

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: McKenzie Fleurimond**

**Case No.: FEC 18-325**

**TO:** McKenzie Fleurimond  
16651 NE 18th Avenue, Apt. 88  
North Miami Beach, FL 33162

Stephanie Kienzle  
7535 SW 26th Court  
Davie, FL 33314

**NOTICE OF HEARING (OTHER MOTIONS (PUBLIC))**

A hearing will be held in this case before the Florida Elections Commission on, **January 24, 2023 at 8:30**, *or as soon thereafter as the parties can be heard*, at the following location: VIA WEBINAR

**AUDIO PARTICIPATION: UNITED STATES Toll Free 1-877-309-2074; AUDIO PIN** Shown after joining the webinar **ATTENDEE--549-813-809; WEB PARTICIPATION:** Registration URL <https://attendee.gotowebinar.com/register/3673174107580012888>; Webinar ID: 373-226-835

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.

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**

**In Re: McKenzie Fleurimond**

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**Case No.: FEC 18-325**

**TO:** McKenzie Fleurimond  
16651 NE 18th Avenue, Apt. 88  
North Miami Beach, FL 33162

Stephanie Kienzle  
7535 SW 26th Court  
Davie, FL 33314

**NOTICE OF CANCELLATION OF HEARING**  
**(OTHER MOTIONS (PUBLIC))**

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: McKenzie Fleurimond**

**Case No.: FEC 18-325**

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**TO:** McKenzie Fleurimond  
16651 NE 18th Avenue, Apt. 88  
North Miami Beach, FL 33162

Stephanie Kienzle  
7535 SW 26th Court  
Davie, FL 33314

**NOTICE OF HEARING (OTHER MOTIONS (PUBLIC))**

A hearing will be held in this case before the Florida Elections Commission on, **December 14, 2022 at 8:30 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.

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

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

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

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

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

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

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

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

***Tim Vaccaro***

Executive Director  
Florida Elections Commission  
November 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.

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: McKenzie Fleurimond**

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**Case No.: FEC 18-325**

**MOTION TO DISMISS**

COMES NOW, Petitioner, Florida Elections Commission (“Commission”), by and through the undersigned counsel, and files this Motion to Dismiss and, in support thereof, states as follows:

1. On October 1, 2018, the Commission received a sworn complaint alleging that McKenzie Fleurimond (“Respondent”) violated the Florida Election Code.
2. Respondent was a 2018 candidate for North Miami Beach City Commission, Group 5. Respondent was elected.
3. On January 17, 2019, the Executive Director found legal sufficiency to investigate violations of sections 106.143(1)(a), 106.07(5), 106.19(1)(b), and 106.19(1)(c), Florida Statutes, regarding a political advertisement featuring Respondent, Robert Dempster, and one other candidate.
4. During the course of the investigation, Mr. Dempster attested that he created and distributed the political advertisement at issue.
5. Mr. Dempster attested that neither Respondent nor the other candidate shared any costs or provided anything of value to produce the advertisement.
6. Mr. Dempster attested that he discussed with Respondent his intent to produce the advertisement; however, he had no recollection of any discussions regarding costs, payments, or disclaimers.

7. Mr. Dempster did not recall whether Respondent saw a sample of the advertisement before printing or distribution, nor did Mr. Dempster recall any specific input or recommendations from Respondent relative to the advertisement.

8. Mr. Dempster entered into a Pre-Probable Cause Consent Order taking responsibility for the political advertisement.

9. Respondent attested that, although he discussed the advertisement with Mr. Dempster, conversations fell through, and no further action took place.

10. Respondent stated that he consulted Chapter 106, Florida Statutes, and other applicable elections resources for guidance on the advertisement as an in-kind contribution. Respondent believed that an in-kind contribution was made when an individual provided written notice to a receiving party, and the individual received an acceptance letter.

11. Respondent believed he did not receive an in-kind contribution because he did not receive written notice of an in-kind contribution, and he did not provide an acceptance letter.

12. Respondent believed he reported all contributions and expenditures correctly. Respondent believed his report was true, correct, and complete at the time of certification.

