

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Kyle Gibson

Case No.: FEC 21-056

TO: Kyle Gibson
837 NW 1st Avenue
Ft. Lauderdale, FL 33311

Division of Elections
500 South 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, 2023 at 8:30**, or as soon thereafter as the parties can be heard, at the following location: Via Webinar Registration URL:

<https://attendee.gotowebinar.com/register/571953185404345941>

Audio participation:
1-877-309-2074

Attendee – muted:
966-952-589

After registering, you will receive a confirmation email containing information about joining the webinar.

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
May 2, 2023

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
FLORIDA ELECTIONS COMMISSION

Florida Elections Commission,
Petitioner,

Case No.: FEC 21-056

v.

Kyle Gibson,
Respondent.

_____ /

ORDER OF PROBABLE CAUSE

THIS MATTER was heard by the Florida Elections Commission (Commission) at its regularly scheduled meeting on January 24, 2023, in Tallahassee, Florida.

On October 3, 2022, Staff recommended to the Commission that there was probable cause to believe that the Florida Election Code was violated. The facts articulated in Staff's Recommendation are adopted by reference and incorporated herein. Based on the Complaint, Report of Investigation, Staff's Recommendation, and oral statements (if any) made at the probable cause hearing, the Commission finds that there is **probable cause** to charge Respondent with the following violation(s):

Count 1:

On or around December 10, 2020, Kyle Gibson violated Section 106.19(1)(c), Florida Statutes, when he deliberately failed to include information required by Chapter 106, Florida Statutes, on the campaign's 2020 M11 Report.

THIS SPACE INTENTIONALLY LEFT BLANK

The Commission finds that 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 January 24, 2023.



Tim Vaccaro, J.D., Executive Director
For Nicholas Primrose, Chairman
Florida Elections Commission

Copies furnished to:
Stephanie J. Cunningham, General Counsel
Kyle 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 21-056

TO: Kyle Gibson
837 NW 1st Avenue
Ft. Lauderdale, FL 33311

Division of Elections
500 S. Bronough Street, Room 316
Tallahassee, FL 32399-6596

NOTICE OF HEARING (PROBABLE CAUSE DETERMINATION)

A hearing will be held in this case before the Florida Elections Commission on, **January 24, 2023 at 1:00 p.m.**, or as soon thereafter as the parties can be heard, at the following location: Join Zoom Meeting - <https://us06web.zoom.us/j/86542842462?pwd=VjdKeGRjcFAvZko2Y1pTZmo1cU5pdz09>

Meeting ID: 865 4284 2462

Passcode: 5UuWmT

AUDIO PARTICIPATION:

1-301-715-8592

Meeting ID: 865 4284 2462

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
January 9, 2023

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.

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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.

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Kyle Gibson

Case No.: FEC 21-056

TO: Kyle Gibson
837 NW 1st Avenue
Ft. Lauderdale, FL 33311

Division of Elections
500 S. Bronough Street, Room 316
Tallahassee, FL 32399-6596

NOTICE OF CANCELLATION OF HEARING
(PROBABLE CAUSE DETERMINATION)

You are hereby notified that **the previously scheduled hearing for December 14, 2022, is cancelled.** It is anticipated that your case will be heard at the next regularly scheduled meeting, which will be scheduled for a date to be determined in either January 2023 or February 2023.

A Notice of Hearing will be mailed to you approximately 14 days prior to the new hearing date.

Tim Vaccaro

Executive Director
Florida Elections Commission
December 13, 2022

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Kyle Gibson

Case No.: FEC 21-056

TO: Kyle Gibson
837 NW 1st Avenue
Ft. Lauderdale, FL 33311

Division of Elections
500 S. Bronough Street, Room 316
Tallahassee, FL 32399-6596

NOTICE OF HEARING (PROBABLE CAUSE DETERMINATION)

A hearing will be held in this case before the Florida Elections Commission on, **December 14, 2022 at 10:30 a.m., or as soon thereafter as the parties can be heard**, at the following location: **House Office Building, 402 South Monroe Street, 306 HOB, Mashburn Hall, 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.

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See further instructions on the reverse side.

Tim Vaccaro

Executive Director
Florida Elections Commission
November 30, 2022

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.

