

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: Kyle Gibson**

**Case No.: FEC 19-419**

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**TO:** Kyle Gibson  
Post Office Box 590581  
Tamarac, FL 33359

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, **December 1, 2020 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**. Due to heightened security access requirements, please bring only essential items into the building and plan to arrive early to allow for delays coming through security.

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.**

***Tim Vaccaro***

Executive Director  
Florida Elections Commission  
November 9, 2020

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

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  
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,  
Petitioner,**

**Case No.: FEC 19-419**

v.

**Kyle C. Gibson,  
Respondent.**

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**ORDER OF PROBABLE CAUSE**

**THIS MATTER** was heard by the Florida Elections Commission (Commission) at its regularly scheduled meeting on August 25, 2020, in Tallahassee, Florida.

On December 30, 2019, Staff recommended to the Commission there was probable cause to believe the Florida Election Code was violated. The facts articulated in Staff's Recommendation are adopted by reference and incorporated herein. Based on the Referral, Report of Investigation, Staff's Recommendation, and oral statements, if any, made at the probable cause hearing, the Commission finds there is **probable cause** to charge Respondent with the following violation:

**Count 1:**

On or about May 10, 2019, Respondent violated Section 106.19(1)(c), Florida Statutes, when Respondent deliberately failed to include information on his 2019 M4 Report required to be reported when Respondent failed to file a 2019 M4 Report.

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 August 25, 2020.



Joni Alexis Poitier, Vice Chair  
Florida Elections Commission

Copies furnished to:  
Eric M. Lipman, General Counsel  
Kyle C. Gibson, 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: Kyle Gibson**

**Case No.: FEC 19-419**

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**TO:** Kyle Gibson  
Post Office Box 590581  
Tamarac, FL 33359

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 **August 25, 2020**. The Commission will begin at **8:30 am, EST**, and will consider multiple cases that day.

Please note that because of COVID-19, this will be a virtual meeting conducted by remote video or teleconference. Enclosed you will find additional details on joining the video conference via ZOOM, Meeting ID 340 226 0750, or via teleconference by dialing (929) 205-6099 and entering the meeting access code 673802, when prompted. If you wish to speak before the Commission, you will need to appear by webcam and will be sworn in remotely. Please be advised that the Commission will consider multiple cases, so you will need to wait until your case is considered. If you have any questions, please contact Commission staff at (850) 922-4539.

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

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**See further instructions on the reverse side.**

**Tim Vaccaro**  
Executive Director  
Florida Elections Commission  
August 13, 2020

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

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 West Gaines Street, Suite 224 Tallahassee, Florida 32399-1050

Telephone: (850) 922-4539 · Facsimile: (850) 921-0783

[FEC@myfloridalegal.com](mailto:FEC@myfloridalegal.com) · [www.fec.state.fl.us](http://www.fec.state.fl.us)



## **Confidential Commission Meeting August 25, 2020 at 8:30AM via Zoom**

In order to participate in the confidential portion of the August 25, 2020, Florida Elections Commission meeting, please follow the instructions below:

### **Join Zoom Meeting**

Click on the meeting link sent to your attention via email:

<https://zoom.us/j/91062518383?pwd=VkJ4Mi9kUUZXM1llZW5YcDFObU1Sdz09>

If you have difficulty launching the hyperlink, follow these steps.

1. Open your web browser and search ZOOM or enter [www.zoom.us](http://www.zoom.us)
2. Select "Join A Meeting" in the upper right corner of the website.
3. Enter the Meeting ID: 910 6251 8383 and click "Join".
4. Enter the Meeting Passcode: 673802 and click "Join".

### **For alternative audio participation:**

1. Dial: 1 (929) 205-6099
2. Meeting ID: 910 6251 8383
3. Passcode: 673802

While this is a confidential meeting and advanced registration is not mandatory, we ask that if you plan to attend via Video Conference or Teleconference, that you notify our office in advance. This will give the Commission the opportunity to organize the agenda as efficiently as possible. It will be the goal of the Commission to hear cases in which parties are present, first, in order to reduce the standby time of the parties in attendance.

Please test your audio; microphone, speakers and webcam, in advance.

**Those attendees who wish to speak before the Commission will need to appear by webcam and will be sworn in remotely.**

Please be advised that the Commission will consider multiple cases, so you will be placed in a ZOOM breakout room until your case is considered.

If you have any questions, contact Commission staff at (850) 922-4539. Please provide the case number(s) when contacting our office.

Thank you,

Commission Staff



**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: Kyle Gibson**

**Case No.: FEC 19-419**

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**TO:** Kyle Gibson  
Post Office Box 590581  
Tamarac, FL 33359

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 August 25, 2020. The Commission will begin at 8:30 am, EST, and will consider multiple cases that day.

**Please note that because of COVID-19, this will be a virtual meeting conducted by remote video conference only. If you wish to attend the meeting, please notify the Commission office by email at [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com) no later than 5:00 pm EST, on Friday, August 7, 2020. After receiving your request, the Commission office will send you a set of participant instructions prior to the meeting, which will include login information and specific details regarding the time of your hearing. If you have questions, please contact Commission staff at (850) 922-4539.**

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**See further instructions on the reverse side.**

***Tim Vaccaro***

Executive Director  
Florida Elections Commission  
July 28, 2020

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

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**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: Kyle Gibson**

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**Case No.: FEC 19-419**

**TO:** Kyle Gibson  
Post Office Box 590581  
Tamarac, FL 33359

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

**NOTICE OF CANCELLATION OF HEARING (PROBABLE CAUSE DETERMINATION)**

You are hereby notified that the previously scheduled **hearing for March 24-25, 2020 is cancelled**. It is anticipated that your case will be heard at the next regularly scheduled meeting, which is currently set for May 2020. A Notice of Hearing will be mailed approximately 14 days prior to the hearing date indicating the exact date, time, and location.

***Tim Vaccaro***

Executive Director  
Florida Elections Commission  
March 12, 2020

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: Kyle Gibson**

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**Case No.: FEC 19-419**

**TO:** Kyle Gibson  
Post Office Box 590581  
Tamarac, FL 33359

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

**NOTICE OF HEARING (PROBABLE CAUSE DETERMINATION)**

A hearing will be held in this case before the Florida Elections Commission on, **March 25, 2020 at 8:30 a.m.**, *or as soon thereafter as the parties can be heard*, at the following location: **House Office Building, 404 South Monroe Street, Room 28-H, Tallahassee, Florida 32399.** Due to heightened security access requirements, please bring only essential items into the building and plan to arrive early to allow for delays coming through security.

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***Tim Vaccaro***

Executive Director  
Florida Elections Commission  
March 9, 2019

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**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: Kyle C. Gibson**

**Case No.: FEC 19-419**

**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 4, 2019, the following facts and law support this staff recommendation.

1. On June 25, 2019, the Florida Elections Commission (“Commission”) received a referral from the Division of Elections (“Division”) alleging Kyle C. Gibson (“Respondent”) violated Chapter 106, Florida Statutes.