13. Neither the complaint nor the investigation produced any other evidence showing that Respondent paid for, published, or coordinated the advertisement with Mr. Dempster.

14. As Respondent did not have control over the political advertisement, did not accept the advertisement as an in-kind contribution, and relied on the statute in good faith, it does not appear that Respondent willfully failed to perform an act required by Chapter 106, Florida Statutes.

**WHEREFORE**, based upon the foregoing, the undersigned counsel requests this matter be dismissed.

Respectfully submitted on November 18, 2022.



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Mattie T. Clay  
Assistant General Counsel



STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

Florida Elections Commission,  
Petitioner,

Case No.: FEC 18-325

v.

McKenzie Fleurimond,  
Respondent.

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**ORDER OF PROBABLE CAUSE**

**THIS MATTER** was heard by the Florida Elections Commission (“Commission”) at its regularly scheduled meeting on August 16, 2022, in Tallahassee, Florida.

On April 14, 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 violations:

**Count 1:**

On or about September 10, 2018, McKenzie Fleurimond violated Section 106.07(5), Florida Statutes, when he certified that the campaign’s 2018 M8 Report was true, correct, and complete when it was not.

**Count 2:**

On or around September 10, 2018, McKenzie Fleurimond violated Section 106.19(1)(b), Florida Statutes, when he failed to report an in-kind contribution required to be reported by Chapter 106, Florida Statutes, on the campaign’s 2018 M8 Report.

The Commission finds that there is **no probable cause** to charge Respondent with violating Sections 106.143(1)(a) and 106.19(1)(c), Florida Statutes.

**DONE AND ORDERED** by the Florida Elections Commission on August 16, 2022.



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

Copies furnished to:  
Mattie T. Clay, Assistant General Counsel  
McKenzie Fleurimond, Respondent  
Stephanie Kienzle, 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 thirty (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 thirty (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 thirty (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 West 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: McKenzie Fleurimond**

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**Case No.: FEC 18-325**

**TO:** McKenzie Fleurimond  
16651 NE 18th Avenue, Apt. 88  
North Miami Beach, FL 33162

Stephanie Kienzle  
7535 SW 26th Court  
Davie, FL 33314

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

A hearing will be held in this case before the Florida Elections Commission on, **August 16, 2022 at 9:30 am**, 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  
August 1, 2022

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

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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

Florida Elections Commission,  
Petitioner,

Case No.: FEC 18-325

v.

McKenzie Fleurimond,  
Respondent.

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ORDER CONTINUING CASE

**THIS MATTER** was heard by the Florida Elections Commission (“Commission”) at its regularly scheduled meeting on May 17, 2022, in Tallahassee, Florida.

Respondent submitted a written request to continue this matter. Respondent stated that he was unable to attend the hearing because he would be attending a City Commission meeting on the same date.

The Commission considered Respondent’s request and staff’s response. The motion was **GRANTED**.

**THIS MATTER** is continued until the next available meeting of the Florida Elections Commission.

**DONE AND ORDERED** by the Florida Elections Commission on May 17, 2022.



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

Copies furnished to:  
Mattie T. Clay, Assistant General Counsel  
McKenzie Fleurimond, Respondent  
Stephanie Kienzle, Complainant



Scheduling Conflict FEC 18-325McKenzie Fleurimond to: Florida Elections Commission  
05/13/2022 12:42 PM  
Cc: "Mattie Clay"  
From: "McKenzie Fleurimond" <mcflourimond@gmail.com>  
To: "Florida Elections Commission" <fec@myfloridalegal.com>  
Cc: "Mattie Clay" <Mattie.Clay@myfloridalegal.com>

Good afternoon,

My name is McKenzie Fleurimond. I am requesting a different hearing date for case number FEC 18-325 as I am not available on Tuesday May 17th due a pre scheduled City Commission meeting where I am expected to be present as a commissioner.

I look forward to hearing from you about rescheduling options.