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

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Kyle Gibson

Case No.: FEC 21-056

STAFF RECOMMENDATION FOLLOWING INVESTIGATION

Pursuant to Section 106.25(4)(c), Florida Statutes, undersigned staff counsel files this written recommendation for disposition of the referral in this case recommending that there is **probable cause** to charge Respondent with violating **Section 106.19(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 September 7, 2022, the following facts and law support this staff recommendation:

1. On February 1, 2021, the Florida Elections Commission (“Commission”) received a referral from the Department of State, Division of Elections (“Division”), alleging that Kyle Gibson (“Respondent”) violated Chapter 106, Florida Statutes.

2. Respondent was a 2022 candidate for the office of Governor. Respondent’s Statement of Candidate form (“DS-DE 84”) was filed on October 16, 2018. (ROI Exhibit 3)¹

3. By letter dated June 15, 2022, the Executive Director notified Respondent that Commission staff would investigate the following statutory provisions:

Section 106.07(7), Florida Statutes: As alleged in the complaint, Respondent, a 2022 candidate for the office of 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 2020 M11 reporting period.

Section 106.19(1)(c), Florida Statutes: As alleged in the complaint, Respondent, a 2022 candidate for the office of Governor, may have falsely reported or deliberately failed to include information required by Chapter 106, Florida Statutes, during the 2020 M11 reporting period.

4. By letter dated October 18, 2018, Kristi Reid Willis, Chief, Bureau of Election Records, sent Respondent a letter acknowledging that the Division had received his Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates form and that his name was placed on the 2022 active candidate list. (ROI Exhibit 4, page 1)

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

5. The acknowledgment letter advised Respondent that all candidates filing reports with the Division are required to use the electronic filing system (“EFS”) and provided Respondent with a user identification number and initial password to grant access to the EFS. (ROI Exhibit 4, page 1) The letter further advised Respondent that all of the Division’s publications and reporting forms were available on its website and directed Respondent to print out the *Calendar of Reporting Dates* as well as other relevant documents. (ROI Exhibit 4, page 2)

6. Respondent’s 2020 M11 Report was due to be filed by December 10, 2020; however, Respondent failed to timely file the report or notify the filing officer that no report would be filed. *See* Compl. By letters dated December 11, 2020, December 22, 2020, and January 13, 2021, the Division notified Respondent that his 2020 M11 Report had not been received. The letters also notified Respondent that he was still required to notify the Division if he had no reportable financial activity. (ROI Exhibits 5 & 6) The January 13, 2021, letter was confirmed delivered. (ROI Exhibit 6, page 2)

7. A subpoena was issued to Respondent’s designated campaign depository to ascertain whether any financial activity occurred during the relevant reporting period, i.e., November 1, 2020 – November 30, 2020. (ROI Exhibit 6, page 1) Respondent’s bank records show one contribution in the amount of \$100 and two expenditures totaling \$105. (ROI Exhibit 8)

8. Respondent was given multiple opportunities to respond to Commission staff’s investigation, but failed to do so. (ROI, p. 2, ¶¶9-10; ROI Exhibit 9)

9. Respondent failed to include information in his 2020 M11 Report in violation of Section 106.19(1)(c), Florida Statutes. As Respondent had financial activity during the relevant reporting period, Respondent was not required to notify the filing officer that he would not be filing his report. Respondent was not a first-time candidate. (ROI, p.1, ¶1)

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

11. The facts set forth above show that Respondent was a 2022 candidate for the office of Governor. Respondent failed to timely file his 2020 M11 Report or notify the filing officer that no report would be filed. As it appears that Respondent had financial activity during the relevant reporting period, Respondent failed to include information in his 2020 M11 Report in violation of Section 106.19(1)(c), Florida Statutes. Thus, Respondent was not required to notify the filing officer that he would not be filing his report because Respondent had reportable financial activity.

Based upon these facts and circumstances, I recommend that the Commission find **no probable cause** to charge Respondent with violating **Section 106.07(7), Florida Statutes**, and

find **probable cause** to charge Respondent with violating the following:

Count 1:

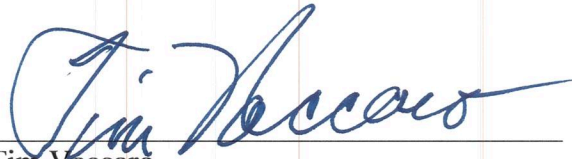
On or around December 10, 2020, Kyle Gibson violated Section 106.19(1)(c), Florida Statutes, when he deliberately failed to include information required by Chapter 106, Florida Statutes, on the campaign's 2020 M11 Report.

