Darren Rashaud Gardner (2) 66011
 Candidate, Committee or Party Name I.D. Number

(3) 9132 Jennifer Boulevard Jacksonville FL 32222
 Address (number and street) City State Zip Code

Check box if address has changed since last report

(4) Check appropriate box(es):

Candidate (office sought):
 Political Committee Check If PC has DISBANDED
 Committee of Continuous Existence Check If CCE has DISBANDED
 Party Executive Committee

(5) REPORT IDENTIFIERS

Cover Period: From 05/04/2016 To 05/31/2016 Report Type: M5

Original Amendment Special Election Report

(6) CONTRIBUTIONS THIS REPORT

Cash & Checks \$0.00
 Loans \$100.00
Total Monetary \$100.00
 In-Kind \$0.00

(7) EXPENDITURES THIS REPORT

Monetary Expenditures \$0.00
 Transfers to Office Account \$0.00
Total Monetary \$0.00

(8) Other Distributions

Certification

It is a first degree misdemeanor for any person to falsify a public record (ss.839.13, F.S.)

I certify that I have examined this report and it is true, correct and complete

Name of Treasurer Deputy Treasurer

X
Signature

I certify that I have examined this report and it is true, correct and complete

Name of Candidate Chairman (PC/PTY Only)

X
Signature

Name: Darren Rashaud Gardner

Report: 2016 M5

Period: 05/04/2016 to 05/31/2016

**** Records in Filed Report ****

Seq #	Full Name (Last, Suffix, First, Middle)	Contributor	Occupation	Amount
Date	Street Address & City, State, Zip	Type	In-Kind Description	Amend
1	GARDNER DARREN	S		\$100.00
05/05/2016	9132 JENNIFER BLVD JACKSONVILLE, FL 32222	LOA		

ATTACHMENT - D, page 2

ID:

CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES

Name: Darren Rashaud Gardner

Report: 2016 M5

Period: 05/04/2016 to 05/31/2016

**** Records in Filed Report ****

Seq # Date	Full Name (Last, Suffix, First, Middle Street Address & City, State, Zip	Type	Purpose	Amount Amend

ATTACHMENT *D* page 3

ID:

CAMPAIGN TREASURER'S REPORT – ITEMIZED DISTRIBUTIONS

Name: Darren Rashaud Gardner

Report: 2016 M5

Period: 05/04/2016 to 05/31/2016

**** Records in Filed Report ****

Seq # Date	Full Name (Last, Suffix, First, Middle Street Address & City, State, Zip	Recipient	Purpose	Amount
		Type	Related Expenditure	Amend

ATTACHMENT D , page 4

ID:

CAMPAIGN TREASURER'S REPORT – ITEMIZED FUNDS TRANSFERS

Name: Darren Rashaud Gardner

Report: 2016 M5

Period: 05/04/2016 to 05/31/2016

**** Records in Filed Report ****

Seq # Date	Full Name (Last, Suffix, First, Middle Street Address & City, State, Zip	Type	Nature of Account	Amount Amend

ATTACHMENT D page 5

Name: Darren Rashaud Gardner Report: 2016 M5 Period: 05/04/2016 to 05/31/2016

**** Records in Filed Report ****

Seq #	Full Name (Last, Suffix, First, Middle)	Type	Nature of Account	Amount
Date	Street Address & City, State, Zip			Amend

ATTACHMENT D, page 6



Branch Banking and Trust Company

Deposit Operations
PO Box 1489
Lumberton, NC 28359

RECEIVED

2016 DEC 21 P 12:35

STATE OF FLORIDA
ELECTIONS COMMISSION

December 21, 2016

Florida Elections Commission
Cedric Oliver
107 W. Gaines St.
Suite 224
Tallahassee, FL 32399-1050

Dear Inv. Oliver:

RE: Darren R. Gardner
Case # FEC 16-322

Branch Banking and Trust Company (BB&T) has received a subpoena requesting information regarding the above referenced client(s) and responds as follows.

We are unable to process the enclosed documents as requested; a search of our records did not locate any depository account information during the time frame requested.