Best regards,

McKenzie Fleurimond





Re: FEC 18-325: Response & Consent Agreement McKenzie Fleurimond to: Mattie Clay  
 05/06/2022 11:53 PM  
 Cc: "Florida Elections Commission"  
 From: "McKenzie Fleurimond" <mcflourimond@gmail.com>  
 To: "Mattie Clay" <Mattie.Clay@myfloridalegal.com>  
 Cc: "Florida Elections Commission" <fec@myfloridalegal.com>

Good evening Mattie,

First of all, let me thank you for your consideration and accessibility. Please let this serve as my official response to the staff recommendation on this matter. I am asking for reconsideration of what is referred to as Count 1 and Count 2 by your office.

This request is based on the fact that there was no mutual assent to receive an in kind contribution that can be proven objectively.

Chapter 106 Section 8 of the Florida Statutes entitled contributions and limitations makes reference that a person making an in kind contribution must provide written notice of said contribution to the receiving party. It also requires an acceptance letter. The absence of an acceptance letter can be considered a refusal. I believe this standard extends to the circumstances in question and should be applied. Mr. Dempsters campaign did not explicitly communicate an offer of an in kind contribution and my campaign did not explicitly accept an offer of an in kind contribution.

In addition, campaign ads have the disclaimer of the campaign being advertised. By definition an in kind contribution would be a good or service performed for free or payment made on behalf of my campaign for such goods or services. For example an ad with my disclaimer in a local magazine might fall into this category. It is clear that my campaign did not contract with any vendor to print the materials in question. Therefore the payment made to the vendor was not on my campaigns behalf. Mr. Dempsters campaign also did not render a good or service to my campaign. My campaign was not privy to any agreement that was made or cost incurred.

For the above stated reasons I strongly believe that the expense in question does not meet the requirements obligating my campaign to have reported an in kind contribution. I respectfully request that Count 1 and Count 2 of the staff recommendation be reconsidered and removed.

Thank you in advance for your assistance and diligence. I look forward to following up with you.

Best regards,

McKenzie Fleurimond

On Thu, Apr 28, 2022, 2:19 PM Mattie Clay <[Mattie.Clay@myfloridalegal.com](mailto:Mattie.Clay@myfloridalegal.com)> wrote:

Good afternoon, Mr. Fleurimond,

Thank you for your call today. As a brief recap from our conversation, we have two options for our

case.

First, we can explore settlement. I will send a draft agreement for your review this afternoon or tomorrow morning. Please feel free to call me at 850-404-5612 if you have questions or feedback about the agreement and settlement amount. If you wish to conclude your case via settlement, I will need to receive the agreement and payment on or before Monday, May 16, 2022. [\*Please note that mail will have a hold up to 5 business days once it reaches our building, so I would strongly suggest aiming for Monday, May 9th as the goal date.] In the event the mail does not arrive on time, please email me an electronic copy of the signed agreement, payment, and a tracking number to successfully pause the hearing. All three are needed. If we choose to settle and I receive everything needed, your attendance will not be required at the May hearing. I will provide further details if you choose this option.

Second, I will grant you an extension until Friday, May 6, 2022, to issue a response to my Staff Recommendation. Please send your response to [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com). I would kindly ask that you cc me as well. You may compose a formal letter or simply send an email containing your response. The Commission will consider this response at the Probable Cause hearing set for Tuesday, May 17, 2022, here in Tallahassee. I strongly suggest that you make arrangements to attend this hearing, which will be held at the House Office Building: 402 South Monroe Street, 306 HOB, Mashburn Hall, Tallahassee, Florida 32399.

Do not hesitate to contact me if you have any questions or concerns.

**Mattie T. Clay**

Assistant General Counsel

Florida Elections Commission

107 West Gaines Street

The Collins Building, Suite 224

Tallahassee, Florida 32399-6596

Main: (850) 922-4539

Facsimile: (850) 921-0783

[mattie.clay@myfloridalegal.com](mailto:mattie.clay@myfloridalegal.com)

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: McKenzie Fleurimond**

**Case No.: FEC 18-325**

**TO:** McKenzie Fleurimond  
16651 NE 18th Avenue, Apt. 88  
North Miami Beach, FL 33162

Stephanie Kienzle  
7535 SW 26th Court  
Davie, FL 33314

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

A hearing will be held in this case before the Florida Elections Commission on, **May 17, 2022 at 3:00 pm, 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.**

**Meeting attendees, the Commission will make every reasonable effort to hold your hearing on Tuesday, May 17, 2022. However, any unfinished business will carry over to Wednesday, May 18, 2022, no earlier than 9:00 am.**

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***

Florida Elections Commission  
April 28, 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.

