

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Tynisha R. Barnett

Case No.: FEC 17-191

TO: Tynisha R. Barnett
PO Box 8015
Fleming Island, FL 32006

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, **March 13, 2018 at 8:30 am, or as soon thereafter as the parties can be heard**, at the following location: **Augustus B. Turnbull Conference Center, 555 West Pensacola Street, Room 103, Tallahassee, Florida 32301.**

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

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

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

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

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

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

The Commission will electronically record the meeting. Although the Commission's recording is considered the official record of the hearing, the Respondent may provide, at his own expense, a certified court reporter to also record the hearing.

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

See further instructions on the reverse side.

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

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

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

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

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

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

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

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

FILED

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STATE OF FLORIDA
ELECTIONS COMMISSION

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,
Petitioner,**

Case No.: FEC 17-191

v.

**Tynisha R. Barnett,
Respondent.**

ORDER OF PROBABLE CAUSE

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

On August 3, 2017, 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):

THIS SPACE INTENTIONALLY LEFT BLANK

Count 1:

On or about April 21, 2017, Tynisha R. Barnett violated Section 106.07(2)(b)1., Florida Statutes, when she failed to timely file an addendum to the campaign's 2016 Termination Report within seven days after receiving notice from the Department of State, Division of Elections, that the report required amendment.

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



M. Scott Thomas, Chairman
Florida Elections Commission

Copies furnished to:
Stephanie J. Cunningham, Assistant General Counsel
Tynisha R. Barnett, 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: Tynisha R. Barnett

Case No.: FEC 17-191

TO: Tynisha R. Barnett
PO Box 8015
Fleming Island, FL 32006

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, **November 28, 2017 at 10:00 am, or as soon thereafter as the parties can be heard**, at the following location: **412 Knott Building, Pat Thomas Committee Room, 404 South Monroe Street, Tallahassee, Florida 32399.**

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

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See further instructions on the reverse side.

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

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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: Tynisha R. Barnett

Case No.: FEC 17-191

STAFF RECOMMENDATION FOLLOWING INVESTIGATION

Pursuant to Section 106.25(4)(c), Florida Statutes, undersigned staff counsel files this written recommendation for disposition of the referral in this case recommending that there is **probable cause** to charge Respondent with violating **Section 106.07(2)(b)1., Florida Statutes**. Based upon a thorough review of the Report of Investigation submitted on July 3, 2017, the following facts and law support this staff recommendation:

1. On May 8, 2017, the Florida Elections Commission (“Commission”) received a referral from the Department of State, Division of Elections (“Division”), alleging that Tynisha R. Barnett (“Respondent”) violated Chapter 106, Florida Statutes.

2. Respondent was the treasurer for Jacques Rene Gaillot, Jr., a 2016 candidate for State Representative, District 13. (ROI Exhibit 1)¹

3. By letter dated June 12, 2017, the Executive Director notified Respondent that Commission staff would investigate the following statutory provision:

Section 106.07(2)(b)1., Florida Statutes: Respondent, treasurer for J.R. Gaillot, a 2016 candidate for the office of State Representative, failed to timely make necessary amendments to the campaign’s 2016 termination report, as alleged in the complaint.

4. On May 20, 2016, Jacques Rene Gaillot, Jr., filed his Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates form (“DS-DE 9”) appointing Respondent as treasurer for his campaign. (ROI Exhibit 1)

5. By letter dated May 23, 2016, Kristi Reid Bronson, Chief, Bureau of Election Records, sent Mr. Gaillot a letter acknowledging that the Division had received his DS-DE 9 and that his name was placed on the 2016 active candidate list. (ROI Exhibit 8, page 1) A copy of the acknowledgment letter was sent to Respondent. (ROI Exhibit 8, page 3)

6. 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 8, 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

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

out the *Calendar of Reporting Dates* as well as other relevant documents. (ROI Exhibit 8, page 3)

7. The campaign's 2016 Termination Report was due on November 28, 2016, and was filed on January 19, 2017. The report was incomplete when filed.

8. The Division sent three letters notifying Respondent that the campaign's report was incomplete and that Respondent was required to amend the report within 7 days of receipt of the notification. A Compliance Report showing why the report was incomplete was attached to each notification. (ROI Exhibits 2-4) The final notification was confirmed delivered. (ROI Exhibit 4, page 4) As of June 28, 2017, Respondent had not filed the required amendments to the campaign's report. (ROI Exhibit 7)

9. Respondent stated that Mr. Gaillot's father passed away in August 2016 and her communication with him was limited as he traveled out of the country to handle his father's funeral and estate. Respondent stated that she received the Division's notices regarding the incomplete report and told Mr. Gaillot that she needed him to gather all of the campaign's financial activity in order to be able to complete the report. (Attachment A) She also stated that she was delayed in amending the report because she had shredded all of the information she received from the Division, and had to contact the Division to request a new EFS PIN number. (Attachment B)

10. Mr. Gaillot stated that he was out of the country due to his father becoming ill and that he was in possession of the campaign's bank records. (Attachment B) Mr. Gaillot provided a death certificate showing that Jacques Rene Gaillot, Sr., passed away on August 17, 2016. (ROI Exhibit 6)

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

12. The facts set forth above show that Respondent was the treasurer for Jacques Rene Gaillot, Jr., a 2016 candidate for State Representative, District 13. Respondent failed to timely file the required amendment to the campaign's 2016 Termination Report within 7 days of receiving notification from the Division that the report was incomplete and required amendment.

Based upon these facts and circumstances, I recommend that the Commission find **probable cause** to charge Respondent with violating the following:

Count 1:

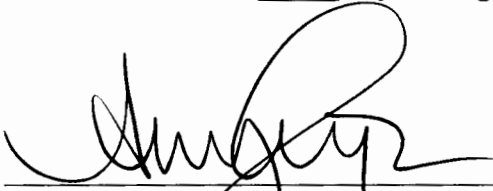
On or about April 21, 2017, Tynisha R. Barnett violated Section 106.07(2)(b)1., Florida Statutes, when she failed to timely file an addendum to the campaign's 2016 Termination Report within seven days after receiving notice from the Department of State, Division of Elections, that the report required amendment.

Respectfully submitted on August 3, 2017.



Stephanie J. Cunningham
Assistant General Counsel

I reviewed this Staff Recommendation this 3rd day of August 2017.



Amy McKeever Toman
Executive Director

July 17, 2017

Florida Elections Commission
ATTN: Donna Ann Malphurs
107 W. Gaines Street, Suite 224
Tallahassee, Florida 32399-1050

RECEIVED
2017 JUL 21 P 1:07
STATE OF FLORIDA
ELECTIONS COMMISSION

RE: Case No. : FEC 17-191; Respondent: Tynisha R. Barnett (Treasurer for JR Gaillot)

Ms. Malphurs:

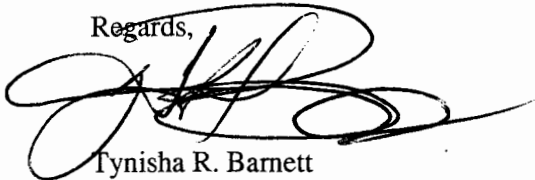
I, Tynisha R. Barnett, am responding to the allegations of me violating Chapters 104 and 106, Florida Statutes. On or around June 2017, I was asked as a favor for Mr. Jacques R. Gaillot to fill in as Treasurer for his campaign due to the person he originally volunteered/committed to be Treasurer could no longer fill the spot. I dived into this position voluntarily and blindly as a commitment to a friend. Since this was new to the both of us, we attempted to complete the filings/reports in a timely manner.