Respectfully submitted on October 3, 2022.



Stephanie J. Cunningham
General Counsel

I reviewed this Staff Recommendation this 4th day of October 2022.



Tim Vaccaro
Executive Director

FLORIDA ELECTIONS COMMISSION

Report of Investigation for Sections 106.07(7) and 106.19(1)(c), F.S.

Case Number: FEC 21-056

Sections 106.07(7) and 106.19(1)(c), Florida Statutes, failure of a candidate or political committee that 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 or failure to file a campaign report to reflect financial activity.

Respondent: Kyle Gibson

Respondent's Atty: N/A

Division of Elections (Division)

Referral Filed: February 1, 2021

Respondent Type: Candidate

I. Preliminary Information:

1. Respondent was a 2022 candidate for Governor. He withdrew his candidacy on September 1, 2022. Respondent was not a first-time candidate. To review the withdrawal letter and the Division's acknowledgment, refer to Exhibit 1.

2. An Appointment of Campaign Treasurer and Designation of Campaign Depository (DS-DE 9) was filed on October 16, 2018. Respondent was appointed as campaign treasurer. To review the DS-DE 9, refer to Exhibit 2.

3. Respondent filed a Statement of Candidate with the Division on October 16, 2018, in which Respondent certified he had been provided access to read and understand Chapter 106, F.S. To review the Statement of Candidate, refer to Exhibit 3.

4. An acknowledgement letter was mailed to the address provided on the DS-DE 9 on October 18, 2018, advising Respondent that all candidates filing reports with the Division are required to file by means of the Division's electronic filing system (EFS). Respondent was provided with a user identification number and initial password allowing access to the EFS.

5. The acknowledgement 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 that it was Respondent's responsibility to read, understand, and follow the requirements of Florida's election laws. To review the acknowledgement letter, refer to Exhibit 4.

6. The Division sent correspondence to the address provided on the DS-DE 9 notifying Respondent that the following campaign report, or the required notification that no reportable activity occurred, had not been filed: 2020 M11. The letters included reference to the filing date for the report. To review the failure to file correspondence, refer to Exhibit 5.

7. On January 13, 2021, the Division sent a letter marked "Final Notice" with delivery confirmation to the address provided on the DS-DE 9 notifying Respondent that the following campaign report, or the required notification that no reportable activity occurred, had not been filed: 2020 M11. The letter was confirmed delivered on January 15, 2021. To review the letter marked "Final Notice" and delivery confirmation, refer to Exhibit 6.

II. Alleged Violation of Sections 106.07(7), and 106.19(1)(c), Florida Statutes:

8. I investigated whether Respondent violated these sections of the election laws either by not notifying the filing officer, in writing, that no report would be filed due to not receiving any contributions or making expenditures during the following reporting period or by not filing a campaign report to reflect financial activity for the reporting period. To review the filing history, refer to Exhibit 7.

Report	Report Cover Period	Due Date	Report or Waiver Required	Exhibit 8¹
2020 M11	11/01/2020 – 11/30/2020	12/10/2020	Report	8

9. Respondent did not respond to the referral.

10. I attempted to contact Respondent on four occasions for the purpose of providing an opportunity to discuss the allegations made in the referral. As of the date of this report, neither my telephone calls nor emails have been returned. Therefore, I am unable to ascertain whether he has read Chapter 106, Florida Statutes, and/or the *Candidate and Campaign Treasurer Handbook*. To review the phone log and email, refer to Exhibit 9.

SIGNATURE OF INVESTIGATOR:



Date: September 7, 2022

¹ I subpoenaed campaign account records from the designated campaign depository.

FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Kyle Gibson -- FEC 21-056

LIST OF EXHIBITS	
Exhibits #s	Description of Exhibits
Exhibit 1	Withdrawal Letter & Acknowledgement
Exhibit 2	DS-DE 9
Exhibit 3	Statement of Candidate
Exhibit 4	Acknowledgement Letter
Exhibit 5	Division Correspondence
Exhibit 6	Final Notice
Exhibit 7	Filing History
Exhibit 8	Bank Statement
Exhibit 9	Phone Log and Emails

HAND DELIVERED

RECEIVED

Honorable Cord Byrd
Secretary of State
C/O Division of Elections
R.A, Gray Building Room 316
500 South Bronough Street
Tallahassee, Florida 32399

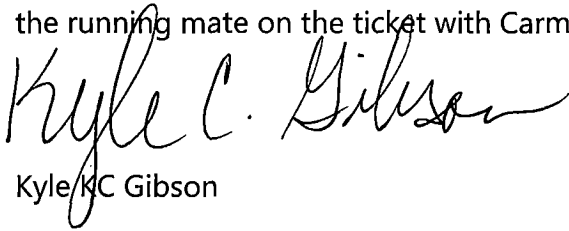
2022 SEP -1 AM 10: 07

DIVISION OF ELECTIONS
TALLAHASSEE, FL

HAND DELIVERED

Re: Withdrawal from 2022 Election

This serves as official notice that I am withdrawing from the Governors Race and will run as the running mate on the ticket with Carmen Jackie Gimenez.



Kyle KC Gibson



FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

September 1, 2022

Kyle Gibson (73870)
Post Office Box 590581
Tamarac, Florida 33359-0581

Dear Mr. Gibson:

This will acknowledge receipt of the letter informing us of your withdrawal as a 2022 candidate for the office of Governor. This information was placed on file in our office on September 1, 2022.

Pursuant to Section 106.141, Florida Statutes, all candidates must, within 90 days of withdrawing their candidacy, dispose of all funds on deposit in the campaign account. You are required to file a 90-day termination report (TR) no later than **November 30, 2022**. You are not required to close the campaign account prior to the due date; however, you must have written checks disposing of all surplus funds by this date.

You may file your report in the Electronic Filing System (EFS) at any time prior to the deadline once you have disposed of all funds. In order to file your termination report prior to the due date, you will need to change the coverage period, which has been defaulted to an ending period of November 30, 2022, in the EFS (see attached example).

If you have any questions, please contact this office at (850) 245-6280.

Sincerely,

A handwritten signature in black ink that reads "Donna S. Brown".

Donna S. Brown, Chief
Bureau of Election Records

DSB/kaf

Attachment

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



**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

X



Signature of Campaign Treasurer or Deputy Treasurer

**STATEMENT OF
CANDIDATE**

(Section 106.023, F.S.)

(Please print or type)

RECEIVED
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).



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

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/



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



FLORIDA DEPARTMENT OF STATE

Laurel M. Lee
Secretary of State

DIVISION OF ELECTIONS

December 11, 2020

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 December 10, 2020.

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



FLORIDA DEPARTMENT OF STATE

Laurel M. Lee

Secretary of State

DIVISION OF ELECTIONS

Second Notice

December 22, 2020

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 December 10, 2020.

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 December 11, 2020.

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

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

Sincerely,

Kristi Reid Willis, Chief
Bureau of Election Records



FLORIDA DEPARTMENT OF STATE

Laurel M. Lee
Secretary of State

DIVISION OF ELECTIONS

Final Notice

Delivery Confirmation:

USPS TRACKING # **9114 9023 0722 4981 4005 70**
& CUSTOMER RECEIPT For Tracking or inquiries go to USPS.com
or call 1-800-222-1811

January 13, 2021

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>
2020	M11	11/1/20 - 11/30/20

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

ALERT: USPS IS EXPERIENCING UNPRECEDENTED VOLUME INCREASES AND LIMI...

USPS Tracking®

[FAQs >](#)

[Track Another Package +](#)

Tracking Number: 9114902307224981400570

[Remove X](#)

Your item has been delivered and is available at a PO Box at 4:18 pm on January 15, 2021 in FORT LAUDERDALE, FL 33359.