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

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

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

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

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



# Florida Elections Commission

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

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

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



April 14, 2022

McKenzie Fleurimond  
16651 NE 18<sup>th</sup> Avenue, Apt. 88  
North Miami Beach, FL 33162

**RE: Case No.: FEC 18-325; Respondent: McKenzie Fluerimond**

Dear Mr. Fluerimond:

The Commission's staff is recommending that the Commission find **probable cause** to charge you with violating Florida's election laws. As required by section 106.25, Florida Statutes, we are forwarding a copy of the Staff Recommendation (SR) to you. Should you choose to file a response to the SR, you must do so within 14 days from the date of this letter.

At its meeting scheduled for **May 17-18, 2022**, the Commission will hold a hearing to determine whether there is probable cause to charge you with violating Chapters 104 or 106, Florida Statutes. You will receive a notice of hearing at least 14 days in advance.

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 and 106, Florida Statutes, are **confidential** until the Commission finds probable cause or no probable cause.

For additional information, please refer to the "Frequently Asked Questions" section of the Commission's website ([www.fec.state.fl.us](http://www.fec.state.fl.us)). If you have additional questions, **please contact Mattie Clay**, the attorney assigned to this case.

Sincerely,  
Donna Ann Malphurs  
Agency Clerk

/dam  
Enclosure: Staff Recommendation

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: McKenzie Fleurimond**

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**Case No.: FEC 18-325**

**STAFF RECOMMENDATION FOLLOWING INVESTIGATION**

Pursuant to Section 106.25(4)(c), Florida Statutes, undersigned staff counsel files this written recommendation for disposition of the sworn complaint in this case recommending that there is **probable cause** to charge Respondent with violating **Sections 106.07(5) and 106.19(1)(b), Florida Statutes**, and **no probable cause** to charge Respondent with violating **Sections 106.143(1)(a) and 106.19(1)(c), Florida Statutes**. Based upon a thorough review of the Report of Investigation submitted on January 11, 2022, the following facts and law support this staff recommendation:

1. On October 1, 2018, the Florida Elections Commission (“Commission”) received a sworn complaint from Stephanie Kienzle (“Complainant”) alleging that McKenzie Fleurimond (“Respondent”) violated Chapter 106, Florida Statutes.
2. Respondent was a 2018 candidate for North Miami Beach City Commission, Group 5. He was elected. (ROI Exhibit 1, page 1; ROI Exhibit 3, page 1; *See ROI*, page 1, ¶1)<sup>1</sup>
3. By letter dated January 17, 2019, the Executive Director notified Respondent that Commission staff would investigate the following statutory provisions:

**Section 106.143(1)(a), Florida Statutes:** Respondent, a 2018 candidate for the North Miami Beach City Commission, Group 5, may have paid for and distributed political advertisements that contained express advocacy but did not include a proper disclaimer.

**Section 106.07(5), Florida Statutes:** Respondent, a 2018 candidate for the North Miami Beach City Commission, Group 5, may have filed one or more campaign treasurer reports that were either incorrect or incomplete, as alleged in the complaint.

**Section 106.19(1)(b), Florida Statutes:** Respondent, a 2018 candidate for the North Miami Beach City Commission, Group 5, may have failed to report one or more contributions required to be reported by Chapter 106, Florida Statutes, as alleged in the complaint.

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

**Section 106.19(1)(c), Florida Statutes:** Respondent, a 2018 candidate for the North Miami Beach City Commission, Group 5, may have falsely reported or deliberately failed to include information in one or more campaign reports required by Chapter 106, Florida Statutes, as alleged in the complaint.

4. On August 22, 2018, Respondent filed his Appointment of Campaign Treasurer and Designation of Campaign Depository (“DS-DE 9”) form with the North Miami Beach City Clerk (“Filing Officer”). (ROI Exhibit 2, page 1) Respondent appointed himself as treasurer for his campaign.