Should you have any questions, please contact me at the phone number listed below. Thank you.

Sincerely,

Ron Pittman
(910) 272-4250

Received
Deposit Operations

NOV 14 2016

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

Branch Banking and Trust Company
Lumberton NC

In Re: DRG

Case No.: FEC 16-322
Subpoena No: 16-322-35

SUBPOENA DUCES TECUM WITHOUT DEPOSITION

THE STATE OF FLORIDA:

TO: BB&T Bank
4781 Town Center Parkway
Jacksonville, FL 32246

YOU ARE COMMANDED by the Florida Elections Commission, pursuant to Section 106.26, Florida Statutes, to appear at 107 West Gaines Street, Suite 224 in Tallahassee, Florida, on November 30, 2016, at 10:00 a.m., and to have with you at that time and place the following documents:

***See the back side for additional information

These documents will be inspected and may be copied at that time. You will not be required to surrender the original items. You may comply with this subpoena by providing legible copies of the documents requested on or before the scheduled date of production. You may mail or deliver the copies to the Commission and thereby eliminate your appearance at the time and place specified above.

You have the right to object to this subpoena by filing a motion to quash or limit the subpoena with the Agency Clerk and in the motion state the grounds relied upon. You are subpoenaed to appear by the attorney whose name appears on this subpoena and unless excused by that attorney or a court, you shall respond to this subpoena as directed.

Pursuant to Section 120.569(2)(f), Florida Statutes, this subpoena does not relate to the legislative duties of the person or committee named above.

THIS SUBPOENA IS CONFIDENTIAL. Section 106.25, Florida Statutes, provides that any person who discloses this subpoena or the contents of this subpoena commits a misdemeanor.

Dated on November 14, 2016



Amy McKeever Fontan
Executive Director

Sub003 (7/14)

Please provide copies of any and all requested documents relative to any account opened by Darren Rashaud Gardner with respect to his campaign for State Representative, District 13. The name of the account may be listed as, but not limited to, any of the following: **Campaign Account of Darren R. Gardner; Darren R. Gardner for State Representative, District 13; Darren R. Gardner for State House, District 13; or Darren R. Gardner Campaign Account.**

1. A copy of all bank signature cards;
2. A copy of all deposit items, including deposit slips, from April 1, 2016 through June 30, 2016;
3. A copy of all checks written and cleared (front and back) from April 1, 2016 through June 30, 2016; and
4. A copy of all monthly bank statements covering the months of April 1, 2016 through June 30, 2016.

Contact Attorney:

Eric Lipman
107 W. Gaines Street
Collins Building, Suite 224
Tallahassee, FL 32399-1050
PH: (850) 922-4539

Contact Investigator:

Cedric Oliver, Investigation Specialist
107 W. Gaines Street
Collins Building, Suite 224
Tallahassee, FL 32399-1050
PH: (850) 922-4539

Sub003 (7/14)

FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Case No.: FEC 16-322

Respondent: Darren Rashaud Gardner

Counsel for Respondent: n/a

Complainant: Division of Elections

Counsel for Complainant: n/a

On August 16, 2016, the Florida Elections Commission (“Commission”) received a sworn complaint alleging that Respondent violated Chapter 106, Florida Statutes. Commission staff investigated whether Respondent violated the following statutes:

Section 106.07(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 was a candidate for the office of State Representative, District 13 in the 2016 election. Respondent failed to qualify for the election.

2. Complainant is the Division of Elections.

3. Respondent’s filing officer is Kristi Reid-Bronson, Chief, Bureau of Election Records.

4. On May 3, 2016, Respondent filed his original Appointment of Campaign Treasurer and Designation of Campaign Depository form (DS-DE 9) with his filing officer¹. Respondent appointed himself as his own campaign treasurer. To review a copy of Respondent’s DS-DE 9 form, refer to exhibit 1.

5. On May 5, 2016, Complainant sent Respondent a letter acknowledging he had been placed on the 2016 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 EFS. To review a copy of the acknowledgement letter, refer to exhibit 2.