Due to an unfortunate circumstance of Mr. Gaillot's father passing in August of 2017, my communication with him during this time and after was limited. Mr. Gaillot's traveled continuously out of the country to handle his father's funeral and personal affairs. To this current date there are still unfinished affairs that have to be addressed regarding his father's estate.

I did received most notifications of having to complete a filing and did notify Mr. Gaillot on several occasions that I needed him to gather all the transactions to be able to complete the report. Mr. Gaillot had all the information needed to file all financial reports and provided them to me to file. I was finally able to communicate with Mr. Gaillot on a more frequent basis around the beginning of March 2017.

Please consider this unexpected life circumstance when reviewing this investigation.

Regards,



Tynisha R. Barnett

cc: Jacques R. Gaillott

Attachment A

**FLORIDA ELECTIONS COMMISSION
PHONE LOG
Case No.: FEC 17-191**

Respondent: Tynisha Barnett

Complainant: Division of Elections

1. **Date and time:** June 22, 2017 @ 9:22 a.m.
Name: Respondent
Phone #: 904-248-8827
Summary: I called Respondent to query about whether she had filed the amended TR. She did not answer; I left a message.
Memo to File? No
Entered by: MBW

2. **Date and time:** June 26, 2017 @ 12:40 p.m.
Name: Respondent
Phone #: Called me
Summary: Respondent returned my call. She stated that, about 3 weeks ago, she filed the amended report. She stated that I needed to speak with Mr. Gailot because it was his campaign and not hers. She stated that she was just a volunteer to be the treasurer. She stated she is not responsible. She stated that the candidate handled everything, she just entered the information into the EFS. She stated that Mr. Gailot was out of the country. She stated that he had all the records so she had to wait until he returned. She explained that his father died and he really took it hard; he is currently in grief counseling. She added that when she returned, he had to close the account then he gave her the information to file the report; she couldn't file the report because she had shredded all the stuff from the Division. Therefore, she had to get her PIN from the Division.

She asked why her name was on the complaint. I explained that the statutes stated that it is the duty of the treasurer to amend the reports. She stated she did not realize that when signed the form that she could possibly be investigated. She reiterated that it was not her campaign.

I asked her if she received and read Chapter 106, FS. and the Candidate Handbook. She stated that she did not recall. She stated that she had to figure out how to file the reports on her own. She stated that she did not recall reading either one.
Memo to File? No
Entered by: MBW

3. **Date and time:** June 26, 2017 @ 2:31 p.m.
Name: JR Gailot, candidate
Phone #: 904-479-1669
Summary: Mr. Gailot called me regarding this case. He stated that it was his fault that the amended report was filed late. He stated that he had all of the bank records. He stated that his father became ill; therefore, he was out of the country with his family and forgot about filing the report. He stated that his father eventually died and he has been struggling with his father's death. He stated that he is currently in grief counseling.

I told him that the Commission usually required some proof of death such as an obituary. He stated that he would email a copy of the death certificate to me. He asked about the procedure to close the case. I told him the case would go before the Commission for a probable cause determination or he could seek a PPCO. He stated that he did not want to consider a PPCO because he feels that there should be an exception because of his father's death.

Memo to File? No
Entered by: MBW

4. **Date and time:** July 3, 2017 @ 8:51 a.m.
Name: Respondent
Phone #: 904-248-8827
Summary: I called Respondent for the final interview. She did not answer: I left a message on her voice mail.
Memo to File? No
Entered by: MBW
5. **Date and time:** July 3, 2017 @ 1:24 p.m.
Name: Respondent
Phone #: 904-248-8827
Summary: Respondent returned my call. I informed her that I had completed my ROI and summarized the information contained in the ROI. I asked her if she had any final comments. She stated that she did not. She asked about the procedure now that my report was completed. I explained the procedure to her and verified that the address on file was her correct address.
Memo to File? No
Entered by: MBW
6. **Date and time:**
Name:
Phone #:
Summary:
Memo to File? No
Entered by:
7. **Date and time:**
Name:
Phone #:
Summary:
Memo to File? No
Entered by:
8. **Date and time:**
Name:
Phone #:
Summary:
Memo to File? No

ER

July 17, 2017

Florida Elections Commission
ATTN: Donna Ann Malphurs
107 W. Gaines Street, Suite 224
Tallahassee, Florida 32399-1050

RECEIVED
2017 JUL 21 P 1:07
STATE OF FLORIDA
ELECTIONS COMMISSION

RE: Case No. : FEC 17-191; Respondent: Tynisha R. Barnett (Treasurer for JR Gaillot)

Ms. Malphurs:

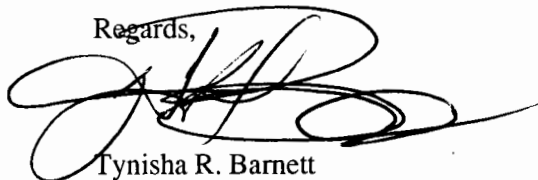
I, Tynisha R. Barnett, am responding to the allegations of me violating Chapters 104 and 106, Florida Statutes. On or around June 2017, I was asked as a favor for Mr. Jacques R. Gaillot to fill in as Treasurer for his campaign due to the person he originally volunteered/committed to be Treasurer could no longer fill the spot. I dived into this position voluntarily and blindly as a commitment to a friend. Since this was new to the both of us, we attempted to complete the filings/reports in a timely manner.

Due to an unfortunate circumstance of Mr. Gaillot's father passing in August of 2017, my communication with him during this time and after was limited. Mr. Gaillot's traveled continuously out of the country to handle his father's funeral and personal affairs. To this current date there are still unfinished affairs that have to be addressed regarding his father's estate.

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Please consider this unexpected life circumstance when reviewing this investigation.

Regards,



Tynisha R. Barnett

cc: Jacques R. Gaillott

PRIOR ★ MAI



DATE OF DELIVER



USPS TRACKING™



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* Domestic only

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EXPECTED DELIVERY 07/21/2017

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TO:

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TALLAHASSEE FL 32399

USPS SIGNATURE TRACKING NUMBER



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WHEN USED INTERNATIONALLY
A CUSTOMS DECLARATION
LABEL MAY BE REQUIRED.

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2017 JUL 21 P

STATE OF FLORIDA
ELECTIONS COMMISSION



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EP14F July 2013
OD: 12.5 x 9.5

Flc

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VISIT US AT USPS.COM
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FROM:

Baenett

P.O. Box 8015

Fleming Island, FL

32006-0005

TO: *Florida Elections*

Collins Bldg. Commissions

ATTN: DONNA Ann Malheur

107 W. GAINES Street
Suite 224

Tallahassee, FL 32399-
1050

Label 228, March 2016

FOR DOMESTIC AND INTERNATIONAL USE



FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Case No.: FEC 17-191

Respondent: Tynisha Barnett

Complainant: Division of Elections

Pursuant to Section 106.25, Florida Statutes, on May 8, 2017, the Florida Elections Commission (Commission) received information from the Division of Elections alleging that Respondent violated Chapter 106, Florida Statutes. Commission staff, therefore, 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 the treasurer for J.R. Gailot, a 2016 candidate for the office of State Representative, District 13. Mr. Gailot filed his Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates form (DS-DE 9) on May 20, 2016, naming Respondent as his campaign treasurer. To review the DS-DE 9, refer to Exhibit 1.