5. Respondent received the 2018 Municipal Election Candidate Handbook, which included Chapter 106, Florida Statutes, the *Candidate & Campaign Treasurer Handbook*, and a letter from the Filing Officer referring 2018 municipal candidates to the Filing Officer’s website for additional election information. (ROI Exhibit 4, pages 1-2; ROI Exhibit 5, page 3)

6. Respondent acknowledged that he received and read Chapters 104 and 106, Florida Statutes, and the *Candidate & Campaign Treasurer Handbook*. (ROI Exhibit 1, page 1; ROI Exhibit 3, page 2)

**Alleged Violation: Section 106.143(1)(a), Florida Statutes**

7. Complainant alleged that Respondent violated Florida’s election laws by failing to include a proper disclaimer on a political advertisement.

8. Candidates who pay for and publish a political advertisement are required to prominently mark their political advertisements with the exact political disclaimer language as set forth under Section 106.143(1)(a), Florida Statutes: “Political advertisement paid for and approved by <name of candidate>, for <office sought>” or “Paid by <name of candidate>, for <office sought>.”

9. The political advertisement at issue is a joint political advertisement, in the form of a palm card, which contains language that expressly advocates for the election of three candidates: Respondent, Robert Dempster, and Michael Joseph. The palm card contained each candidate’s photograph on the front, and the back stated, “VOTE ON NOVEMBER 6 TO HELP BUILD A BETTER NMB TOGETHER.” The palm card utilized the pronoun “we” in outlining the candidates’ positions and policies. A political disclaimer appeared on the back, which displayed, “PAID BY ROBERT DEMPSTER FOR MAYOR.” (ROI Exhibit 6, page 1)

10. Respondent stated that he did not print the political advertisement at issue and did not secure a vendor. (ROI Exhibit 3, page 3) Respondent stated that he did not follow up with Mr. Dempster after conversations fell through regarding the political advertisement. (ROI Exhibit 3, page 4) He asserted that all materials printed by him contained the appropriate disclaimer. (ROI Exhibit 3, page 3)

11. Mr. Dempster provided several sworn affidavits regarding the palm cards. (ROI Exhibits 8-11) Mr. Dempster asserted that his campaign initiated and distributed the political advertisements, and both he and his campaign treasurer approved the political disclaimers. (ROI Exhibit 8, pages 3-4; ROI Exhibit 9, pages 3-4) Mr. Dempster acknowledged that Progressive Rags was the only vendor involved in publishing. (ROI Exhibit 8, page 4) Mr. Dempster affirmed that neither Respondent nor Mr. Joseph shared the cost or provided anything of value to produce the palm cards. (ROI Exhibit 10, pages 2-3; ROI Exhibit 11)

12. Mr. Dempster declared that he discussed with Respondent and Mr. Joseph his intent to produce the palm cards, but he had no recollection of any discussions regarding costs, payments, or disclaimers. (ROI Exhibit 11, page 1) Mr. Dempster did not recall whether either candidate saw a sample of the advertisement before printing or distribution, and he did not recall any specific input or recommendations from either of the candidates relative to the advertisement. (ROI Exhibit 11, pages 2-4) Mr. Dempster asserted that Respondent and Mr. Joseph provided their photographs for the political advertisements. (ROI Exhibit 11, page 3)

13. Mr. Joseph stated that his campaign did not pay for or publish the political advertisement at issue. (ROI Exhibit 15, page 1) Mr. Joseph stated that others obtained his image online for their use and that anyone could use his image or logo to produce an advertisement without his approval. (ROI Exhibit 14, pages 2-6)

14. As Respondent neither had control over, paid for, nor distributed the political advertisement, he was not required to include a political disclaimer reflecting his name and office.

**Alleged Violation: Section 106.07(5), Florida Statutes**

15. Complainant alleged that Respondent violated Florida's election laws by certifying that the campaign's treasurer reports were true, correct, and complete when they were not. Specifically, Respondent failed to report a political advertisement either as an in-kind contribution or a campaign expenditure during the 2018 M8 reporting period.