¹ On May 4, 2016, Respondent filed a second DS-DE 9 form with his filing officer that also included the city/county/state/zip code for the campaign treasurer’s address.

6. On July 27, 2016, a DOE staff representative, Kristi Reid-Bronson, signed her 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 2016 M5 reporting period. To review a copy of the sworn affidavit from Complainant, refer to exhibit 3.

7. On June 13, 2016, Complainant mailed Respondent a failure-to-file letter informing him that the 2016 M5 Report had not been filed. This letter was sent to the address Respondent provided on his DS-DE 9 form (Exhibit 1). To review a copy of the June 13, 2016 failure-to-file letter, refer to exhibit 4.

8. On July 5, 2016, Complainant mailed Respondent a second failure-to-file letter informing him that the 2016 M5 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 review a copy of the July 5, 2016 failure-to-file letter, refer to exhibit 5.

9. On July 14, 2016, Complainant mailed Respondent a failure-to-file letter (Final Notice) via certified mail, informing him that the 2016 M5 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 review a copy of the July 14, 2016 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 2016 M5 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 2016 M5 reporting period, on the prescribed reporting date.

12. On November 14, 2016, I subpoenaed Respondent's campaign account records from BB&T Bank, the campaign depository listed on Respondent's current DS-DE 9 form (Exhibit 1). In a response letter to the subpoena dated November 21, 2016, Mr. Ron Pittman, bank representative, stated, "we are unable to process the enclosed documents as requested; a search of our records did not locate any deposit account information during the time frame requested." To review a copy of the November 14, 2016 response letter, refer to exhibit 7.

13. Based upon BB&T's declaration in response to the Commission's subpoena, it appears that Respondent did not have any contributions or expenditures during the 2016 M5 reporting period². Therefore, it appears there was no campaign activity for Respondent to disclose during this period.

² The 2016 M5 reporting period covers the time period of May 1, 2016 through May 31, 2016.

14. There is no record that Respondent has previously been investigated for violating 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 2016 M5 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 email, refer to exhibit 8.

19. Based upon BB&T's response letter and Ms. Bronson's e-mail, because Respondent did not have any contributions or expenditures during the 2016 M5 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 2016 M5 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 been investigated for violating 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 did not respond to any of these attempts. Respondent initially expressed interest in a pre-probable cause consent order; however, he stopped cooperating during the investigation.

23. In the May 5, 2016 acknowledgment 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 review a copy of the May 5, 2016 acknowledgment letter, refer to exhibit 2.

24. On May 3, 2016, Respondent filed his Statement of Candidate for State Representative, District 13 acknowledging that he had been provided access to read and understand the requirements of Chapter 106, Florida Statutes. To review a copy of the Statement of Candidate, refer to exhibit 10.

Respectfully submitted on December 7, 2016.



Cedric Oliver
Investigation Specialist

Current address of Respondent

Mr. Darren R. Gardner
9132 Jennifer Blvd
Jacksonville, Fl 32222

Current address of Complainant

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

Name and Address of Filing Officer:

Ms. Kristi Reid-Bronson
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
Darren R. Gardner -- FEC 16-322

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 Complainant
Exhibit 4	June 13, 2016 failure-to-file letter
Exhibit 5	July 5, 2016 Second failure-to-file letter
Exhibit 6	July 14, 2016 Final Notice failure-to-file letter with delivery confirmation receipt
Exhibit 7	Response letter from campaign depository
Exhibit 8	April. 2, 2014 e-mail from Kristi Reid-Bronson
Exhibit 9	Respondent's filing history
Exhibit 10	Statement of Candidate

HAND DELIVERED

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 DEPARTMENT OF STATE

2016 MAY -3 PM 1:01

DIVISION OF ELECTIONS TALLAHASSEE, FL

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)

Darren Rashaud Gardner

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

9132 Jennifer Blvd Jacksonville FL 32222

4. Telephone

(904) 330-6070

5. E-mail address

thegardnerempire@gmail.com

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

House of Representatives District 13

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 Republican Party candidate.