2. Complainant is the Division of Elections (Division).

3. Respondent's filing officer is Kristi Reid-Bronson, Chief, Bureau of Elections 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 failing to file an amended 2016 termination report (TR) after receiving notice from the filing officer.

5. According to Complainant, Respondent was notified that the 2016 TR was incomplete; however, after receiving notice she did not file an amendment.

6. On January 24, 2017, the Division mailed a letter to Respondent. The letter reads, "The Division of Elections has determined that one or more campaign reports are incomplete...you have 7 days from receipt of this notice to file an amended report to correct errors or provide missing information." The letter included an error report that listed the specific deficiencies on the 2016 TR. To review the letter and error report, refer to Exhibit 2.

7. On March 21, 2017, the Division mailed a "Second Notice" to Respondent regarding the incomplete report. An error report was also included with the letter. To review the Second Notice and error report, refer to Exhibit 3.

8. On April 12, 2017, the Division mailed a "Final Notice" to Respondent with delivery confirmation informing her that one or more campaign treasurer's reports were incomplete. An error report was also included with the letter. To review the Final Notice, error report and delivery confirmation, refer to Exhibit 4.

9. On June 26, 2017, I interviewed Respondent by telephone. She acknowledged that there was a delay in filing the amendment to the TR. She stated the candidate, Mr. Gailot, was out of the country and he had all of the bank records. She stated that the candidate handled everything, she just entered the information into the electronic filing system.

10. On June 26, 2017, I interviewed Mr. Gailot by telephone. He stated that it was his fault that the amended report was filed late. He stated that he had all the bank records. He stated that his father became ill; therefore, he was out of the country with his family and forgot about filing the report. He stated that his father eventually died and he has been struggling with his father's death. He stated that he is currently in grief counseling. Respondent provided a copy of his boarding pass and death certificate. To review the boarding pass and death certificate, refer to Exhibits 5 and 6, respectively.

11. According to an email from Ms. Bronson, Respondent filed an amended 2016 TR but the amended report did not correct the deficiencies. To review the email, refer to Exhibit 7.

12. No record of Respondent having previously violated this section of the election laws was found.

IV. FEC History:

13. Respondent has no prior cases.

Conclusion:

14. On July 3, 2017, I interviewed Respondent by telephone. I summarized the issues addressed in the Report of Investigation and asked her if she had any additional comments. She stated that she did not have any additional comments.

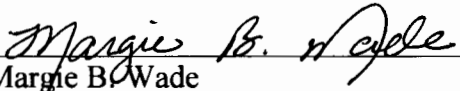
15. On May 23, 2016, Ms. Bronson mailed a letter to the candidate acknowledging that Respondent's name had been placed on the 2016 active candidate list. (The letter indicates that a copy of the letter was also sent to Respondent.) The letter reads,

It is your responsibility to read, understand, and follow the requirements of Florida's election laws. Therefore, please print a copy of the following documents: Chapters 104 and 106, Florida Statutes, *Candidate and Campaign Treasurer Handbook*, *Calendar of Reporting Dates*, and Rule 1S-2.017, Florida Administrative Code.

To review Ms. Bronson's letter, refer to Exhibit 8.

16. During a telephone interview, Respondent stated that she did not recall printing or reading Chapter 106, Florida Statutes or the *Candidate and Campaign Treasurer Handbook*.

Respectfully submitted on July 3, 2017.



Margie B. Wade
Investigation Specialist

Current address of Respondent

Tynisha R. Barnett
Post Office Box 8015
Fleming Island, Florida 32006

Current Address of Complainant

Division of Elections
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Name and Address of Filing Officer:

Ms. Kristi Reid-Bronson, Chief
Bureau of Election Records
500 South Bronough Street, Room 316
Tallahassee, Florida 32399

Copy furnished to:

David Flagg, Investigations Manager

FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Tynisha R. Barnett -- FEC 17-191

LIST OF EXHIBITS	
Exhibits #s	Description of Exhibits
Exhibit 1	DS-DE 9
Exhibit 2	Division's Letter and Error Report
Exhibit 3	Second Notice and Error Report
Exhibit 4	Final Notice and Error Report
Exhibit 5	Boarding Pass
Exhibit 6	Death Certificate
Exhibit 7	Email from Ms. Bronson
Exhibit 8	Ms. Bronson's Letter

**APPOINTMENT OF CAMPAIGN TREASURER
AND DESIGNATION OF CAMPAIGN
DEPOSITORY FOR CANDIDATES**
(Section 106.021(1), F.S.)

(PLEASE PRINT OR TYPE)

RECEIVED
DEPARTMENT OF STATE

2016 MAY 20 AM 10: 21

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) 3. Address (include post office box or street, city, state, zip code)
Jalques Rene Gaillot JR *P.O BOX 9048
Fleming Island FL 32006*

4. Telephone 5. E-mail address
(904) 501-1069 *jr.gaillot@gmail.com*

6. Office sought (include district, circuit, group number) 7. If a candidate for a nonpartisan office, check if applicable:
FLORIDA House District 13 My intent is to run as a Write-In candidate.

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

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

10. Name of Treasurer or Deputy Treasurer
Tynisha R. Barnett

11. Mailing Address 12. Telephone
P.O. Box 8015 *(904) 248-8827*

13. City 14. County 15. State 16. Zip Code 17. E-mail address
Fleming Island *Clay* *FL* *32006* *tbarnett19@gmail.com*

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

19. Name of Bank 20. Address
Wells Fargo *CR 220*

21. City 22. County 23. State 24. Zip Code
Fleming Island *Clay* *FL* *32003*

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

25. Date 26. Signature of Candidate
5/19/2016 *X [Signature]*

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

designated above as: Campaign Treasurer Deputy Treasurer.
5.19.16 *X [Signature]*
 Date Signature of Campaign Treasurer or Deputy Treasurer



FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

January 24, 2017

Tynisha R. Barnett, Treasurer for
Candidate J. R. Gaillot
Post Office Box 8015
Fleming Island, FL 32006

Re: CAN 66376

Dear Ms. Barnett:

The Division of Elections has determined that one or more campaign reports are incomplete for the reasons noted in the attached error report.

Pursuant to Section 106.07(2), Florida Statutes, you have 7 days from receipt of this notice to file an amended report to correct errors or provide missing information. If the information has been reported accurately, provide a written explanation to the Division addressing the issue noted in the error report. Please be advised that failure to supply this information within the time allowed may constitute a violation of Chapter 106, Florida Statutes.

If you need assistance in filing an amendment, please contact the Division's help line at (850) 245-6280.