2. Respondent is a candidate for Governor in the 2022 election. Respondent's Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates form was filed with the Division on October 16, 2018. (ROI Exhibit 1)<sup>1</sup>

3. By letter dated August 20, 2019, the Executive Director notified Respondent that Commission staff would investigate the following alleged violations:

**Section 106.07(7), Florida Statutes:** As alleged in the complaint, Respondent, a 2022 candidate for Governor, 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:

- 2019 M4

**Section 106.19(1)(c), Florida Statutes:** As alleged in the complaint, Respondent, a 2022 candidate for Governor, 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:

- 2019 M4

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<sup>1</sup> The Report of Investigation shall be referred to herein as “ROI.”

4. By letter dated October 18, 2018, Kristi Reid Willis, Chief, Bureau of Election Records, Division of Elections, notified Respondent that his name had been placed on the 2022 active candidate list. The letter advised Respondent that all candidates who file reports with the Division are required to use the Division's 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. Willis' October 18, 2018 letter further advised Respondent that all the Division's publications and reporting forms were available on the Division's website and directed Respondent to print a copy of Chapters 104 and 106, Florida Statutes, the *Candidate and Campaign Treasurer Handbook* ("Handbook") and the *Calendar of Reporting Dates* as well as other documents. (ROI Exhibit 2, page 2)

6. Section 106.07(7), Florida Statutes, provides:

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. However, the next report filed must specify that the report covers the entire period between the last submitted report and the report being filed, and 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.** (Emphasis added)

7. Respondent's 2019 M4 Report covering the dates of April 1, 2019, through April 30, 2019, was due on May 10, 2019. (Attachment A) However, Respondent failed to file a 2019 M4 Report or notice of no activity on the due date. (Attachment B) By letters dated May 13, 2019, May 22, 2019, and June 3, 2019, the Division notified Respondent that it had not yet received his 2019 M4 Report, or notice of no activity, whichever was applicable. The Division's June 3, 2019 letter was confirmed delivered on June 6, 2019. (ROI Exhibits 3 and 4)

8. Investigator Smith subpoenaed copies of Respondent's campaign bank account records from Centennial Bank. Respondent's campaign account records show that Respondent had financial activity during the 2019 M4 reporting period. (ROI Exhibit 5) Therefore, while Respondent was not required to file a notice of no activity with the filing officer, Respondent was required to file a 2019 M4 Report listing all contributions received and all expenditures made by his campaign during the 2019 M4 reporting period. As of December 26, 2019, Respondent has not filed his 2019 M4 Report. (Attachment B)

9. Investigator Smith attempted to call and speak with Respondent by telephone on November 20, 2019, and November 25, 2019. On both occasions, Investigator Smith left a message on Respondent's voice mail asking Respondent to return the telephone call, which Respondent failed to do. (ROI Exhibit 8, Phone Log Entries 1 and 2)

10. Based on the information above, it appears Respondent may have deliberately failed to include information on his 2019 M4 Report that was required to be reported when Respondent failed to file a 2019 M4 Report.

11. "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. 1<sup>st</sup> DCA 1995).

12. The above facts show Respondent is a candidate for Governor in the 2022 election. Respondent failed to timely file a 2019 M4 Report or notice of no activity for the 2019 M4 reporting period. Because Respondent's campaign had financial activity between April 1, 2019, and April 30, 2019, Respondent was not required to file a notice of no activity for the 2019 M4 reporting period. However, Respondent was required to timely file a 2019 M4 Report listing all contributions received and all expenditures made by his campaign during the reporting period.

13. The above facts also show that despite the Division sending Respondent three notifications that he had not filed his 2019 M4 Report or notice of no activity, whichever was applicable, as of December 26, 2019, Respondent has failed to file his 2019 M4 Report.

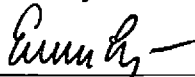
Based on the foregoing, I recommend the Commission find probable cause to charge Respondent with the following violation:

**Count 1:**

On or about May 10, 2019, Respondent violated Section 106.19(1)(c), Florida Statutes, when Respondent deliberately failed to include information on his 2019 M4 Report required to be reported when Respondent failed to file a 2019 M4 Report.

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

Respectfully submitted on December 30, 2019.

  
Eric M. Lipman  
General Counsel

I have reviewed this Staff Recommendation on the 30<sup>th</sup> day of December 2019.

  
Tim Vaccaro  
Executive Director



# 2019 Calendar of Reporting Dates

Candidates, Political Committees and  
Electioneering Communications Organizations  
registered with the Division of Elections

<u>Cover Period</u>	<u>Report Code</u>	<u>Due Date</u>
1/1/19 – 1/31/19	2019 M1	2/11/19
2/1/19 – 2/28/19	2019 M2	3/11/19
3/1/19 – 3/31/19	2019 M3	4/10/19
4/1/19 – 4/30/19	2019 M4	5/10/19
5/1/19 – 5/31/19	2019 M5	6/10/19
1/1/2018 – 12/31/2018	2018 MUC* (PC Only)	7/1/19
6/1/19 – 6/30/19	2019 M6	7/10/19
7/1/19 – 7/31/19	2019 M7	8/12/19
8/1/19 – 8/31/19	2019 M8	9/10/19
9/1/19 – 9/30/19	2019 M9	10/10/19
10/1/19 – 10/31/19	2019 M10	11/12/19
11/1/19 – 11/30/19	2019 M11	12/10/19
12/1/19 – 12/31/19	2019 M12	1/10/20

\* If not reported as individual contributions when received, a political committee must report contributions that comprise multiple uniform contributions from the same person aggregating no more than \$250 per calendar year, collected by an organization that is the affiliated sponsor of the political committee. The report must list the name, address, and occupation of the person making the contribution; however, the occupation need not be listed if the aggregate contribution from the person is \$100 or less.

**ATTACHMENT A**



search | directory | contact us | 411 | subscribe | tour | help

### Florida Department of State - Division of Elections

### Florida Election System Reports

Home | About Us | Contact Us | Help

**Candidate Name: Kyle Gibson**

**Account: 73870**

73870

Search

Reset

Date Due	Type	Date Filed	Status	Days Late	Filing Association	Reported	Amount Due	Amount Paid
12/10/2019	M11	12/10/2019						
11/12/2019	M10	11/12/2019						
10/10/2019	M9	10/10/2019						
9/10/2019	M8	9/10/2019						
8/12/2019	M7	8/12/2019						
7/10/2019	M6	7/10/2019						
6/10/2019	M5	6/10/2019						
5/10/2019	M4		FEC	0	\$0.00		\$0.00	\$0.00
4/10/2019	M3	4/11/2019	DFS	1	\$50.00		\$50.00	\$0.00
3/11/2019	M2	3/28/2019	CLO	17	\$0.00		\$0.00	\$0.00
2/11/2019	M1	3/28/2019	CLO	45	\$0.00		\$0.00	\$0.00
1/10/2019	M12	3/28/2019	CLO	77	\$0.00		\$0.00	\$0.00
12/10/2018	M11	3/28/2019	CLO	108	\$0.00		\$0.00	\$0.00
11/13/2018	M10	3/28/2019						