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

Darren Rashaud Gardner

11. Mailing Address

9132 Jennifer Blvd

12. Telephone

(904) 330-6070

13. City

14. County

15. State

16. Zip Code

17. E-mail address

thegardnerempire@gmail.com

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

19. Name of Bank

BB & T Bank

20. Address

4781 Town Center Parkway

21. City

Jacksonville

22. County

Duval

23. State

Florida

24. Zip Code

32246

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

05/03/2016

26. Signature of Candidate

X Darren Gardner

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

Darren Rashaud Gardner, do hereby accept the appointment (Please Print or Type Name)

designated above as: Campaign Treasurer Deputy Treasurer

05/03/2016 Date

X Darren Gardner 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)

RECEIVED
DEPARTMENT OF STATE
2016 MAY -4 AM 10:12

DIVISION OF ELECTIONS
TALLAHASSEE, FL

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

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)

Darren, Rashaud, Gardner

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

9132 Jennifer Blvd
Jacksonville, Florida 32222

4. Telephone

(904) 330-6070

5. E-mail address

thegardnerempire@gmail.com

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

State Representative District 13

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 Republican Party candidate.

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

10. Name of Treasurer or Deputy Treasurer

Darren Rashaud Gardner

11. Mailing Address

9132 Jennifer Blvd

12. Telephone

(904) 330-6070

13. City

Jacksonville

14. County

Duval

15. State

FL

16. Zip Code

32222

17. E-mail address

thegardnerempire@gmail.com

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

19. Name of Bank

BB&T

20. Address

4781 TownCenter Parkway

21. City

Jacksonville

22. County

Duval

23. State

Florida

24. Zip Code

32246

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

05/03/2016

26. Signature of Candidate

X Darren Gardner

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

I, Darren Rashaud Gardner, do hereby accept the appointment

(Please Print or Type Name)

designated above as: Campaign Treasurer Deputy Treasurer.

05/03/2016
Date

X Darren Gardner
Signature of Campaign Treasurer or Deputy Treasurer



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

May 5, 2016

Darren Rashaud Gardner
9132 Jennifer Boulevard
Jacksonville, Florida 32222

Dear Mr. Gardner:

This will acknowledge receipt of the Appointment of Campaign Treasurer and Designation of Campaign Depository for the office of State Representative, which was placed on file in our office on May 4, 2016. Your name has been placed on the 2016 active candidate list.

Campaign Treasurer's Reports

Your first campaign treasurer's report will be due on **June 10, 2016**. The report will cover the period of May 1-31, 2016 (M5). 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: 66011

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 3)

Darren Gardner
May 5, 2016
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.

EXHIBIT 2(2013)

Darren Gardner
May 5, 2016
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,



Kristi Reid Bronson, Chief
Bureau of Election Records

KRB/zjs

Enclosures

EXHIBIT 2(3 of 3)

AFFIDAVIT

STATE OF FLORIDA

County of Leon

Kristi Reid Bronson, being duly sworn, says:

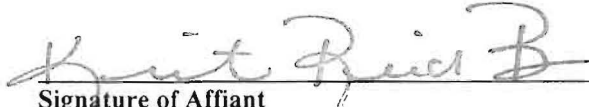
1. I am the Chief of the Bureau of Election Records of the Division of Elections (Division). In that capacity, I oversee the Division's duties related to the filing of campaign finance reports.
2. This affidavit is made upon my personal knowledge, including information obtained from review of the attached records, of which I am the custodian.
3. I am of legal age and competent to testify to the matters stated herein.
4. Darren Rashaud Gardener (66011) was a 2016 candidate for the office of State Representative.
5. On May 4, 2016, Mr. Gardner filed the Appointment of Campaign Treasurer and Designation of Campaign Depository with the Division. He appointed himself as treasurer. (See attached documents and acknowledgment letter.)
6. The 2016 M5 campaign treasurer's report was due on June 10, 2016. On June 13, 2016, the Division mailed Mr. Gardner notification that the 2016 M5 treasurer's report had not been filed. (See attached letter.)
7. On July 5, 2016, the Division mailed Mr. Gardner notification that the 2016 M5 treasurer's report had not been filed. (See attached letter.)
8. On July 14, 2016, the Division mailed Mr. Gardner final notification with delivery confirmation that the 2016 M5 treasurer's report had not been filed. (See attached letter with delivery confirmation.)
9. Mr. Gardener did not notify the Division of Elections prior to or on the prescribed reporting date for the 2016 M5 report that no report was to be filed.