Sincerely,

Kristi Reid Bronson
Chief, Bureau of Election Records

Attachment

cc: J. R. Gaillot, Candidate

EXHIBIT 2 page 1 of 3

Florida Department of State - Division of Elections
Compliance Report

Candidate: J. R. Gaillot

Office: STR

Report: 2016 TR (9) Covering Period: 8/26/16 - 11/28/16

Account: 66376

Ball

<u>Statute</u>	<u>FAC</u>	<u>Description</u>
06.141		Reflects balance after termination report filed - written explanation req

Contributions

Expenditures

Direct Transfers

Other Distributions

EXHIBIT 2 page 2 of 3

Sum of Contributions vs Expenditures

1/24/2017 11:27:47 AM

J. R. Gaillot

66376

Date of last Contribution: 8/25/16

0 After 8/30/16

Year	Report	Contributions	Expenditures	Running Total
2016	M5	\$1,028.00	\$0.36	\$1,027.64
	P1	\$826.00	\$1,783.14	\$70.50
	P2	\$0.00	\$0.00	\$70.50
	P3	\$1,020.00	\$0.55	\$1,089.95
	P4	\$0.00	\$0.00	\$1,089.95
	P5	\$200.00	\$376.00	\$913.95
	P6	\$200.00	\$0.00	\$1,113.95
	P7	\$355.00	\$250.70	\$1,218.25
	TR	\$0.00	\$0.00	\$1,218.25
Campaign Total:		\$3,629.00	\$2,410.75	



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

Second Notice

March 21, 2017

Tynisha R. Barnett, Treasurer for
Candidate J. R. Gaillot
Post Office Box 8015
Fleming Island, FL 32006

Re: CAN 66376

Dear Ms. Barnett:

On January 24, 2017, you were advised that one or more of your campaign treasurer's reports were incomplete and that you had 7 days to provide the requested information.

The Division's electronic filing system indicates that the required information has not been provided. Pursuant to Section 106.22, Florida Statutes, the Division is required to notify the Florida Elections Commission of the failure to provide information required by Chapter 106. Accordingly, if the information requested in our prior notice is not received within 7 days of receipt of this letter, we will refer this matter to the Commission. A second copy of the error report is attached for your convenience.

Sincerely,

Kristi Reid Bronson, Chief
Bureau of Election Records

Attachment

cc: J. R. Gaillot, Candidate

EXHIBIT 3 page 1 of 3

Florida Department of State - Division of Elections
Compliance Report

Candidate: J. R. Gaillot

Office: STR

Report: 2016 TR (9) Covering Period: 8/26/16 - 11/28/16

Account: 66376

Overall

<u>Statute</u>	<u>FAC</u>	<u>Description</u>
106.141		Reflects balance after termination report filed - written explanation req

Contributions

Expenditures

Loans and Transfers

Other Distributions

EXHIBIT 3 page 2 of 3

Sum of Contributions vs Expenditures

3/8/2017 2:39:37 PM

J. R. Gaillot

66376

Date of last Contribution: 8/25/16

0 After 8/30/16

Year	Report	Contributions	Expenditures	Running Total
2016	M5	\$1,028.00	\$0.36	\$1,027.64
	P1	\$826.00	\$1,783.14	\$70.50
	P2	\$0.00	\$0.00	\$70.50
	P3	\$1,020.00	\$0.55	\$1,089.95
	P4	\$0.00	\$0.00	\$1,089.95
	P5	\$200.00	\$376.00	\$913.95
	P6	\$200.00	\$0.00	\$1,113.95
	P7	\$355.00	\$250.70	\$1,218.25
	TR	\$0.00	\$0.00	\$1,218.25
Campaign Total:		\$3,629.00	\$2,410.75	



FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

FINAL NOTICE

Delivery Confirmation:

USPS TRACKING # **9114 9014 9645 1102 5581 00**
& CUSTOMER RECEIPT For Tracking or inquiries go to USPS.com
or call 1-800-222-1811.

April 12, 2017

Tynisha R. Barnett, Treasurer for
Candidate J. R. Gaillot
Post Office Box 8015
Fleming Island, FL 32006

Re: CAN 66376

Dear Ms. Barnett:

You have previously been advised that one or more campaign treasurer's reports are incomplete for the reasons noted in the attached error report.

Pursuant to Section 106.07(2), Florida Statutes, you have 7 days from receipt of this letter to correct errors or provide missing information. If the information has been reported accurately, you must provide a written explanation to the Division addressing the issue noted in the error report. Please be advised that if you fail to comply with this request, the Division will forward this matter to the Florida Elections Commission for further action. Section 106.265(1), Florida Statutes, authorizes the Florida Elections Commission to impose civil penalties of up to \$1,000 per violation.

If you need assistance in filing an amendment, please contact the Division's help line at (850) 245-6280.

Sincerely,

Kristi Reid Bronson
Chief, Bureau of Election Records

Attachment

cc: J. R. Gaillot, Candidate

EXHIBIT 4 pages of 4

Florida Department of State - Division of Elections
Compliance Report

Candidate: J. R. Gaillot

Office: STR

Report: 2016 TR (9)

Covering Period: 8/26/16 - 11/28/16

Account: 66376

Overall

<u>Statute</u>	<u>FAC</u>	<u>Description</u>
106.141		Reflects balance after termination report filed - written explanation req

Contributions

Expenditures

Fund Transfers

Other Distributions

EXHIBIT 4 page 2 of 4

Sum of Contributions vs Expenditures

4/12/2017 10:19:33 AM

J. R. Gaillot

66376

Date of last Contribution: 8/25/16

0 After 8/30/16

Year	Report	Contributions	Expenditures	Running Total
2016	M5	\$1,028.00	\$0.36	\$1,027.64
	P1	\$826.00	\$1,783.14	\$70.50
	P2	\$0.00	\$0.00	\$70.50
	P3	\$1,020.00	\$0.55	\$1,089.95
	P4	\$0.00	\$0.00	\$1,089.95
	P5	\$200.00	\$376.00	\$913.95
	P6	\$200.00	\$0.00	\$1,113.95
	P7	\$355.00	\$250.70	\$1,218.25
	TR	\$0.00	\$0.00	\$1,218.25
Campaign Total:		\$3,629.00	\$2,410.75	

USPS Tracking® Results

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

Track Another Package +

Remove X

Tracking Number: 9114901496451102558100

 **Delivered**

Updated Delivery Day: Friday, April 14, 2017 ⓘ

Product & Tracking Information

[See Available Actions](#)

Postal Product:

Features:
USPS Tracking®

DATE & TIME	STATUS OF ITEM	LOCATION
April 14, 2017, 9:00 am	Delivered, PO Box	FLEMING ISLAND, FL 32006
▲		
April 14, 2017, 8:59 am	Arrived at Post Office	FLEMING ISLAND, FL 32003
April 14, 2017, 1:19 am	Arrived at USPS Facility	JACKSONVILLE, FL 32099

Your item has been delivered and is available at a PO Box at 9:00 am on April 14, 2017 in FLEMING ISLAND, FL 32006.