Delivered

January 15, 2021 at 4:18 pm
Delivered, PO Box
FORT LAUDERDALE, FL 33359

[Get Updates v](#)

- [Text & Email Updates](#) v
- [Tracking History](#) v
- [Product Information](#) v

[See Less ^](#)



Florida Department of State - Division of Elections

Florida Election System Reports

Candidate/Committee Lookup

Candidate Name: Kyle KC Gibson

Name:

Account: [73870](#)

Election:

Acct:

Type:

Date Due	Type	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amount Paid
6/10/2022	M5	6/10/2022						
5/10/2022	M4		SNT	0	\$0.00		\$0.00	\$0.00
4/11/2022	M3	4/11/2022						
3/10/2022	M2	3/10/2022						
2/10/2022	M1	2/10/2022						
1/10/2022	M12	1/10/2022						
12/10/2021	M11	12/11/2021	CLO	1	\$0.00		\$0.00	\$0.00
11/10/2021	M10	11/10/2021						
10/12/2021	M9	10/12/2021						
9/10/2021	M8	9/10/2021						
8/10/2021	M7	8/10/2021						
7/12/2021	M6	7/13/2021	CLO	1	\$0.00		\$0.00	\$0.00
6/10/2021	M5	6/10/2021						
5/10/2021	M4	5/10/2022	SNT	365	\$25.00		\$25.00	\$0.00
4/12/2021	M3	5/10/2021	CLO	28	\$0.00		\$0.00	\$0.00
3/10/2021	M2	3/10/2021						
2/10/2021	M1	3/10/2021	CLO	28	\$0.00		\$0.00	\$0.00
1/11/2021	M12	1/11/2021						
12/10/2020	M11		FEC	0	\$0.00		\$0.00	\$0.00
11/10/2020	M10	1/11/2021	CLO	62	\$0.00		\$0.00	\$0.00
10/13/2020	M9	10/10/2020						
9/10/2020	M8		FEC	0	\$0.00		\$0.00	\$0.00
8/10/2020	M7		FEC	0	\$0.00		\$0.00	\$0.00
7/10/2020	M6	7/10/2020						
6/10/2020	M5	6/10/2020						
5/11/2020	M4	5/12/2020	DFS	1	\$50.00		\$50.00	\$0.00
4/10/2020	M3	4/10/2020						
3/10/2020	M2	3/10/2020						
2/10/2020	M1	2/10/2020						
1/10/2020	M12	1/10/2020						
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		FOI	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	DFS	0	\$166.27		\$166.27	\$0.00
12/10/2018	M11	3/28/2019	CLO	108	\$0.00		\$0.00	\$0.00

11/13/2018 M10 3/28/2019



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

11/11/20

CYCLE-011

Attention Bill Pay users:

Effective 12/14/2020 – In order to ensure funds are available for your scheduled Bill Pay payments your account will be debited on the processing date as opposed to the due date. This will result in your account being debited up to two business days prior to the due date. See enclosed Schedule of Fees for optional services and their fees.

*** CHECKING *** 0100 FREEDOM CK
 ACCOUNT NUMBER
 PREVIOUS STATEMENT BALANCE AS OF 10/11/20 18.13
 PLUS 0 DEPOSITS AND OTHER CREDITS00
 LESS 1 CHECKS AND OTHER DEBITS 5.00
 CURRENT STATEMENT BALANCE AS OF 11/11/20 13.13
 NUMBER OF DAYS IN THIS STATEMENT PERIOD 31

CHECKING ACCOUNT TRANSACTIONS

DATE	DESCRIPTION	DEBITS	CREDITS
10/20	SERVICE CHARGE	5.00	

BALANCE BY DATE

DATE	BALANCE	DATE	BALANCE	DATE	BALANCE
10/11	18.13	10/20	13.13		

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

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

12/11/20

IMAGES 1
 CYCLE-011

Banking with You in Mind

*** CHECKING *** 0100 FREEDOM CK
 ACCOUNT NUMBER
 PREVIOUS STATEMENT BALANCE AS OF 11/11/20 13.13
 PLUS 1 DEPOSITS AND OTHER CREDITS 100.00
 LESS 2 CHECKS AND OTHER DEBITS 105.00
 CURRENT STATEMENT BALANCE AS OF 12/11/20 8.13
 NUMBER OF DAYS IN THIS STATEMENT PERIOD 30

CHECKING ACCOUNT TRANSACTIONS

DATE	DESCRIPTION	DEBITS	CREDITS
11/20	SERVICE CHARGE	5.00	
11/24	DEPOSIT		100.00
11/25	CKCD DEBIT 2204 11/24 00:00 PINEAPPLE SCUB OAKLAND PARK FL	100.00	


BALANCE BY DATE

DATE	BALANCE	DATE	BALANCE	DATE	BALANCE	DATE	BALANCE
11/11	13.13	11/20	8.13	11/24	108.13	11/25	8.13

```

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