# ATTACHMENT B

**FLORIDA ELECTIONS COMMISSION**  
**REPORT OF INVESTIGATION**  
**Case No.: FEC 19-419**

**Respondent:** Kyle C. Gibson

**Complainant:** Division of Elections

Pursuant to Section 106.25(2), Florida Statutes, on June 25, 2019, the Florida Elections Commission (Commission) received information from the Division of Elections (Division) that Respondent violated Chapter 106, Florida Statutes. Commission staff, therefore, 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, Kyle C. Gibson, is a 2022 candidate for Governor.
2. Complainant is the Division.
3. Respondent's filing officer is Kristi Reid Willis, Chief, Bureau of Election Records.
4. On October 16, 2018, Respondent's Appointment of Campaign Treasurer and Designation of Campaign Depository form (DS-DE 9) was filed with the Division. Respondent appointed himself as campaign treasurer. To review the DS-DE 9 form, refer to Exhibit 1.
5. On October 18, 2018, Ms. Willis sent Respondent a letter acknowledging his name had been placed on the 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.
6. The letter also advised Respondent that all of the Division's publications and reporting forms are available on their website, including Chapter 106, Florida Statutes, the *Candidate and Campaign Treasurer Handbook*, and the Calendar of Reporting Dates. The letter further advised Respondent that it was his responsibility to read, understand, and follow the requirements of Florida's election laws. To review a copy of the acknowledgment letter, refer to

Exhibit 2.

7. On May 13 and May 22, 2019, the Division sent Respondent letters stating that he had not filed either a 2019 M4 campaign report or notification that no reportable activity occurred and reminded him that the filing date was May 10, 2019. The letters were mailed to Respondent at the address provided on his DS-DE 9 form. To review the letters relative to the 2019 M4 campaign report, refer to Exhibit 3.

8. On June 3, 2019, the Division sent Respondent a letter marked "Final Notice" stating that his 2019 M4 campaign report or the required notification that no reportable activity occurred, had not been filed. The letter was mailed to Respondent at the address provided on his DS-DE 9 form and delivered on June 6, 2019. To review the letter marked Final Notice as well as the delivery confirmation, refer to Exhibit 4.

9. On June 25, 2019, the Commission staff received a referral from the Division alleging that Respondent failed to report campaign activity during the 2019 M4 reporting period, or in the alternative, failed to notify the filing officer that no report would be filed. The allegations will be discussed in the paragraphs that follow.

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

10. I investigated whether Respondent violated this section of the election laws by not notifying the filing officer, in writing, that no report would be filed due to not receiving any contributions or making any expenditures during the 2019 M4 reporting period.

11. I subpoenaed Respondent's campaign account records from his designated campaign depository, Centennial Bank. Based on information from the campaign depository, it appears that Respondent was not required to notify the filing officer, in writing, with a notification-of-no-activity that no report would be filed; rather, Respondent was required to file his 2019 M4 campaign report to disclose financial activity.

12. A review of the campaign account records reflects financial activity that transpired during the 2019 M4 reporting period as shown below. To review a copy of the bank statements, as well as copies of two checks, refer to Exhibit 5.

14 Deposits/Credits	\$2,909.41
48 Expenditures/Debits	\$1,787.70

13. No record was found to indicate that Respondent has previously violated this section of the election laws.

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

14. I investigated whether Respondent violated this section of the election laws by not reporting campaign activity during the 2019 M4 reporting period.

15. To review the circumstances relative to Respondent's campaign activity during the 2019 M4 reporting period, refer to paragraph 12.

16. According to Respondent's filing history, campaign reports or notifications-of-no-activity were filed late for each reporting period prior to the 2019 M4 reporting period. To review Respondent's filing history, refer to Exhibit 6.

17. Respondent did not offer a response to the referral nor did he return a questionnaire-affidavit that was mailed to him.

18. Record was found that Respondent has previously violated this section of the election laws.

#### **IV. FEC History:**

19. Respondent has had many cases before the Florida Elections Commission. In a recent case heard before the members of the Florida Elections Commission, FEC 18-194, the report of investigation listed each case involving Respondent. To review the report of investigation in FEC 18-194, specifically pages two and three, refer to Exhibit 7.

#### **Conclusion:**

20. On November 20 and November 25, 2019, I left voicemail messages asking Respondent to return my telephone calls so that I could review the case with him and afford him an opportunity for questions or comments. As of the date of this report, Respondent has not returned my telephone calls. To review the phone log, refer to Exhibit 8.

21. Respondent was a 2018 candidate for the office of Governor; he was defeated. In 2014, Respondent was a write-in candidate for the office of Governor but was removed from the ballot due to failing to designate and qualify a Lieutenant Governor candidate prior to the general election.

22. Respondent executed a Statement of Candidate form indicating that he had been provided access to read Chapter 106, Florida Statutes; the form is dated as having been signed October 5, 2018. To review the Statement of Candidate, refer to Exhibit 9.

Respectfully submitted on December 4, 2019.

  
\_\_\_\_\_  
Keith Smith  
Investigation Specialist

**Current address of Respondent:**

Kyle C. Gibson  
P.O. Box 590581  
Ft. Lauderdale, Florida 33359

**Current address of Complainant**

Division of Elections  
500 South Bronough Street, Room 316  
Tallahassee, Florida 32399-0250

**Name and Address of Filing Officer:**

Kristi Reid Willis, Chief  
Bureau of Election Records  
500 South Bronough Street, Room 316  
Tallahassee, Florida 32399-0250

Copy furnished to: Cole Kekelis, Chief Regulatory Counsel

**FLORIDA ELECTIONS COMMISSION**  
**REPORT OF INVESTIGATION**  
**Kyle C. Gibson -- FEC 19-419**

<b>LIST OF EXHIBITS</b>	
<b>Exhibits #s</b>	<b>Description of Exhibits</b>
Exhibit 1	DS-DE 9 form
Exhibit 2	Ack ltr
Exhibit 3	Ltrs to R dated 05/13/19 & 05/22/19
Exhibit 4	Final Notice ltr/delivery confirmation
Exhibit 5	Bank statements/two checks
Exhibit 6	Filing history/Campaign Finance Activity
Exhibit 7	ROI – FEC 18-194
Exhibit 8	Phone Log
Exhibit 9	Statement of Candidate

**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

2018 OCT 16 AM 8:44

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)

Kyle KC Gibson

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

PO Box 590581  
Tamarac, Florida 33359-0581

**4. Telephone**

(850 ) 322-8815

**5. E-mail address**

kcin2018@gmail.com

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

Governor of Florida

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

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

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

Write-In     No Party Affiliation     \_\_\_\_\_ Party candidate.

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

**10. Name of Treasurer or Deputy Treasurer**

Kyle C. Gibson

**11. Mailing Address**

PO Box 590581

**12. Telephone**

( 850 ) 322-8815

**13. City**

Tamarac

**14. County**

Broward

**15. State**

Florida

**16. Zip Code**

33359-0581

**17. E-mail address**

kcin2018@gmail.com

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

**19. Name of Bank**

Centennial Bank

**20. Address**

2600 E Commercial Blvd

**21. City**

Ft Lauderdale

**22. County**

Broward

**23. State**

Florida

**24. Zip Code**

33308

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**

October 5, 2018

**26. Signature of Candidate**

X 

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

I, Kyle C. Gibson, do hereby accept the appointment  
(Please Print or Type Name)

designated above as:     Campaign Treasurer     Deputy Treasurer.