EXHIBIT

3 (10fa)

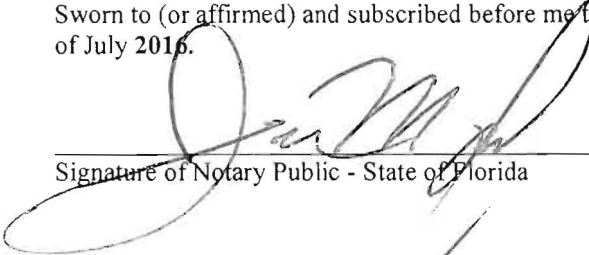
10. As of July 27, 2016, Mr. Gardner has not filed the 2016 M5 report.

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



Signature of Affiant

Sworn to (or affirmed) and subscribed before me this 27th day of July 2016.



Signature of Notary Public - State of Florida

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known _____



EXHIBIT 3 (of 2)



FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

June 13, 2016

Darren Rashaud Gardner
9132 Jennifer Boulevard
Jacksonville, FL 32222-2222

CAN 66011

Dear Mr. Gardner:

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 June 10, 2016.

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 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 Bronson, Chief
Bureau of Election Records

EXHIBIT 4



FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

Second Notice

July 5, 2016

Darren Rashaud Gardner
9132 Jennifer Boulevard
Jacksonville, FL 32222-2222

CAN 66011

Dear Mr. Gardner:

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 June 10, 2016.

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 June 13, 2016.

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 Bronson, Chief
Bureau of Election Records

EXHIBIT

5



FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

Final Notice
Delivery Confirmation:

USPS TRACKING # & CUSTOMER RECEIPT **9114 9014 9645 0382 4757 01**
For Tracking or inquiries go to USPS.com or call 1-800-222-1811.

July 14, 2016

Darren Rashaud Gardner
9132 Jennifer Boulevard
Jacksonville, FL 32222-2222

CAN 66011

Dear Mr. Gardner:

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>
2016	M5	5/1/16 - 5/31/16

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 Bronson, Chief
Bureau of Election Records

EXHIBIT

6(10f2)

English

Customer Service

USPS Mobile

Register / Sign In



USPS Tracking®

Search by Enter tracking number



Customer Service ›
Have questions? We're here to help.



Get Easy Tracking Updates ›
Sign up for My USPS.

Tracking Number: 9114901496450382475701

Updated Delivery Day: Monday, July 18, 2016

Product & Tracking Information

Postal Product:

Features:
USPS Tracking®

DATE & TIME

STATUS OF ITEM

LOCATION

July 18, 2016 , 2:57 pm

Delivered, In/At Mailbox

JACKSONVILLE, FL 32244

Your item was delivered in or at the mailbox at 2:57 pm on July 18, 2016 in JACKSONVILLE, FL 32244.

July 18, 2016 , 2:51 am

Arrived at Post Office

JACKSONVILLE, FL 32244

July 16, 2016 , 9:52 pm

Arrived at USPS Facility

JACKSONVILLE, FL 32099

July 15, 2016 , 9:49 pm

Departed USPS Facility

TALLAHASSEE, FL 32301

July 15, 2016 , 9:03 pm

Arrived at USPS Facility

TALLAHASSEE, FL 32301

Available Actions

Text Updates

Email Updates

Track Another Package

Tracking (or receipt) number

Track it

Manage Incoming Packages

Track all your packages from a dashboard.
No tracking numbers necessary.