EXHIBIT 4 page 4 of 4

BOARDING PASS

FOR USE IN AIRCRAFT CABIN

CHK

DATE OF BIRTH: 01/15/1981
NAME: JAMES EARL RAY

EXHIBIT

5

FLIGHT: 001
CLASS: FIRST
CARRIER: MIANT

CLASS: 001
CLASS: 001



THIS DOCUMENT HAS A LIGHT BACKGROUND ON TRUE WATERMARKED PAPER. HOW TO LIGHT TO VERIFY FLORIDA WATERMARK

BUREAU of VITAL STATISTICS

CERTIFICATION OF DEATH

STATE FILE NUMBER: 2016130666

DATE ISSUED: September 7, 2016

DECEDENT INFORMATION

STATE FILE DATE: September 1, 2016

NAME: JACQUES RENE GAILLOT SR

DATE OF DEATH: August 27, 2016

SEX: MALE

SSN: [REDACTED]

AGE: 088 YEARS

DATE OF BIRTH: September 16, 1927

BIRTHPLACE: PORT-AU-PRINCE, HAITI

PLACE OF DEATH: [REDACTED]

FACILITY NAME OR STREET ADDRESS: [REDACTED]

LOCATION OF DEATH: MIAMI, MIAMI-DADE COUNTY, 33136

SURVIVING SPOUSE, DECEDENT'S RESIDENCE AND HISTORY INFORMATION

MARITAL STATUS: DIVORCED

SURVIVING SPOUSE NAME: NONE

RESIDENCE: 19864 [REDACTED]

OCCUPATION, INDUSTRY: ATTORNEY, LAW

RACE: White [REDACTED] Black or African American [REDACTED] Asian Indian [REDACTED] Chinese [REDACTED] Filipino [REDACTED] Native Hawaiian [REDACTED] Japanese [REDACTED] Korean [REDACTED] American Indian or Alaskan Native-Tribe [REDACTED] Vietnamese [REDACTED] Other Asian [REDACTED] Guamanian or Chamorro [REDACTED] Samoan [REDACTED] Other Pacific Is. [REDACTED] Other [REDACTED] Unknown [REDACTED]

HISPANIC OR HAITIAN ORIGIN: [REDACTED]

EDUCATION: MASTERS DEGREE

EVER IN U.S. ARMED FORCES? NO

PARENTS AND INFORMANT INFORMATION

FATHER/PARENT: MURAT GAILLOT

MOTHER/PARENT: THERESE SAINVIL

INFORMANT: JACQUES RENE GAILLOT JR

RELATIONSHIP TO DECEDENT: SON

INFORMANT'S ADDRESS: [REDACTED]

PLACE OF DISPOSITION AND FUNERAL FACILITY INFORMATION

PLACE OF DISPOSITION: EVERGLADES CREMATORIUM WEST PARK, FLORIDA

METHOD OF DISPOSITION: CREMATION

FUNERAL DIRECTOR/LICENSE NUMBER: SANDRA ST AMAND, F043179

FUNERAL FACILITY: PAX-VILVA USA FUNERAL HOME, BROWARD F041720 1941 WEST OAKLAND PARK BLVD, OAKLAND PARK, FLORIDA 33311

CERTIFIER INFORMATION

TYPE OF CERTIFIER: CERTIFYING PHYSICIAN

MEDICAL EXAMINER CASE NUMBER: NOT APPLICABLE

TIME OF DEATH (24 hr): 1808

DATE CERTIFIED: August 24, 2016

CERTIFIER'S NAME: CEZARY ZAWADZKI

CERTIFIER'S LICENSE NUMBER: ME105977

NAME OF ATTENDING PHYSICIAN (if other than Certifier): NOT APPLICABLE

CAUSE OF DEATH AND INJURY INFORMATION

MANNER OF DEATH: [REDACTED]

CAUSE OF DEATH: [REDACTED]

PART II - Other significant conditions contributing to death but not resulting in the underlying cause given in PART I: DIABETES, DEEP VEIN THROMBOSIS, SEPSIS

AUTOPSY PERFORMED? NO

AUTOPSY FINDINGS AVAILABLE TO COMPLETE CAUSE OF DEATH? [REDACTED]

DATE OF SURGERY: [REDACTED]

TOBACCO USE CONTRIBUTE TO DEATH? NOT STATED

REASON FOR SURGERY: [REDACTED]

IF FEMALE, NOT APPLICABLE

DATE OF INJURY: NOT APPLICABLE

TIME OF INJURY (24 hr): [REDACTED]

INJURY AT WORK? [REDACTED]

LOCATION OF INJURY: [REDACTED]

DESCRIBE HOW INJURY OCCURRED: [REDACTED]

PLACE OF INJURY: [REDACTED]

IF TRANSPORTATION INJURY, Status of Decedent: [REDACTED]

Type of Vehicle: [REDACTED]

[Signature]

State Registrar

REQ: 2017378392

THE ABOVE SIGNATURE CERTIFIES THAT THIS IS A TRUE AND CORRECT COPY OF THE OFFICIAL RECORD ON FILE IN THIS OFFICE. THIS DOCUMENT IS PRINTED ON PHOTOCOPIED SECURITY PAPER WITH WATERMARKS OF THE GREAT SEAL OF THE STATE OF FLORIDA. DO NOT ACCEPT WITHOUT VERIFYING THE PRESENCE OF THE WATERMARKS. THIS DOCUMENT FACE CONTAINS MULTICOLORED BACKGROUND, EMBOSSED SEAL, AND THERMOCHROMIC FL. THE BACK CONTAINS SPECIAL LINES WITH TEXT. THIS DOCUMENT WILL NOT PRODUCE A COLOR COPY.



DH FORM 1947 (05-13)

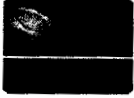
CERTIFICATION OF VITAL RECORD


* 5 4 5 9 2 3 2 7 *

EXHIBIT 6

VOID IF ALTERED OR ERASED

VOID IF ALTERED OR ERASED



RE: FEC 17-191 
Margie Wade to: Bronson, Kristi R.

06/28/2017 12:19 PM

Okay. Thanks.

Margie B. Wade

Investigation Specialist II
Florida Elections Commission
107 West Gaines Street, Suite 224
Tallahassee, FL 32399
850-922-4539 (phone)
850-921-0783 (fax)

"Bronson, Kristi R." I should say, yes he amended but has still not c...

06/28/2017 12:06:50 PM

From: "Bronson, Kristi R." <Kristi.Bronson@DOS.MyFlorida.com>
To: Margie Wade <Margie.Wade@myfloridalegal.com>
Date: 06/28/2017 12:06 PM
Subject: RE: FEC 17-191

I should say, yes he amended but has still not corrected the problem.

Regards,

*Kristi Reid Bronson, Chief
Division of Elections,
Bureau of Election Records
(850) 243-6246*

This response is provided for reference only and does not constitute legal advice or representation. As applied to a particular set of facts or circumstances, interested parties should refer to the Florida Statutes and applicable case law, and/or consult a private attorney before drawing any legal conclusions or relying upon the information provided. Please note: Florida has a very broad public records law. Written communications to or from state officials 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.

From: Margie Wade [mailto:Margie.Wade@myfloridalegal.com]
Sent: Wednesday, June 28, 2017 10:59 AM
To: Bronson, Kristi R. <Kristi.Bronson@DOS.MyFlorida.com>
Subject: FEC 17-191

Hi Kristi,

I am following up on the referral pertaining to J.R. Gailot, account #66376. Did he ever file the amendment to his 2016 TR. If so, please provide the date the amendment was filed.

Thanks for your assistance.