```

 CHECKING DEPOSIT		CURRENCY
<small>Form 1000-1000 Rev. 5/17</small>		COIN
		CHECKS AS FOLLOWS
DATE	<u>11.24.20</u>	
NAME	<u>Kyle C. Gibson</u>	
ADDRESS	<u>837 NW 1st Ave</u>	
SIGNATURE	<u>[Signature]</u>	
		CHECKS ON TOTAL
		FRONT SIDE
		SUB TOTAL
		LESS CASH RECEIVED
	\$	<u>100.00</u>

11/24/2020 \$100.00

**FLORIDA ELECTIONS COMMISSION
PHONE LOG
Case No.: FEC 21-056**

Respondent: Kyle Gibson

Complainant: Division of Elections

1. **Date and time:** 08/26/2022; 03:41 p.m.
Name: Kyle Gibson
Phone #: (850) 322-8815
Summary: I phoned Respondent, automated voice message stated, "Please leave message for Kyle Gibson." I indicated who I was, and that I was with the Florida Elections Commission and calling for Kyle Gibson. I stated I was calling in reference to FEC 20-305, 20-641, 21-023, 21-056, 21-487 and 22-072 and to call me back at his earliest convenience at (850) 922-4539. Follow-up email was sent to KyleKCGibson@gmail.com.
Entered by: CM
2. **Date and time:** 08/30/2022; 10:40 a.m.
Name: Kyle Gibson
Phone #: (850) 322-8815
Summary: I phoned Respondent, automated voice message stated, "Please leave message for Kyle Gibson." I indicated who I was, and that I was with the Florida Elections Commission and calling for Kyle Gibson. I stated I was calling in reference to FEC 20-305, 20-641, 21-023, 21-056, 21-487 and 22-072 and to call me back at his earliest convenience at (850) 922-4539.
Entered by: CM
3. **Date and time:**
Name:
Phone #:
Summary:
Entered by:
4. **Date and time:**
Name:
Phone #:
Summary:
Entered by:
5. **Date and time:**
Name:
Phone #:
Summary:
Entered by:

RESPONDENT INTERVIEW MEMO

- **21-056** – Please explain the reason why you failed to notify the filing officer on the prescribed reporting date that no **2020 M11** report would be filed on that date because the campaign had not received funds, made contributions, or expended reportable funds during the reporting period or failure to file a campaign report to reflect financial activity.
- Have you ever run for public office? If so, please name each office you ran for and state what year each election occurred.
- Have you ever been appointed to act as a campaign treasurer for a candidate? If so, please name each such candidate, the office each ran for, and state what year each election occurred.
- Have you ever held the office of chairperson, treasurer, or other similar position for a political committee or electioneering communications organization? If so, please name each committee, state the office you held for each, and state when you held each office.
- Have you ever prepared or signed a campaign treasurer's report? If so, please state the name of the candidate or committee whose report you prepared or signed.
- What action have you taken to determine your responsibilities under Florida's election laws?
- Do you possess a copy of Chapter 106, Florida Statutes? If so, when did you first obtain it? Have you read it?
- Do you possess a copy of the [*Candidate and Campaign Treasurer OR Political Committee OR Electioneering Communications Organization*] Handbook? If so, when did you first obtain it? Have you read it?
- *If a section of Chapter 104 is listed in the LS letter, ask:* Do you possess a copy of Chapter 104, Florida Statutes? If so, when did you first obtain it? Have you read it?
- Did you receive any other materials from your filing officer? If so, please describe them.
- Do you have anything else to add for the Commission's consideration regarding the charges specified in the letter of legal sufficiency in this case?

FEC 20-305, FEC 20-641, FEC 21-023, FEC 21-056, FEC 21-487 and FEC 22-072

Charles Mellow <Charles.Mellow@myfloridalegal.com>

Fri 8/26/2022 3:54 PM

To: KyleKCGibson@gmail.com <KyleKCGibson@gmail.com>

Mr. Gibson,

My name is Charles Mellow with the Florida Elections Commission. I have tried to reach you at (850) 322-8815.

Please contact me at (850) 922-4539 at your earliest convenience or email me a specific day and time to call you to discuss case numbers FEC 20-305, FEC 20-641, FEC 21-023, FEC 21-056, FEC 21-487 and FEC 22-072.