October 5, 2018

Date

EXHIBIT X

  
Signature of Campaign Treasurer or Deputy Treasurer





## FLORIDA DEPARTMENT OF STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

October 18, 2018

Kyle Gibson  
Post Office Box 590581  
Tamarac, Florida 33359-0581

Dear Mr. Gibson:

This will acknowledge receipt of the Appointment of Campaign Treasurer and Designation of Campaign Depository for the office of Governor, which was placed on file in our office on October 16, 2018. Your name has been placed on the 2022 active candidate list.

### Campaign Treasurer's Reports

Your first campaign treasurer's report will be due on **November 13, 2018**. The report will cover the period of October 1-31, 2018 (2018 M10). All candidates who file reports with the Division of Elections are required to file by means of the Division's Electronic Filing System (EFS).

### EFS Access

Below is the web address to access the EFS and your user identification number. The enclosed sealed envelope contains your filing credentials.

**EFS Website Address:** <https://efs.dos.state.fl.us>

**Identification Number:** 73870

### 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

EXHIBIT 2

Division of Elections

(1 of 2)

R.A. Gray Building, Suite 316 • 500 South Bronough Street • Tallahassee, Florida 32399  
850.245.6240 • 850.245.6260 (Fax) [dos.myflorida.com/elections/](https://dos.myflorida.com/elections/)



Kyle Gibson  
October 18, 2018  
Page Two

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.

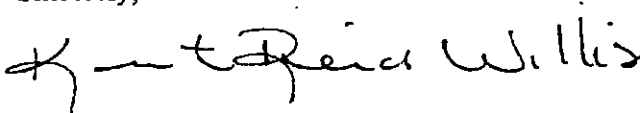
### **Instructions and Assistance**

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 Willis, Chief  
Bureau of Election Records

KRW/jcs

Enclosures

EXHIBIT 2 (2 of 2)



FLORIDA DEPARTMENT OF STATE

Laurel M. Lee  
Secretary of State

DIVISION OF ELECTIONS

May 13, 2019

Kyle Gibson  
Candidate for Governor  
Post Office Box 590581  
Tamarac, FL 33359-0581

CAN 73870

Dear Mr. Gibson:

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 May 10, 2019.

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

- If reportable activity occurred and you have not filed a report, statutory fines are automatically assessed as follows until you file your report:

\$50 per day for the first 3 days late

\$500 per day for each day after the 3rd day late

If the required report immediately precedes a primary and general election, the automatic fine is \$500 for each late day.

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

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

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

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

Sincerely,

Kristi Reid Willis, Chief  
Bureau of Election Records

EXHIBIT 3 (1 of 2)



FLORIDA DEPARTMENT OF STATE

Laurel M. Lee  
Secretary of State

DIVISION OF ELECTIONS

**Second Notice**

May 22, 2019

Kyle Gibson  
Candidate for Governor  
Post Office Box 590581  
Tamarac, FL 33359-0581

CAN 73870

Dear Mr. Gibson:

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 May 10, 2019.

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 May 13, 2019.

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,

A handwritten signature in black ink that reads "Kristi Reid Willis".

Kristi Reid Willis, Chief  
Bureau of Election Records

EXHIBIT 3 (2 of 2)



FLORIDA DEPARTMENT OF STATE

Laurel M. Lee  
Secretary of State

DIVISION OF ELECTIONS

**Final Notice**  
**Delivery Confirmation:**

USPS TRACKING # **9114 9014 9645 1724 1570 02**  
& CUSTOMER RECEIPT For Tracking or Inquiries go to USPS.com  
or call 1-800-222-1811.

June 3, 2019

Kyle Gibson  
Candidate for Governor  
Post Office Box 590581  
Tamarac, FL 33359-0581

CAN 73870

Dear Mr. Gibson:

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>
2019	M4	4/1/19 - 4/30/19

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

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

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

Sincerely,

Kristi Reid Willis, Chief  
Bureau of Election Records

EXHIBIT 4 (1 of 2)

# USPS Tracking

FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

Track Another Package +

Tracking Number: 9114901496451724157002

Remove X

Your item has been delivered and is available at a PO Box at 1:19 pm on June 6, 2019 in FORT LAUDERDALE, FL 33359.

 **Delivered**

June 6, 2019 at 1:19 pm  
Delivered, PO Box  
FORT LAUDERDALE, FL 33359

Get Updates v

Feedback

Text & Email Updates v

Tracking History v

Product Information v

See Less ^

## Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

EXHIBIT 4 (2 of 2)

FAQs (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

**Centennial Bank**

KYLE C GIBSON  
CAMPAGIN ACCOUNT  
PO BOX 590581  
FORT LAUDERDALE FL 33359

04/11/19  
[REDACTED]  
IMAGES 10  
CYCLE-011  
Page 2 of 4

CHECKING ACCOUNT TRANSACTIONS

DATE	DESCRIPTION	DEBITS	CREDITS
03/18	CKCD DEBIT 6358 03/16 00:00 KRYSTAL TALF02 LIVE OAK FL	11.33	
03/18	CKCD DEBIT 6358 03/16 00:00 BUDGET INN OF JASPER JASPER FL	54.99	
03/18	CKCD DEBIT 6358 03/15 00:00 1191 MOTEL 6 8503867878 FL	71.99	
03/18	CKCD DEBIT 6358 03/16 00:00 EXPEDIA 7419867 EXPEDIA COM WA	79.26	
03/19	POS DEBIT 6358 03/18 22:26 MARATHON PETRO19 JASPER FL	14.62	
03/19	CKCD DEBIT 6358 03/17 00:00 BUDGET INN OF JASPER JASPER FL	54.99	
03/20	SERVICE CHARGE FEE	5.00	
03/20	POS DEBIT 6358 03/19 21:40 MCDONALD S F4970 LIVE OAK FL	7.70	
03/20	CKCD DEBIT 6358 03/19 00:00 MAYO CAFE MAYO FL	11.50	
03/20	CKCD DEBIT 6358 03/18 00:00 FUSION BUFFET LIVE OAK FL	12.82	
03/20	CKCD DEBIT 6358 03/18 00:00 BUDGET INN OF JASPER JASPER FL	54.99	
03/25	CKCD DEBIT 6358 03/21 00:00 JIFFY FOOD STORE 3 LIVE OAK FL	3.79	
03/28	DEPOSIT		200.00
04/01	DEPOSIT		125.00
04/01	CKCD DEBIT 6358 03/29 00:00 FEDEXOFFICE 00 FORT LAUDERD FL	6.11	
04/01	CKCD DEBIT 6358 03/30 00:00 BLADES AND SHE DEERFIELD BE FL	25.00	
04/02	DEPOSIT		50.00
04/02	DEPOSIT		300.00
04/03	DEPOSIT		200.00
04/03	POS DEBIT 6358 04/03 11:49 PEPBOYS STORE FT LAUDERDALE FL	140.03	
04/05	CKCD DEBIT 6358 04/04 00:00 BURGER KING 26438 Q NOKOMIS FL	7.81	
04/05	CKCD DEBIT 6358 04/03 00:00 HOTDOG HEAVEN FORT LAUDERD FL	8.39	
04/05	CKCD DEBIT 6358 04/04 00:00 FIREHOUSE SUBS OAKLAND PARK FL	10.37	
04/08	FOREIGN ATM FEE 1 AT 2.00	2.00	
04/08	WTHDRL DDA 6358 04/07 9:40 3726 SW 40TH BO GAINESVILLE FL	42.95	
04/08	POS DEBIT 6358 04/07 16:52	16.00	