Sign up for My USPS ›



HELPFUL LINKS

- Contact Us
- Site Index
- FAQs

ON ABOUT.USPS.COM

- About USPS Home
- Newsroom
- USPS Service Updates
- Forms & Publications
- Government Services
- Careers

OTHER USPS SITES

- Business Customer Gateway
- Postal Inspectors
- Inspector General
- Postal Explorer
- National Postal Museum
- Resources for Developers

LEGAL INFORMATION

- Privacy Policy
- Terms of Use
- FOIA
- No FEAR Act EEO Data

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EXHIBIT 6 (2 of 2)

Deposit Operations
PO Box 1489
Lumberton, NC 28359

November 21, 2016

Florida Elections Commission
Cedric Oliver
107 W. Gaines St.
Suite 224
Tallahassee, FL 32399-1050

Dear Inv. Oliver:

RE: Darren R. Gardner
Case # FEC 16-322

Branch Banking and Trust Company (BB&T) has received a subpoena requesting information regarding the above referenced client(s) and responds as follows.

We are unable to process the enclosed documents as requested; a search of our records did not locate any deposit account information during the time frame requested.

Should you have any questions, please contact me at the phone number listed below. Thank you.

Sincerely,



Ron Pittman
(910) 272-4250



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?

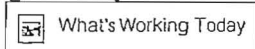
Thank you for your assistance in this matter.

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



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: Darren Rashaud Gardner

Name:

Account: 66011

Election:

Acct:

Type:

Date	Due	Type	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amount Paid
9/22/2016	TR			FEC	0	\$0.00		\$0.00	\$0.00
6/10/2016	M5			FEC	0	\$0.00		\$0.00	\$0.00

EXHIBIT 9 (1 of 2)



**Florida Department of State
Division of Elections**

**2016 General Election
Darren Rashaud Gardner (REP)
State Representative**

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 checked="" type="radio"/>	All Dates (Totals)						

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](#)

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

EXHIBIT

9/20/12

HAND DELIVERED

**STATEMENT OF
CANDIDATE**

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

OFFICE USE ONLY

RECEIVED
DEPARTMENT OF STATE

2016 MAY -3 PM 1:02

DIVISION OF ELECTIONS
TALLAHASSEE, FL

I, Darren Rashaud Gardner,

candidate for the office of State Representative District 13;

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

x Darren Gardner
Signature of Candidate

05/03/2016
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**

November 2, 2016

Darren Rashaud Gardner
9132 Jennifer Blvd.
Jacksonville, FL 32222

RE: Case No.: FEC 16-322; Respondent: Darren Rashaud Gardner

Dear Mr. Gardner:

On August 16, 2016, 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 it had not received funds, made contributions, or expended reportable funds during the following reporting period:

- 2016 M5

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 it failed to file a report on the prescribed reporting date for the following reporting period:

- 2016 M5

You may respond to the allegations above by filing a notarized statement providing any information regarding the facts and circumstances surrounding the allegations. Your response will be included as an attachment to the investigator's report.

When we conclude the investigation, a copy of the Report of Investigation will be mailed to you at the above address. You may file a response to the report within 14 days from the date the report is mailed to you. Based on the results of the investigation, legal staff will make a written

recommendation to the Commission on whether there is probable cause to believe you have violated Chapter 104 or 106, Florida Statutes. A copy of the Staff Recommendation will be mailed to you and you may file a response within 14 days from the date the recommendation is mailed to you. Your timely filed response(s) will be considered by the Commission when determining probable cause.

The Commission will then hold a hearing to determine whether there is probable cause to believe you have violated Chapters 104 or 106, Florida Statutes. You and the complainant will receive a notice of hearing at least 14 days before the hearing. The notice of hearing will indicate the location, date, and time of your hearing. You will have the opportunity to make a brief oral statement to the Commission, but you will not be permitted to testify or call others to testify, or introduce any documentary or other evidence.