Thank you,

Charles Mellow - Investigator
Florida Elections Commission - Office of the Attorney General
Collins Building - Room 212
107 W. Gaines Street
Tallahassee, FL 32399
Phone: (850) 922-4539
Charles.Mellow@myfloridalegal.com



FEC 20-305, FEC 20-641, FEC 21-023, FEC 21-056, FEC 21-487 and FEC 22-072

Charles Mellow <Charles.Mellow@myfloridalegal.com>

Wed 9/7/2022 8:37 AM

To: kcin2018@gmail.com <kcin2018@gmail.com>

Mr. Gibson,

My name is Charles Mellow with the Florida Elections Commission. I have tried to reach you at (850) 322-8815.

Please contact me at (850) 922-4539 at your earliest convenience or email me a specific day and time to call you to discuss case numbers FEC 20-305, FEC 20-641, FEC 21-023, FEC 21-056, FEC 21-487 and FEC 22-072.

Thank you,

Charles Mellow - Investigator
Florida Elections Commission - Office of the Attorney General
Collins Building - Room 212
107 W. Gaines Street
Tallahassee, FL 32399
Phone: (850) 922-4539
Charles.Mellow@myfloridalegal.com



Please note: Florida has a very broad public records law. Written communications to or from me regarding state business constitute public records and are available to the public and media upon request unless the information is subject to a specific statutory exemption. Therefore, your e-mail message may be subject to public disclosure.

FLORIDA ELECTIONS COMMISSION
PHONE LOG
Case No.: FEC 21-056

Respondent: Kyle Gibson

Complainant: Division of Elections

1. **Date and time:** 08/26/2022; 03:41 p.m.
Name: Kyle Gibson
Phone #: (850) 322-8815
Summary: I phoned Respondent, automated voice message stated, "Please leave message for Kyle Gibson." I indicated who I was, and that I was with the Florida Elections Commission and calling for Kyle Gibson. I stated I was calling in reference to FEC 20-305, 20-641, 21-023, 21-056, 21-487 and 22-072 and to call me back at his earliest convenience at (850) 922-4539. Follow-up email was sent to KyleKCGibson@gmail.com.
Entered by: CM
2. **Date and time:** 08/30/2022; 10:40 a.m.
Name: Kyle Gibson
Phone #: (850) 322-8815
Summary: I phoned Respondent, automated voice message stated, "Please leave message for Kyle Gibson." I indicated who I was, and that I was with the Florida Elections Commission and calling for Kyle Gibson. I stated I was calling in reference to FEC 20-305, 20-641, 21-023, 21-056, 21-487 and 22-072 and to call me back at his earliest convenience at (850) 922-4539.
Entered by: CM
3. **Date and time:**
Name:
Phone #:
Summary:
Entered by:
4. **Date and time:**
Name:
Phone #:
Summary:
Entered by:
5. **Date and time:**
Name:
Phone #:
Summary:
Entered by:

RESPONDENT INTERVIEW MEMO

- **21-056** – Please explain the reason why you failed to notify the filing officer on the prescribed reporting date that no **2020 M11** report would be filed on that date because the campaign had not received funds, made contributions, or expended reportable funds during the reporting period or failure to file a campaign report to reflect financial activity.
- Have you ever run for public office? If so, please name each office you ran for and state what year each election occurred.
- Have you ever been appointed to act as a campaign treasurer for a candidate? If so, please name each such candidate, the office each ran for, and state what year each election occurred.
- Have you ever held the office of chairperson, treasurer, or other similar position for a political committee or electioneering communications organization? If so, please name each committee, state the office you held for each, and state when you held each office.
- Have you ever prepared or signed a campaign treasurer's report? If so, please state the name of the candidate or committee whose report you prepared or signed.
- What action have you taken to determine your responsibilities under Florida's election laws?
- Do you possess a copy of Chapter 106, Florida Statutes? If so, when did you first obtain it? Have you read it?
- Do you possess a copy of the [*Candidate and Campaign Treasurer OR Political Committee OR Electioneering Communications Organization*] Handbook? If so, when did you first obtain it? Have you read it?
- *If a section of Chapter 104 is listed in the LS letter, ask:* Do you possess a copy of Chapter 104, Florida Statutes? If so, when did you first obtain it? Have you read it?
- Did you receive any other materials from your filing officer? If so, please describe them.
- Do you have anything else to add for the Commission's consideration regarding the charges specified in the letter of legal sufficiency in this case?