EXHIBIT 5 (1 of 5)

**Centennial Bank**

KYLE C GIBSON  
 CAMPAGIN ACCOUNT  
 PO BOX 590581  
 FORT LAUDERDALE FL 33359

04/11/19  
 [REDACTED]  
 IMAGES 10  
 CYCLE-011  
 Page 3 of 4

CHECKING ACCOUNT TRANSACTIONS

DATE	DESCRIPTION	DEBITS	CREDITS
04/08	WALGREENS STORE WILLISTON FL POS DEBIT 6358 04/07 16:53	20.99	
04/08	WALGREENS STORE WILLISTON FL CKCD DEBIT 6358 04/06 00:00	8.00	
04/08	SQ SQ MILLERS FUN WILLISTON FL CKCD DEBIT 6358 04/06 00:00	9.00	
04/08	SQU SQ HEAVY B S BA BRONSON FL CKCD DEBIT 6358 04/06 00:00	21.37	
04/08	PIZZA HUT 029922 WILLISTON FL CKCD DEBIT 6358 04/07 00:00	67.49	
04/09	T G I FRIDAY S GAINESVILLE FL POS DEBIT 6358 04/09 10:58	.40	
04/09	RACETRAC 2509 OCALA FL CKCD DEBIT 6358 04/08 00:00	8.86	
04/09	WENDY S 33 GAINESVILLE FL CKCD DEBIT 6358 04/08 00:00	8.88	
04/10	HARDEES 1501500 CROSS CITY FL OVERDRAFT FEE(S)	35.00	
04/10	CKCD DEBIT 6358 04/08 00:00 TACO BELL 017581 CHIEFLAND FL	5.35	
04/10	CKCD DEBIT 6358 04/08 00:00 DOUBLETREE GAIN GAINESVILLE FL	201.60	
04/11	CKCD DEBIT 6358 04/09 00:00 DOUBLETREE GAIN GAINESVILLE FL	50.40	

BALANCE BY DATE

DATE	BALANCE	DATE	BALANCE	DATE	BALANCE	DATE	BALANCE
03/11	285.91	03/12	274.88	03/13	160.15	03/14	299.88
03/15	429.27	03/18	165.41	03/19	95.80	03/20	3.79
03/25	.00	03/28	200.00	04/01	293.89	04/02	629.89
04/03	689.86	04/05	663.29	04/08	400.49	04/09	332.35
04/10	90.40	04/11	40.00				

:	:	TOTAL FOR	:	TOTAL	:
:	:	THIS PERIOD	:	YEAR-TO-DATE	:
:	:	TOTAL OVERDRAFT FEES	:	35.00	:
:	:	TOTAL RETURNED ITEM FEES	:	.00	:

EXHIBIT 5 (205)





KYLE C GIBSON  
 CAMPAGIN ACCOUNT  
 PO BOX 590581  
 FORT LAUDERDALE FL 33359

\*\*\* CHECKING \*\*\* 0100 FREEDOM CK  
 ACCOUNT NUMBER [REDACTED] AS OF 04/11/19 ..... 40.00  
 PLUS 11 DEPOSITS AND OTHER CREDITS ..... 2,484.91  
 LESS 47 CHECKS AND OTHER DEBITS ..... 2,327.86  
 CURRENT STATEMENT BALANCE AS OF 05/11/19 ..... 197.05  
 NUMBER OF DAYS IN THIS STATEMENT PERIOD 30

CHECK TRANSACTIONS

SERIAL	DATE	AMOUNT	SERIAL	DATE	AMOUNT	SERIAL	DATE	AMOUNT
4163	04/30	25.00	4243*	05/06	50.00			

CHECKING ACCOUNT TRANSACTIONS

DATE	DESCRIPTION	DEBITS	CREDITS
04/12	AC-STRIPE -TRANSFER		130.58
04/15	POS DEBIT 6358 04/12 23:50 7 ELEVEN ORLANDO FL	49.00	
04/16	DEPOSIT		350.00
04/16	CKCD DEBIT 6358 04/15 00:00 MIAMI SUBS 16 FORT LAUDERD FL	12.61	
04/17	POS DEBIT 6358 04/17 17:25 RACE TRACK EX POMPANO BEACH FL	35.50	
04/17	CKCD DEBIT 6358 04/16 00:00 FEDEXOFFICE 00 FORT LAUDERD FL	10.03	
04/18	POS DEBIT 6358 04/18 1:24 WALGREENS STOR OAKLAND PARK FL	38.67	
04/18	CKCD DEBIT 6358 04/18 00:00 OMEGA PSI PHI FR 4042845533 GA	308.00	
04/19	DEPOSIT		120.00
04/19	CKCD DEBIT 6358 04/18 00:00 MIAMI SUBS 6 FORT LAUDERD FL	11.43	
04/19	CKCD DEBIT 6358 04/17 00:00 FEDEX OFFIC107 WEST PALM BE FL	12.80	
04/22	AC-STRIPE -TRANSFER		19.33
04/22	DEPOSIT		125.00
04/22	SERVICE CHARGE FEE	5.00	
04/22	POS DEBIT 1075 04/22 14:49 NNT MINUTEMAN FORT LAUDERDA FL	22.56	
04/22	POS DEBIT 6358 04/20 12:06 PUBLIX POMPANO BEACH FL	37.94	
04/22	POS DEBIT 1075 04/22 16:50 PUBLIX FT LAUDERDALE FL	81.09	
04/23	POS DEBIT 1075 04/23 10:56 WALGREENS STORE PLANTATION FL	9.41	
04/24	POS DEBIT 1075 04/24 17:25	63.00	

EXHIBIT 5 (325)

**Centennial Bank**


KYLE C GIBSON  
CAMPAGIN ACCOUNT  
PO BOX 590581  
FORT LAUDERDALE FL 33359

05/11/19  
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CYCLE-011  
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CHECKING ACCOUNT TRANSACTIONS