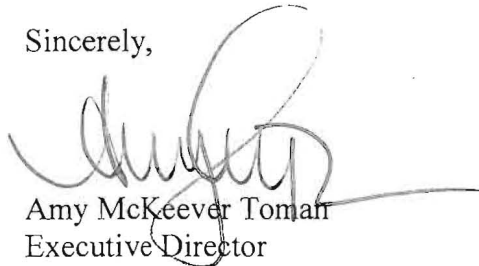
At any time before a probable cause finding, you may notify us in writing that you want to enter into negotiations directed towards reaching a settlement via consent agreement.

The Report of Investigation, Staff Recommendation, and Notice of Hearing will be mailed to the above address as this letter. Therefore, if your address changes, you must notify this office of your new address. Otherwise, you may not receive these important documents. Failure to receive the documents will not delay the probable cause hearing.

Under section 106.25, Florida Statutes, complaints, Commission investigations, investigative reports, and other documents relating to an alleged violation of Chapters 104 and 106, Florida Statutes, are confidential until the Commission finds probable cause or no probable cause. The confidentiality provision does not apply to the person filing the complaint. However, it does apply to you unless you waive confidentiality in writing. The confidentiality provision does not preclude you from seeking legal counsel. However, if you retain counsel, your attorney must file a notice of appearance with the Commission before any member of the Commission staff can discuss this case with him or her.

If you have any questions or need additional information, please contact **Cedric Oliver**, the investigator assigned to this case.

Sincerely,



Amy McKeever Toman
Executive Director

AMT/enr

**DIVISION OF ELECTIONS
FEC NOTICE FORM**

RECEIVED

2016 AUG 16 P 2:23

To FEC from Division of Elections

STATE OF FLORIDA
ELECTIONS COMMISSION

Name: Darren Rashaud Gardner
Account Number: 66011
Treasurer: Darren Rashaud Gardner

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:

2016 M5

Sent By: Kristi Reid Bronson
Date: July 27, 2016

KRB

ejr

AFFIDAVIT

STATE OF FLORIDA

County of Leon

Kristi Reid Bronson, 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. Darren Rashaud Gardener (66011) was a 2016 candidate for the office of State Representative.
5. On May 4, 2016, Mr. Gardner filed the Appointment of Campaign Treasurer and Designation of Campaign Depository with the Division. He appointed himself as treasurer. (See attached documents and acknowledgment letter.)
6. The 2016 M5 campaign treasurer's report was due on June 10, 2016. On June 13, 2016, the Division mailed Mr. Gardner notification that the 2016 M5 treasurer's report had not been filed. (See attached letter.)
7. On July 5, 2016, the Division mailed Mr. Gardner notification that the 2016 M5 treasurer's report had not been filed. (See attached letter.)
8. On July 14, 2016, the Division mailed Mr. Gardner final notification with delivery confirmation that the 2016 M5 treasurer's report had not been filed. (See attached letter with delivery confirmation.)
9. Mr. Gardener did not notify the Division of Elections prior to or on the prescribed reporting date for the 2016 M5 report that no report was to be filed.

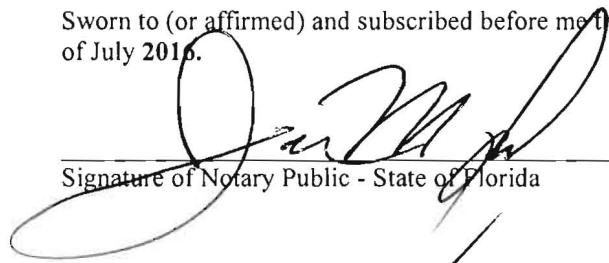
10. As of July 27, 2016, Mr. Gardner has not filed the 2016 M5 report.

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



Signature of Affiant

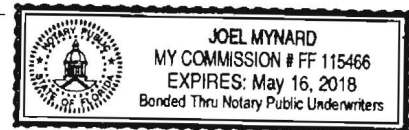
Sworn to (or affirmed) and subscribed before me this 27th day of July 2016.