EXHIBIT 7



FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

May 23, 2016

Jacques Rene Gaillot, Jr.
Post Office Box 9048
Fleming Island, Florida 32006

Dear Mr. Gaillot:

This will acknowledge receipt of the Appointment of Campaign Treasurer and Designation of Campaign Depository for the office of State Representative, which was placed on file in our office on May 20, 2016. Your name has been placed on the 2016 active candidate list. **The enclosed Statement of Candidate must be filed within 10 days of filing the Appointment of Campaign Treasurer form.**

Campaign Treasurer's Reports

Your first campaign treasurer's report will be due on **June 10, 2016**. The report will cover the period of May 1-31, 2016 (M5). All candidates who file reports with the Division of Elections are required to file by means of the Division's Electronic Filing System (EFS).

Credentials and Sign-ons

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

EFS Website Address: <https://efs.dos.state.fl.us>
Identification Number 66376

Jacques Rene Gaillot, Jr.
May 23, 2016
Page Two

Pin Numbers

Pin numbers are confidential secure credentials that allow you to submit reports and update personal information. The enclosed sealed envelope contains confidential pin numbers for you. By copy of this letter, a confidential pin number to access the EFS was sent to your treasurer.

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

Timely Filing

All reports filed must be completed and filed through the EFS not later than midnight of the due date. Reports not filed by midnight of the due date are late filed and subject to the penalties in Section 106.07(8), Florida Statutes. In the event that the EFS is inoperable on the due date, the report will be accepted as timely filed if filed no later than midnight of the first business day the EFS becomes operable. No fine will be levied during the period the EFS was inoperable.

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

Electronic Receipts

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

Jacques Rene Gaillot, Jr.
May 23, 2016
Page Three

Instructions and Assistance


An online instruction guide is available to you on the EFS to assist with navigation, data entry, and submission of reports. The Division of Elections will also provide assistance to all users by contacting the EFS Help Desk at (850) 245-6280.

All of the Division's publications and reporting forms are available on the Division of Elections' website at <http://dos.myflorida.com/elections/>. It is your responsibility to read, understand, and follow the requirements of Florida's election laws. Therefore, please print a copy of the following documents: Chapters 104 and 106, Florida Statutes, *Candidate and Campaign Treasurer Handbook*, *Calendar of Reporting Dates*, and Rule 1S-2.017, Florida Administrative Code.

Please let me know if you need additional information.

Sincerely,




 Kristi Reid Bronson, Chief
Bureau of Election Records

KRB/mcc

Enclosures

pc: Tynisha K. Barnett, Treasurer



Re: Case No Fec 17-191 
Florida Elections Commission to: J.R Gaillot
Sent by Erin Riley

06/20/2017 10:38 AM

Thank you.

"J.R Gaillot" I am writing this on Fathers day. The first father... 06/18/2017 01:04:09 PM

From: "J.R Gaillot" <jrforfloridahouse13@gmail.com>
To: Florida Elections Commission <fec@myfloridalegal.com>
Date: 06/18/2017 01:04 PM
Subject: Re: Case No Fec 17-191

I am writing this on Fathers day. The first fathers day without my dad.
took a week for My treasurer to get her pin and we amended the final report, which i needed to
be in the country to approve. I am going back overseas at the end of the month.
she received a letter advising her that the investigation is ongoing.
we all have to bury our parents but no one prepares you for the aftermath

Regards

J.R Gaillot

On Thu, May 25, 2017 at 4:39 PM, Florida Elections Commission <fec@myfloridalegal.com>
wrote:

Thank you

"J.R Gaillot" ---05/25/2017 02:06:22 PM---Erin Riley, My sincere apologies with the delay in
responding. I have been out of the

From: "J.R Gaillot" <jrforfloridahouse13@gmail.com>
To: fec@myfloridalegal.com
Date: 05/25/2017 02:06 PM
Subject: Case No Fec 17-191

Erin Riley,

My sincere apologies with the delay in responding. I have been out of the country dealing with
my fathers estate issues.

I am close to resolving the issue with the family overseas.

Its my fault that the amended report and filing was late.

The report has now been amended to account for all remaining transactions and balance

But Ms Barnett needs her Pin she will be calling in to get her pin so the full filing can be done

Attached is a copy of my boarding pass when I came back in on Sunday.
I noticed some of the information gets posted on the internet.

I will be going back overseas next month again.
If more detailed is needed I can provide but I omitted certain information because I don't want
it posted online

J.R

[attachment "IMAG0197_1.jpg" deleted by Donna Malphurs/OAG]



FLORIDA ELECTIONS COMMISSION

**107 W. Gaines Street,
Suite 224 Collins Building
Tallahassee, Florida 32399-1050
Telephone: (850) 922-4539
Fax: (850) 921-0783
www.fec.state.fl.us; fec@myfloridalegal.com**

June 12, 2017

Tynisha R. Barnett
P.O. Box 8015
Fleming Island, FL 32006

RE: Case No.: FEC 17-191; Respondent: Tynisha R. Barnett

Dear Ms. Barnett:

On May 8, 2017, the Florida Elections Commission received a complaint alleging that you violated Florida's election laws. I have reviewed the complaint and find that it contains one or more **legally sufficient allegations**. The Commission staff will investigate the following alleged violation:

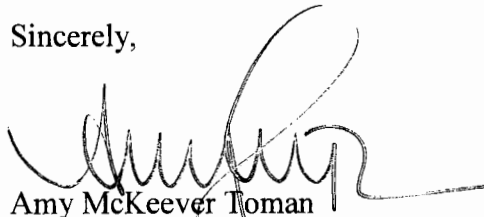
Section 106.07(2)(b)1., Florida Statutes: Respondent, treasurer for J.R. Gaillot, a 2016 candidate for the office of State Representative, failed to timely make necessary amendments to the campaign's 2016 termination report, as alleged in the complaint.

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

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

For additional information, please refer to the "Frequently Asked Questions" section of the Commission's website (www.fec.state.fl.us). If you have additional questions, please contact **Helen Hinson**, the investigator assigned to this case.

Sincerely,

A handwritten signature in black ink, appearing to read "Amy McKeever Toman". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Amy McKeever Toman
Executive Director

AMT/enr



Case No Fec 17-191

J.R Gaillot

to:

fec

05/25/2017 02:06 PM

Hide Details

From: "J.R Gaillot" <jrforfloridahouse13@gmail.com>

To: fec@myfloridalegal.com

1 Attachment



IMAG0197_1.jpg

Erin Riley,

My sincere apologies with the delay in responding. I have been out of the country dealing with my fathers estate issues.

I am close to resolving the issue with the family overseas.

Its my fault that the amended report and filing was late.

The report has now been amended to account for all remaining transactions and balance

But Ms Barnett needs her Pin she will be calling in to get her pin so the full filing can be done

Attached is a copy of my boarding pass when I came back in on Sunday.

I noticed some of the information gets posted on the internet.

I will be going back overseas next month again.