DATE	DESCRIPTION	DEBITS	CREDITS
04/24	NNT EL PRIMO WI OKEEECHOBEE FL CKCD DEBIT 1075 04/23 00:00	31.00	
04/25	MARATHON PETRO22827 PAHOKEE FL DEPOSIT		100.00
04/25	CKCD DEBIT 1075 04/24 00:00 ZAXBY S 54301 OKEECHOBEE FL	11.33	
04/26	DEPOSIT		200.00
04/26	CKCD DEBIT 1075 04/25 00:00 MONTICELLO BIKE 8559695515 NY	10.00	
04/26	CKCD DEBIT 1075 04/25 00:00 FEDEXOFFICE 00 FORT LAUDERD FL	20.39	
04/26	CKCD DEBIT 1075 04/25 00:00 IHOP 186 PLANTATION FL	20.73	
04/26	CKCD DEBIT 1075 04/25 00:00 WAWA 5232 0005 FORT LAUDERD FL	47.00	
04/29	DEPOSIT		240.00
04/29	POS DEBIT 1075 04/27 19:28 PILOT 0293 OCALA FL	10.88	
04/29	POS DEBIT 1075 04/27 19:34 PILOT 0293 OCALA FL	44.50	
04/29	CKCD DEBIT 1075 04/26 00:00 THE FRESH STOP L INDIANTOWN FL	12.24	
04/30	DEPOSIT		150.00
04/30	DEPOSIT		800.00
04/30	CKCD DEBIT 1075 04/29 00:00 EPIC SPORTS INC BEL AIRE KS	26.96	
04/30	CKCD DEBIT 1075 04/29 00:00 EPIC SPORTS INC BEL AIRE KS	34.63	
05/02	CKCD DEBIT 1075 04/30 00:00 CATFISH DEWEYS OAKLAND PARK FL	85.85	
05/02	CKCD DEBIT 1075 05/01 00:00 REAL BIKES VENICE VENICE FL	200.09	
05/02	CKCD DEBIT 1075 05/01 00:00 CHEAPPRINT INK POMPANO BEAC FL	365.34	
05/03	DEPOSIT		250.00
05/03	POS DEBIT 1075 05/03 16:06 NNT BATTERIES PLUS 4 VENICE FL	19.25	
05/06	WTHDRL DDA 1075 05/04 8:55 2932 CRAWFORD CRAWFORDVILLE FL	40.00	
05/06	POS DEBIT 1075 05/06 12:05 MCDONALD S F6178 CHIPLEY FL	6.87	
05/06	POS DEBIT 1075 05/05 22:21 AMI 64 TALLAHASSEE FL	36.74	
05/06	CKCD DEBIT 1075 05/05 00:00 BURGER KING 17 CRAWFORDVILL FL	5.33	

EXHIBIT 5 (4 of 5)

NAME Kyle C. Gibson 81-275/828 1898  
 ACCOUNT NO. [REDACTED] DATE 4.8.19  
 PAY TO THE ORDER OF Dixie Chamber of Comm \$ 50.00  
Fifty Dollars DOLLARS    
  
 www.my100bank.com  
 MEMO Vendor hood. membership R. C. Gibson  
 [REDACTED]

04/09/2019 1898 \$50.00

NAME Kyle Mc Gibson 81-275/828 1900  
 ACCOUNT NO. [REDACTED] DATE April 4 2019  
 PAY TO THE ORDER OF Levy County Fer \$ 75.00  
Seventy Five Dollars DOLLARS    
  
 www.my100bank.com  
 MEMO Vendor Fer R. C. Gibson  
 [REDACTED] [REDACTED] [REDACTED]

04/08/2019 1900 \$75.00

EXHIBIT 5 (505)



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Florida Department of State - Division of Elections

Florida Election System Reports

Candidate/Committee Lookup

Name:

Election:

Acct:

Type:

Candidate Name: Kyle Gibson

Account: 73870

Date Due	Type	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amount Paid
10/10/2019	M9	10/10/2019						
9/10/2019	M8	9/10/2019						
8/12/2019	M7	8/12/2019						
7/10/2019	M6	7/10/2019						
6/10/2019	M5	6/10/2019						
5/10/2019	M4		FEC	0	\$0.00		\$0.00	\$0.00
4/10/2019	M3	4/11/2019	DFS	1	\$50.00		\$50.00	\$0.00
3/11/2019	M2	3/28/2019	CLO	17	\$0.00		\$0.00	\$0.00
2/11/2019	M1	3/28/2019	CLO	45	\$0.00		\$0.00	\$0.00
1/10/2019	M12	3/28/2019	CLO	77	\$0.00		\$0.00	\$0.00
12/10/2018	M11	3/28/2019	CLO	108	\$0.00		\$0.00	\$0.00
11/13/2018	M10	3/28/2019						

EXHIBIT 6 (of 2)



**Florida Department of State  
Division of Elections**

**2022 General Election  
Kyle Gibson (NPA)  
Governor**

**Campaign Finance Activity**

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

	Filing Period	Contributions			Expend	Other	Transfers
		Monetary	Loans	InKind			
<b>W</b>	10/16/2018 - 10/31/2018	0.00	0.00	0.00	0.00	0.00	0.00
<input type="radio"/>	11/01/2018 - 11/30/2018	0.00	665.06	0.00	449.20	0.00	0.00
<b>W</b>	12/01/2018 - 12/31/2018	0.00	0.00	0.00	0.00	0.00	0.00
<input type="radio"/>	01/01/2019 - 01/31/2019	0.00	0.00	0.00	0.00	0.00	0.00
<b>W</b>	02/01/2019 - 02/28/2019	0.00	0.00	0.00	0.00	0.00	0.00
<input type="radio"/>	03/01/2019 - 03/31/2019	0.00	770.00	0.00	900.20	0.00	0.00
<input type="radio"/>	05/01/2019 - 05/31/2019	0.00	1,290.00	0.00	1,965.67	0.00	0.00
<input type="radio"/>	06/01/2019 - 06/30/2019	0.00	1,231.00	0.00	1,716.18	0.00	0.00
<input type="radio"/>	07/01/2019 - 07/31/2019	50.44	1,165.00	0.00	1,405.44	0.00	0.00
<input type="radio"/>	08/01/2019 - 08/31/2019	0.00	2,008.00	0.00	1,470.69	0.00	0.00
<input type="radio"/>	09/01/2019 - 09/30/2019	0.00	717.00	0.00	738.80	0.00	0.00
<input checked="" type="radio"/>	<b>All Dates (Totals)</b>	50.44	7,846.06	0.00	8,646.18	0.00	0.00

Note: <sup>(E)</sup> 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

EXHIBIT 0 (202)

**FLORIDA ELECTIONS COMMISSION**  
**REPORT OF INVESTIGATION**  
Case No.: **FEC 18-194**

**Respondent: Kyle Gibson**  
Counsel for Respondent: n/a

**Complainant: Division of Elections**  
Counsel for Complainant: n/a

On August 3, 2018, the Florida Elections Commission ("Commission") received a referral from the Division of Elections alleging that Respondent violated Chapter 106, Florida Statutes. Commission staff investigated whether Respondent violated the following statute:

Section 106.07(2)(b)1, Florida Statutes, failure of the treasurer of a candidate to file an addendum to an incomplete report after receiving notice from the filing officer.

**I. Preliminary Information:**

1. Respondent was a 2018 candidate for the office of Governor. He lost this election bid on November 6, 2018 when he received 0.3% of the vote. He was also a write-in candidate in the 2014 Governor's race but was removed from the ballot due to failing to designate and qualify a Lieutenant Governor candidate prior to the general election.
2. Complainant is the Division of Elections.
3. Respondent's filing officer is Kristi Willis, Chief, Bureau of Election Records.