Florida Elections Commission

107 West Gaines Street, Suite 224 Tallahassee, Florida 32399-6596
Telephone: (850) 922-4539 · Facsimile: (850) 921-0783
FEC@myfloridalegal.com · www.fec.state.fl.us



June 15, 2022

Kyle Gibson
837 NW 1st Avenue
Fort Lauderdale, FL 33311

RE: Case No.: FEC 21-056; Respondent: Kyle Gibson

Dear Mr. Gibson:

On February 1, 2021, 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 the office of 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 2020 M11 reporting period.

Section 106.19(1)(c), Florida Statutes: As alleged in the complaint, Respondent, a 2022 candidate for the office of Governor, may have falsely reported or deliberately failed to include information required by Chapter 106, Florida Statutes, during the 2020 M11 reporting period.

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 prepare and present a written Staff Recommendation (SR) to the Commission as to whether there is probable cause to charge you, the 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 of the fine to be imposed upon you. Notice will be mailed to you and the Complainant at least 14 days before any hearing at which your case is to be considered.

Pursuant to Section 106.25(4)(i)3., Florida Statutes, the Commission may enter into a consent agreement with a Respondent to settle a complaint prior to a finding of probable cause. If you are

Kyle Gibson
June 15, 2022
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FEC 21-056

interested in entering negotiations directed towards reaching a consent agreement to resolve this matter, please contact the Commission and request to speak with the attorney assigned to this case.

Please note that all documents related to this matter will be mailed to the above address unless you notify us of a new address.

Pursuant to Section 106.25, Florida Statutes, complaints, 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, unless the Respondent files a written waiver of confidentiality with the Commission. The confidentiality provision does not apply to the Complainant or the Respondent.

Should 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.

For additional information, please refer to the "Frequently Asked Questions" section of the Commission's website.

If you have additional questions, please contact **Chuck Mellow**, the investigator assigned to this case, by phone at (850) 922-4539 or by email at Charles.Mellow@myfloridalegal.com.

Sincerely,

A handwritten signature in blue ink that reads "Tim Vaccaro". The signature is fluid and cursive, with the first name "Tim" being particularly prominent.

Tim Vaccaro
Executive Director

TV/mw

**DIVISION OF ELECTIONS
FEC NOTICE FORM**

To FEC from Division of Elections

REC'D: FL ELECTIONS COM
1 FEB '21 PM 3:40

Candidate: Kyle Gibson
Account Number: 73870
Treasurer: Kyle C. Gibson

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, Florida Statutes, has occurred based upon the candidate's alleged failure to file a report after notice or failure to file a notification to the filing officer in writing that no report was being filed on the prescribed reporting date as required by section 106.07(7), Florida Statutes.

The following report is outstanding after notification: 2020 M11

- 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 2020 M11 campaign treasurer's report was due on December 10, 2020. On December 11, 2020, the Division mailed Mr. Gibson notification that the 2020 M11 campaign treasurer's report had not been filed.
- On December 22, 2020, the Division mailed Mr. Gibson notification that the 2020 M11 campaign treasurer's report had not been filed.
- On January 13, 2021, the Division mailed Mr. Gibson final notification with delivery confirmation that the 2020 M11 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 2020 M11 report that no report was to be filed.
- As of January 29, 2021, Mr. Gibson has not filed the 2020 M11 report.

Sent By: Kristi Reid Willis *DSB*
Date: January 29, 2021
zjs



FLORIDA DEPARTMENT OF STATE

Laurel M. Lee
Secretary of State

DIVISION OF ELECTIONS

Final Notice

Delivery Confirmation:

USPS TRACKING # **9114 9023 0722 4981 4006 70**
& CUSTOMER RECEIPT For Tracking or inquiries go to USPS.com
or call 1-800-222-1811

January 13, 2021

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>
2020	M11	11/1/20 - 11/30/20

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

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Your item has been delivered and is available at a PO Box at 4:18 pm on January 15, 2021 in FORT LAUDERDALE, FL 33359.

Delivered

January 15, 2021 at 4:18 pm
Delivered, PO Box
FORT LAUDERDALE, FL 33359

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