If more detailed is needed I can provide but I omitted certain information because I don't want it posted online

J.R

ISSUING PASS
GAILLOT/JACQUES

FROM: PORT AU PRINCE

TO: MIAMI

FLIGHT CLASS DATE
AA 2277 5A

GROUP 1

UNIT CLASS
21MAY R

DEPARTURE
430P

ISSUING PASS
0078890 GLO AKSLZI

FLIGHT CLASS DATE
AA2277 R 21MAY 430P

UNIT CLASS
1 353P 5A

0012129115106

GAILLOT/JACQUES

PORT AU PRINCE

GROUP 1

PRIORITY/BUSINESS



**DIVISION OF ELECTIONS
FEC NOTICE FORM**

To FEC from Division of Elections

RECEIVED
2017 MAY -8 A 10:32
STATE OF FLORIDA
ELECTIONS COMMISSION

Name: J. R. Gaillot
Account Number: 66376
Candidate: J. R. Gaillot
Treasurer: Tynisha R. Barnett
Person Named/Notified: J. R. Gaillot, Tynisha R. Barnett

The Division of Elections hereby provides this notice to the Florida Elections Commission pursuant to sections 106.22(7) and 106.25, Florida Statutes. An apparent violation of Chapter 106, F.S., has occurred based upon a failure to file addendums after notice as required by section 106.07(2)(b)1., Florida Statutes, for the following report(s):

2016 TR

Sent By: Kristi Reid Bronson
Date: May 4, 2017

KRB

stb

AFFIDAVIT

STATE OF FLORIDA

County of Leon

Kristi Reid Bronson, being duly sworn, says:

1. I am the Chief of the Bureau of Election Records of the Division of Elections (Division). In that capacity, I oversee the Division's duties related to the filing of campaign finance reports.
2. This affidavit is made upon my personal knowledge, including information obtained from review of the attached records, of which I am the custodian.
3. I am of legal age and competent to testify to the matters stated herein.
4. J. R. Gaillot (66376) is a 2016 candidate for the office of State Representative.
5. On May 20, 2016, Mr. Gaillot filed the Appointment of Campaign Treasurer and Designation of Campaign Depository with the Division. He appointed Tynisha R. Barnett as treasurer. (See attached documents and acknowledgment letter.)
6. On January 24, 2017, the Division mailed Ms. Barnett notification that the 2016 TR campaign treasurer's report was incomplete. (See attached letter.)
7. On March 21, 2017, the Division mailed Ms. Barnett notification that the 2016 TR campaign treasurer's report was incomplete. (See attached letter.)
8. On April 12, 2017, the Division mailed Ms. Barnett final notification with delivery confirmation that the 2016 TR campaign treasurer's report was incomplete. (See attached letter with delivery confirmation.)

9. As of May 4, 2017, the 2016 TR campaign treasurer's report remains incomplete.

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

Hunt Reid B

Signature of Affiant

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

Stacy L Bagley

Signature of Notary Public - State of Florida

Print, Type, or Stamp Commissioned Name of Notary Public
Personally Known





FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

January 24, 2017

Tynisha R. Barnett, Treasurer for
Candidate J. R. Gaillot
Post Office Box 8015
Fleming Island, FL 32006

Re: CAN 66376

Dear Ms. Barnett:

The Division of Elections has determined that one or more campaign reports are incomplete for the reasons noted in the attached error report.

Pursuant to Section 106.07(2), Florida Statutes, you have 7 days from receipt of this notice to file an amended report to correct errors or provide missing information. If the information has been reported accurately, provide a written explanation to the Division addressing the issue noted in the error report. Please be advised that failure to supply this information within the time allowed may constitute a violation of Chapter 106, Florida Statutes.

If you need assistance in filing an amendment, please contact the Division's help line at (850) 245-6280.

Sincerely,

Kristi Reid Bronson
Chief, Bureau of Election Records

Attachment

cc: J. R. Gaillot, Candidate

Compliance Report

Candidate: J. R. Gaillot

Office: STR

Report: 2016 TR (9) Covering Period: 8/26/16 - 11/28/16

Account: 66376

Trail

<u>Statute</u>	<u>FAC</u>	<u>Description</u>
06.141		Reflects balance after termination report filed - written explanation req

Contributions

Expenditures

Political Transfers

Refunds or Distributions

Sum of Contributions vs Expenditures

1/24/2017 11:27:47 AM

J. R. Gaillot

66376

Date of last Contribution: 8/25/16

0 After 8/30/16

Year	Report	Contributions	Expenditures	Running Total
2016	M5	\$1,028.00	\$0.36	\$1,027.64
	P1	\$826.00	\$1,783.14	\$70.50
	P2	\$0.00	\$0.00	\$70.50
	P3	\$1,020.00	\$0.55	\$1,089.95
	P4	\$0.00	\$0.00	\$1,089.95
	P5	\$200.00	\$376.00	\$913.95
	P6	\$200.00	\$0.00	\$1,113.95
	P7	\$355.00	\$250.70	\$1,218.25
	TR	\$0.00	\$0.00	\$1,218.25
Campaign Total:		\$3,629.00	\$2,410.75	



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

Second Notice

March 21, 2017

Tynisha R. Barnett, Treasurer for
Candidate J. R. Gaillot
Post Office Box 8015
Fleming Island, FL 32006

Re: CAN 66376

Dear Ms. Barnett:

On January 24, 2017, you were advised that one or more of your campaign treasurer's reports were incomplete and that you had 7 days to provide the requested information.

The Division's electronic filing system indicates that the required information has not been provided. Pursuant to Section 106.22, Florida Statutes, the Division is required to notify the Florida Elections Commission of the failure to provide information required by Chapter 106. Accordingly, if the information requested in our prior notice is not received within 7 days of receipt of this letter, we will refer this matter to the Commission. A second copy of the error report is attached for your convenience.

Sincerely,

Kristi Reid Bronson, Chief
Bureau of Election Records

Attachment

cc: J. R. Gaillot, Candidate

Florida Department of State - Division of Elections
Compliance Report

Candidate: J. R. Gaillot

Office: STR

Report: 2016 TR (9) Covering Period: 8/26/16 - 11/28/16

Account: 66376

Overall

<u>Statute</u>	<u>FAC</u>	<u>Description</u>
106.141		Reflects balance after termination report filed - written explanation req

Contributions

Expenditures

Loans and Transfers

Other Distributions

Sum of Contributions vs Expenditures

3/8/2017 2:39:37 PM

J. R. Gaillot

66376

Date of last Contribution: 8/25/16

0 After 8/30/16

Year	Report	Contributions	Expenditures	Running Total
2016	M5	\$1,028.00	\$0.36	\$1,027.64
	P1	\$826.00	\$1,783.14	\$70.50
	P2	\$0.00	\$0.00	\$70.50
	P3	\$1,020.00	\$0.55	\$1,089.95
	P4	\$0.00	\$0.00	\$1,089.95
	P5	\$200.00	\$376.00	\$913.95
	P6	\$200.00	\$0.00	\$1,113.95
	P7	\$355.00	\$250.70	\$1,218.25
	TR	\$0.00	\$0.00	\$1,218.25
Campaign Total:		\$3,629.00	\$2,410.75	



FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

FINAL NOTICE

Delivery Confirmation:

USPS TRACKING # **9114 9014 9645 1102 5581 00**
& CUSTOMER RECEIPT For Tracking or inquiries go to USPS.com
or call 1-800-222-1811.

April 12, 2017

Tynisha R. Barnett, Treasurer for
Candidate J. R. Gaillot
Post Office Box 8015
Fleming Island, FL 32006

Re: CAN 66376

Dear Ms. Barnett:

You have previously been advised that one or more campaign treasurer's reports are incomplete for the reasons noted in the attached error report.