**II. Alleged Violation of Section 106.07(2)(b)1, Florida Statutes:**

4. I investigated whether Respondent violated this section of the election laws by not filing an addendum to the 2018 M1 Report, after receiving notice that it was incomplete.
5. A DOE staff representative, Kristi Willis, submitted a sworn-affidavit dated August 2, 2018 regarding Respondent's failure-to-file an addendum to the 2018 M1 Report. To view a copy of the August 2, 2018 sworn-affidavit from Kristi Willis, refer to exhibit 1.
6. On September 25, 2014, Respondent filed his original Appointment of Campaign Treasurer and Designation of Campaign Depository form (DS-DE 9) with his filing officer. Respondent appointed himself as his own campaign treasurer. To view a copy of Respondent's DS-DE 9 forms, refer to exhibit 2.
7. On September 26, 2014, Complainant mailed Respondent a letter acknowledging receipt of the DS-DE 9 form and informing him that his name had been placed on the 2018 active candidate list. To view a copy of the September 26, 2014 acknowledgement letter, refer to exhibit 3.
8. I have reviewed records from the Division of Elections. These records reflect that

EXHIBIT

7 (1 of 4)

Respondent timely filed his original 2018 M1 Report with his filing officer on February 12, 2018 at approximately 10:20 pm. To view a copy of Respondent's original 2018 M1 Report, refer to exhibit 4. To view a copy of Respondent's filing history, refer to exhibit 5.

9. On February 15, 2018, Complainant mailed Respondent a letter informing him that the 2018 M1 Report was incomplete. Complainant attached a list of errors to this letter that specifically stated the errors that required amending. This letter was sent to the address Respondent provided on his DS-DE 9 forms (Exhibit 2). To view a copy of the February 15, 2018 incomplete-report letter, refer to exhibit 6.

10. On March 13, 2018, Complainant mailed Respondent a second letter informing him that the 2018 M1 Report remained incomplete. Complainant attached a list of errors to this letter that specifically stated the errors that required amending. This letter was also sent to the address Respondent provided on his DS-DE 9 forms (Exhibit 2). To view a copy of the March 13, 2018 incomplete-report letter, refer to exhibit 7.

11. On April 6, 2018, Complainant mailed Respondent a certified letter titled "Final Notice" informing him that the 2018 M1 Report remained incomplete. Complainant included a list of errors with this letter that specifically stated the errors that required amending. This letter was also sent to the address Respondent provided on his DS-DE 9 form (Exhibit 2). This letter also included a delivery confirmation receipt. To view a copy of the April 6, 2018 "Final Notice" with delivery confirmation receipt, refer to exhibit 8.

12. In a December 4, 2018 email with Kristi Willis, FEC staff was advised that the 2018 M1 Report has not been corrected. To view a copy of the December 4, 2018 email with Kristi Willis, refer to exhibit 9.

13. There is a record that Respondent has previously violated this section of the election laws.

### III. FEC History:

14. Respondent has had many cases in front of the Florida Elections Commission (Commission). In the matter of FEC 13-251, the Commission issued a default final order for alleged violation of 106.07(8)(b). In the matter of FEC 15-261, the Commission found a violation of Sections 106.07(2)(b)1 and 106.19(1)(c), and levied a civil penalty of \$750.00, which Respondent has not paid. In the matter of FEC 15-329, the Commission found a violation of Section 106.07(2)(b)1, and levied a civil penalty of \$500.00, which Respondent has not paid. In the matter of FEC 15-397, the Commission combined this case with FEC 14-299 and upheld the automatic-fine of \$37.50 and issued a default final order, which Respondent has paid. In the matter of FEC 14-497, the Commission found no probable cause for alleged violation of 106.07(7). In the matter of FEC 15-510, the Commission issued a default final order for alleged violation of 106.07(8)(b). In the matter of FEC 16-028, the Commission found a violation of Section 106.07(2)(b)1, and levied a civil penalty of \$1,000.00, which Respondent has not paid. In the matter of FEC 16-157, the Commission found a violation of Section 106.07(2)(b)1, and levied a civil penalty of \$2,000.00, which Respondent has not paid. In the matter of FEC 16-173, the Commission upheld the automatic-fine of \$50.00 and issued a default final order; which Respondent has not paid. In the matter of FEC 16-174, the Commission upheld the automatic-fine of \$50.00 and issued a default final order; which Respondent has not paid. In the matter of FEC 16-520, the Commission found a violation of Section 106.07(2)(b)1, and levied a civil penalty in the

EXHIBIT 7 (2 of 4)

amount of \$1,000.00, which Respondent has not paid. In the matter of FEC 16-544, the Commission found a violation of Section 106.07(2)(b)1, and levied a civil penalty in the amount of \$100.00, which Respondent has not paid. In the matter of FEC 17-146, the Commission found no violation of 106.07(5) or 106.19(1)(c). In the matter of FEC 17-244, the Commission found no violation of violation of 106.07(2)(b)1. In the matter of FEC 17-276, the Commission found violations of 106.07(2)(b)1, 106.19(1)(b), 106.07(5), and 106.19(1)(d), but with no probable cause found for 106.19(1)(c)/fined \$5000.00/no record of fine being paid. In the matter of FEC 17-436, the Commission found a violation of 106.07(2)(b)1/fined \$1,000.00/no record of fine being paid. In the matter of FEC 18-072, the Commission found five violations of 106.07(2)(b)1/fined \$5,000.00/no record of fine being paid.

**Conclusion:**

15. Respondent was offered several opportunities to make comments regarding the findings of this investigation. Respondent did not respond to any of these attempts.

16. In the September 26, 2014 acknowledgement letter, Respondent was informed that all of the Division's publications were 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, 2014 Candidate and Campaign Treasurer Handbook, 2014 Calendar of Reporting Dates, and Rule 1S-2.017, Florida Administrative Code.** To view a copy of the September 26, 2014 acknowledgement letter, refer to exhibit 3.

17. On September 25, 2014, Respondent filed his Statement of Candidate for Governor of Florida acknowledging that he had been provided access to read and understand the requirements of Chapter 106, Florida Statutes. To view a copy of the Statement of Candidate, refer to exhibit 10.

EXHIBIT 7 (3 of 4)



Respectfully submitted on January 24, 2019.

---

Cedric Oliver  
Investigation Specialist

**Current address of Respondent**

Mr. Kyle Gibson  
1418 Northeast 57<sup>th</sup> Court  
Fort Lauderdale, FL 33359-0581

**Current address of Complainant**

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

**Name and Address of Filing Officer:**

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

Copy furnished to: Mr. David Flagg, Investigations Manager

EXHIBIT 7 (4 of 4)

**FLORIDA ELECTIONS COMMISSION  
PHONE LOG  
Case No.: FEC 19-419**

**Respondent:** Kyle C. Gibson

**Complainant:** Division of Elections

1. **Date and time:** 11/20/19 @ 11:22 a.m.  
**Name:** Respondent  
**Phone #:** 850-322-8815  
**Summary:** I tried calling Respondent for the purpose of reviewing the report of investigation with him and to ask him as to why contributions and expenditures were not reported in a 2019 M4 report. I left a message on his voice-mail asking that he return my telephone call.  
**Memo to File?** No  
**Entered by:** KS
  
2. **Date and time:** 11/25/19 @ 10: 01 a.m.  
**Name:** Respondent  
**Phone #:** 850-322-8815  
**Summary:** I tried calling Respondent to inquire of him as to why he did not file his 2019 M4 report to disclose financial activity and to review the report of investigation with him. I left a message on his voice-mail asking that he return my telephone call at his earliest convenience.  
**Memo to File?** No  
**Entered by:** KS
  
3. **Date and time:**  
**Name:**  
**Phone #:**  
**Summary:**  
**Memo to File?** No  
**Entered by:**
  
4. **Date and time:**  
**Name:**  
**Phone #:**  
**Summary:**  
**Memo to File?** No  
**Entered by:**
  
5. **Date and time:**  
**Name:**  
**Phone #:**  
**Summary:**  
**Memo to File?** No  
**Entered by:**

EXHIBIT 8

**STATEMENT OF  
CANDIDATE**

(Section 106.023, F.S.)