Signature of Notary Public - State of Florida

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known _____



**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
DEPARTMENT OF STATE
2016 MAY -4 AM 10:12

DIVISION OF ELECTIONS
TALLAHASSEE, FL

OFFICE USE ONLY

1. CHECK APPROPRIATE BOX(ES):

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

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

3. Address (include post office box or street, city, state, zip code)
9132 Jennifer Blvd
Jacksonville, Florida 32222

4. Telephone
(904) 330-6070

5. E-mail address
thegardnerempire@gmail.com

6. Office sought (include district, circuit, group number)
State Representative District 13

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 Republican Party candidate.

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

10. Name of Treasurer or Deputy Treasurer
Darren Rashaud Gardner

11. Mailing Address
9132 Jennifer Blvd

12. Telephone
(904) 330-6070

13. City
Jacksonville

14. County
Duval

15. State
FL

16. Zip Code
32222

17. E-mail address
thegardnerempire@gmail.com

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

19. Name of Bank
BB&T

20. Address
4781 TownCenter Parkway

21. City
Jacksonville

22. County
Duval

23. State
Florida

24. Zip Code
32246

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
05/03/2016

26. Signature of Candidate
X Darren Gardner

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

designated above as: Campaign Treasurer Deputy Treasurer.
Date: 05/03/2016 X Darren Gardner
Signature of Campaign Treasurer or Deputy Treasurer

HAND DELIVERED

**STATEMENT OF
CANDIDATE**

(Section 106.023, F.S.)

(Please print or type)

OFFICE USE ONLY

RECEIVED
DEPARTMENT OF STATE

2016 MAY -3 PM 1:02

DIVISION OF ELECTIONS
TALLAHASSEE, FL

I, Darren Rashard Gardner,

candidate for the office of State Representative District 13;

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

x Darren Gardner
Signature of Candidate

05/03/2016
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 DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

May 5, 2016

Darren Rashaud Gardner
9132 Jennifer Boulevard
Jacksonville, Florida 32222

Dear Mr. Gardner:

This will acknowledge receipt of the Appointment of Campaign Treasurer and Designation of Campaign Depository for the office of State Representative, which was placed on file in our office on May 4, 2016. Your name has been placed on the 2016 active candidate list.

Campaign Treasurer's Reports

Your first campaign treasurer's report will be due on **June 10, 2016**. The report will cover the period of May 1-31, 2016 (M5). 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: 66011

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/



Darren Gardner
May 5, 2016
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.

Darren Gardner
May 5, 2016
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,



Kristi Reid Bronson, Chief
Bureau of Election Records

KRB/zjs

Enclosures



FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

June 13, 2016

Darren Rashaud Gardner
9132 Jennifer Boulevard
Jacksonville, FL 32222-2222

CAN 66011

Dear Mr. Gardner:

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 June 10, 2016.

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 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,

A handwritten signature in black ink, appearing to read "Kristi Reid Bronson".

Kristi Reid Bronson, Chief
Bureau of Election Records



FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

Second Notice

July 5, 2016

Darren Rashaud Gardner
9132 Jennifer Boulevard
Jacksonville, FL 32222-2222

CAN 66011

Dear Mr. Gardner:

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 June 10, 2016.

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 June 13, 2016.

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 Bronson, Chief
Bureau of Election Records



FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

Final Notice
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July 14, 2016

Darren Rashaud Gardner
9132 Jennifer Boulevard
Jacksonville, FL 32222-2222

CAN 66011

Dear Mr. Gardner:

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>
2016	M5	5/1/16 - 5/31/16

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 Bronson, Chief
Bureau of Election Records



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July 18, 2016 , 2:57 pm	Delivered, In/At Mailbox	JACKSONVILLE, FL 32244
Your item was delivered in or at the mailbox at 2:57 pm on July 18, 2016 in JACKSONVILLE, FL 32244		
July 18, 2016 , 2:51 am	Arrived at Post Office	JACKSONVILLE, FL 32244
July 16, 2016 , 9:52 pm	Arrived at USPS Facility	JACKSONVILLE, FL 32099
July 15, 2016 , 9:49 pm	Departed USPS Facility	TALLAHASSEE, FL 32301
July 15, 2016 , 9:03 pm	Arrived at USPS Facility	TALLAHASSEE, FL 32301

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