Pursuant to Section 106.07(2), Florida Statutes, you have 7 days from receipt of this letter to correct errors or provide missing information. If the information has been reported accurately, you must provide a written explanation to the Division addressing the issue noted in the error report. Please be advised that if you fail to comply with this request, the Division will forward this matter to the Florida Elections Commission for further action. Section 106.265(1), Florida Statutes, authorizes the Florida Elections Commission to impose civil penalties of up to \$1,000 per violation.

If you need assistance in filing an amendment, please contact the Division's help line at (850) 245-6280.

Sincerely,

Kristi Reid Bronson
Chief, Bureau of Election Records

Attachment

cc: J. R. Gaillot, Candidate

Compliance Report

Candidate: J. R. Gaillot

Office: STR

Report: 2016 TR (9)

Covering Period: 8/26/16 - 11/28/16

Account: 66376

Overall

<u>Statute</u>	<u>FAC</u>	<u>Description</u>
106.141		Reflects balance after termination report filed - written explanation req

Contributions

Expenditures

Fund Transfers

Other Distributions

Sum of Contributions vs Expenditures

4/12/2017 10:19:33 AM

J. R. Gaillot

66376

Date of last Contribution: 8/25/16

0 After 8/30/16

Year	Report	Contributions	Expenditures	Running Total
2016	M5	\$1,028.00	\$0.36	\$1,027.64
	P1	\$826.00	\$1,783.14	\$70.50
	P2	\$0.00	\$0.00	\$70.50
	P3	\$1,020.00	\$0.55	\$1,089.95
	P4	\$0.00	\$0.00	\$1,089.95
	P5	\$200.00	\$376.00	\$913.95
	P6	\$200.00	\$0.00	\$1,113.95
	P7	\$355.00	\$250.70	\$1,218.25
	TR	\$0.00	\$0.00	\$1,218.25
Campaign Total:		\$3,629.00	\$2,410.75	

USPS Tracking® Results

[FAQs > \(http://faq.usps.com/?articleId=220900\)](http://faq.usps.com/?articleId=220900)

Track Another Package +

Remove X

Tracking Number: 9114901496451102558100



Delivered

Updated Delivery Day: Friday, April 14, 2017 ⓘ

Product & Tracking Information

[See Available Actions](#)

Postal Product:

Features:

USPS Tracking®

DATE & TIME	STATUS OF ITEM	LOCATION
April 14, 2017, 9:00 am	Delivered, PO Box	FLEMING ISLAND, FL 32006



Your item has been delivered and is available at a PO Box at 9:00 am on April 14, 2017 in FLEMING ISLAND, FL 32006.

April 14, 2017, 8:59 am	Arrived at Post Office	FLEMING ISLAND, FL 32003
April 14, 2017, 1:19 am	Arrived at USPS Facility	JACKSONVILLE, FL 32099

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

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

(PLEASE PRINT OR TYPE)

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

RECEIVED
DEPARTMENT OF STATE

2016 MAY 20 AM 10: 21

DIVISION OF ELECTIONS
TALLAHASSEE, FL

OFFICE USE ONLY

1. CHECK APPROPRIATE BOX(ES):

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

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

Jacques Rene Gaillot JR

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

P.O BOX 9048
Fleming Island FL 32006

4. Telephone

(904) 501-1069

5. E-mail address

gmail.com
jef.flouda@house13d.com

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

FLORIDA House District 13

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

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

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

Write-In No Party Affiliation DEMOCRATIC Party candidate.

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

10. Name of Treasurer or Deputy Treasurer

Tynisha K. Barnett

11. Mailing Address

P.O. Box 8015

12. Telephone

904-248-8827

13. City

Fleming Island

14. County

Clay

15. State

FL

16. Zip Code

32006

17. E-mail address

tbarnett19@gmail.com

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

19. Name of Bank

Wells Fargo

20. Address

CR 220

21. City

Fleming Island

22. County

Clay

23. State

FL

24. Zip Code

32003

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

5/19/2016

26. Signature of Candidate

X 

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

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

designated above as: Campaign Treasurer Deputy Treasurer.

5.19.16

Date

X

Signature of Campaign Treasurer or Deputy Treasurer

**STATEMENT OF
CANDIDATE**

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

RECEIVED
DEPARTMENT OF STATE

2016 MAY 25 AM 9:13

FLORIDA STATE
DIVISION OF ELECTIONS

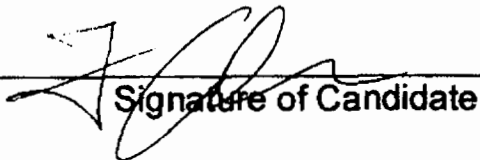
I, J R GAILLOT (Jacques Rene Gaillet Jr.)

candidate for the office of Florida House of Representative Dist 13;

have been provided access to read and understand the requirements of

Chapter 106, Florida Statutes.

X


Signature of Candidate

5/23/2016
Date

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



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

May 23, 2016

Jacques Rene Gaillot, Jr.
Post Office Box 9048
Fleming Island, Florida 32006

Dear Mr. Gaillot:

This will acknowledge receipt of the Appointment of Campaign Treasurer and Designation of Campaign Depository for the office of State Representative, which was placed on file in our office on May 20, 2016. Your name has been placed on the 2016 active candidate list. **The enclosed Statement of Candidate must be filed within 10 days of filing the Appointment of Campaign Treasurer form.**

Campaign Treasurer's Reports

Your first campaign treasurer's report will be due on **June 10, 2016**. The report will cover the period of May 1-31, 2016 (M5). All candidates who file reports with the Division of Elections are required to file by means of the Division's Electronic Filing System (EFS).

Credentials and Sign-ons

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

EFS Website Address: <https://efs.dos.state.fl.us>
Identification Number 66376

Jacques Rene Gaillot, Jr.
May 23, 2016
Page Two

Pin Numbers

Pin numbers are confidential secure credentials that allow you to submit reports and update personal information. The enclosed sealed envelope contains confidential pin numbers for you. By copy of this letter, a confidential pin number to access the EFS was sent to your treasurer.

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

Timely Filing

All reports filed must be completed and filed through the EFS not later than midnight of the due date. Reports not filed by midnight of the due date are late filed and subject to the penalties in Section 106.07(8), Florida Statutes. In the event that the EFS is inoperable on the due date, the report will be accepted as timely filed if filed no later than midnight of the first business day the EFS becomes operable. No fine will be levied during the period the EFS was inoperable.

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

Electronic Receipts

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

Jacques Rene Gaillot, Jr.
May 23, 2016
Page Three

Instructions and Assistance


An online instruction guide is available to you on the EFS to assist with navigation, data entry, and submission of reports. The Division of Elections will also provide assistance to all users by contacting the EFS Help Desk at (850) 245-6280.

All of the Division's publications and reporting forms are available on the Division of Elections' website at <http://dos.myflorida.com/elections/>. It is your responsibility to read, understand, and follow the requirements of Florida's election laws. Therefore, please print a copy of the following documents: Chapters 104 and 106, Florida Statutes, *Candidate and Campaign Treasurer Handbook*, *Calendar of Reporting Dates*, and Rule 1S-2.017, Florida Administrative Code.

Please let me know if you need additional information.

Sincerely,



 Kristi Reid Bronson, Chief
Bureau of Election Records

KRB/mcc

Enclosures

pc: Tynisha K. Barnett, Treasurer