(Please print or type)

RECEIVED ONLY  
OFFICE USE ONLY  
DEPARTMENT OF STATE

2018 OCT 16 AM 8:44

DIVISION OF ELECTIONS  
TALLAHASSEE, FL

I, Kyle KC Gibson,

candidate for the office of Governor of Florida;

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

X   
Signature of Candidate

October 5, 2018  
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).

EXHIBIT 9



**FLORIDA ELECTIONS COMMISSION**

**107 W. Gaines Street**

**Collins Building, Suite 224**

**Tallahassee, Florida 32399-1050**

**Telephone: (850) 922-4539**

**Fax: (850) 921-0783**

**[www.fec.state.fl.us](http://www.fec.state.fl.us); [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com)**

August 20, 2019

Kyle Gibson  
Post Office Box 590581  
Tamarac, FL 33359

**RE: Case No.: FEC 19-419; Respondent: Kyle Gibson – AMENDED LETTER OF LEGAL SUFFICIENCY**

Dear Mr. Gibson:

On June 25, 2019, 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, a 2022 candidate for Governor, 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:

- 2019 M4

**Section 106.19(1)(c), Florida Statutes:** As alleged in the complaint, Respondent, a 2022 candidate for Governor, 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:

- 2019 M4

When we conclude the investigation, a copy of the Report of Investigation (ROI) will be mailed to you at the above address. Based on the results of the investigation, a staff attorney will make a written recommendation (Staff Recommendation or SR) to the Commission as to whether there is probable cause to charge respondent with violating Chapters 104 or 106, Florida Statutes. You will have an opportunity to respond to both the ROI and the SR. The Commission will then hold one or more hearings to determine whether the alleged violations occurred and, if so, the amount

Kyle Gibson  
August 20, 2019  
Page 2  
FEC 19-419

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

Please note that all documents related to this matter will be mailed to the above address unless you **notify us of a new address**. Also, please remember that complaints, Commission investigations, investigative reports, and other documents relating to an alleged violation of Chapters 104 or 106, Florida Statutes, are **confidential** until the Commission finds probable cause or no probable cause.

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

If you have additional questions, please contact **Keith Smith**, the investigator assigned to this case.

Sincerely,

A handwritten signature in black ink that reads "Tim Vaccaro". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

Tim Vaccaro  
Executive Director

TV/med



**FLORIDA ELECTIONS COMMISSION**

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

[www.fec.state.fl.us](http://www.fec.state.fl.us); [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com)

August 9, 2019

Kyle Gibson  
Post Office Box 590581  
Tamarac, FL 33359

**RE: Case No.: FEC 19-419; Respondent: Kyle Gibson**

Dear Mr. Gibson:

On June 25, 2019, 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, a 2022 candidate for Governor, 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:

- 2019 M4

**Section 106.19(1)(c), Florida Statutes:** As alleged in the complaint, Respondent, a 2018 candidate for Governor, 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:

- 2019 M4

When we conclude the investigation, a copy of the Report of Investigation (ROI) will be mailed to you at the above address. Based on the results of the investigation, a staff attorney will make a written recommendation (Staff Recommendation or SR) to the Commission as to whether there is probable cause to charge respondent with violating Chapters 104 or 106, Florida Statutes. You will have an opportunity to respond to both the ROI and the SR. The Commission will then hold one or more hearings to determine whether the alleged violations occurred and, if so, the amount

Kyle Gibson  
August 9, 2019  
Page 2  
FEC 19-419

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

Please note that all documents related to this matter will be mailed to the above address unless you **notify us of a new address**. Also, please remember that complaints, Commission investigations, investigative reports, and other documents relating to an alleged violation of Chapters 104 or 106, Florida Statutes, are **confidential** until the Commission finds probable cause or no probable cause.

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

If you have additional questions, please contact **Keith Smith**, the investigator assigned to this case.

Sincerely,



Tim Vaccaro  
Executive Director

TV/med

## DIVISION OF ELECTIONS FEC NOTICE FORM

To FEC from Division of Elections

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**Name:** Kyle Gibson  
**Account Number:** 73870  
**Treasurer:** Kyle C. Gibson

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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:

2019 M4

- Kyle Gibson (73870) is a 2022 candidate for the office of Governor.
- On October 16, 2018, Mr. Gibson filed the Appointment of Campaign Treasurer and Designation of Campaign Depository with the Division.
- The 2019 M4 campaign treasurer's report was due on May 10, 2019. On May 13, 2019, the Division mailed Mr. Gibson notification that the 2019 M4 campaign treasurer's report had not been filed.
- On May 22, 2019, the Division mailed Mr. Gibson second notification that the 2019 M4 campaign treasurer's report had not been filed.
- On June 3, 2019, the Division mailed Mr. Gibson final notification with delivery confirmation that the 2019 M4 report had not been filed. (See attached letter and delivery confirmation.)
- Mr. Gibson did not notify the Division of Elections prior to or on the prescribed reporting date for the 2019 M4 report that no report was to be filed.



- As of June 20, 2019, Mr. Gibson has not filed the 2019 M4 report.

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**Sent By:** Kristi Reid Willis  
**Date:** June 20, 2019 *KRW*

jcs



FLORIDA DEPARTMENT OF STATE

Laurel M. Lee  
Secretary of State

DIVISION OF ELECTIONS

**Final Notice**

**Delivery Confirmation:**

USPS TRACKING # **9114 9014 9645 1724 1570 02**  
& CUSTOMER RECEIPT For Tracking or Inquiries go to USPS.com  
or call 1-800-222-1811.

June 3, 2019

Kyle Gibson

Candidate for Governor

Post Office Box 590581

Tamarac, FL 33359-0581

CAN 73870

Dear Mr. Gibson:

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>
2019	M4	4/1/19 - 4/30/19

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

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

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

Sincerely,

Kristi Reid Willis, Chief  
Bureau of Election Records



FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

Track Another Package +

Tracking Number: 9114901496451724157002

Remove X

Your item has been delivered and is available at a PO Box at 1:19 pm on June 6, 2019 in FORT LAUDERDALE, FL 33359.

**Delivered**

June 6, 2019 at 1:19 pm  
Delivered, PO Box  
FORT LAUDERDALE, FL 33359

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