16. Respondent filed a 2018 M8 Report on September 10, 2018, covering the reporting period from August 1, 2018 – August 31, 2018. (ROI Exhibit 7, page 1). The report did not identify any in-kind contributions, and there were no expenditures to a vendor related to a political advertisement. (ROI Exhibit 7, pages 2-3)

17. Mr. Dempster attested that, although he no longer had bank statements or records reflecting the political advertisement, he believed the expenditure was disclosed on August 13, 2018, in the amount of \$1,401.70 to Progressive Rags. The stated purpose was for "Literature." (ROI Exhibit 9, page 4) Mr. Dempster affirmed that Respondent and Mr. Joseph did not share costs or provide anything of value for producing the palm cards, but he stated that the other candidates were aware of the anticipated production of the advertisements. (ROI Exhibit 10, pages 1-3; ROI Exhibit 11)

18. Based on the above information, it appears that Respondent was aware that his name and photo would be featured in Mr. Dempster's political advertisement, and Respondent



benefited from Mr. Dempster's publication. Respondent was required to report the political advertisement as an in-kind contribution. Respondent, therefore, certified that the 2018 M8 Report was true, correct, and complete when it was not.

**Alleged Violation: Section 106.19(1)(b), Florida Statutes**

19. Complainant alleged that Respondent violated Florida election law by failing to report a contribution that is required to be reported by Chapter 106, Florida Statutes.

20. Based on the above facts, Respondent failed to report an in-kind contribution required to be reported by Chapter 106, Florida Statutes, on the campaign's 2018 M8 Report.

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

21. Complainant alleged that Respondent violated Florida election law by falsely reporting or deliberately failing to include information required by Chapter 106, Florida Statutes.

22. Respondent stated that he did not report an in-kind contribution or expenditure because he did not follow up or through with the advertisement at issue. (ROI Exhibit 3, page 4)

23. Insufficient evidence exists to show that Respondent deliberately failed to include information required by Chapter 106, Florida Statutes.

24. "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).

25. The facts set forth above show that the Respondent was a 2018 candidate for North Miami Beach City Commission, Group 5. Respondent was not required to include a political disclaimer reflecting his name and office as he did not have control over, pay for, or distribute the political advertisement at issue. Respondent certified that the campaign's 2018 M8 Report was true, correct, and complete when it was not. Respondent failed to report the political advertisement as an in-kind contribution on the 2018 M8 Report. Respondent did not deliberately fail to include information required by Chapter 106, Florida Statutes.

Based upon these facts and circumstances, I recommend that the Commission find **no probable cause** to charge Respondent with violating **Sections 106.143(1)(a) and 106.19(1)(c), Florida Statutes**, and find **probable cause** to charge Respondent with violating the following:

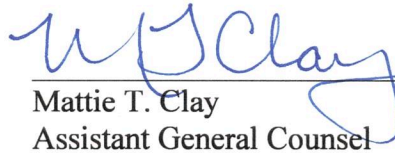
**Count 1:**

On or about September 10, 2018, McKenzie Fleurimond violated Section 106.07(5), Florida Statutes, when he certified that the campaign's 2018 M8 Report was true, correct, and complete when it was not.


**Count 2:**

On or around September 10, 2018, McKenzie Fleurimond violated Section 106.19(1)(b), Florida Statutes, when he failed to report an in-kind contribution required to be reported by Chapter 106, Florida Statutes, on the campaign's 2018 M8 Report.

Respectfully submitted on April 14, 2022.

  
Mattie T. Clay  
Assistant General Counsel

I reviewed this Staff Recommendation this 14<sup>th</sup> day of April 2022.

  
Stephanie J. Cunningham  
General Counsel

**FLORIDA ELECTIONS COMMISSION**  
**REPORT OF INVESTIGATION**  
**Case No.: FEC 18-325**

**Respondent:** McKenzie Fleurimond

**Complainant:** Stephanie Kienzle

On October 1, 2018, the Florida Elections Commission (Commission) received a sworn complaint alleging that Respondent violated Chapters 104 or 106, Florida Statutes. Commission staff investigated whether Respondent violated the following statutes:

Section 106.07(5), Florida Statutes, may have filed one or more campaign treasurer reports that were incorrect or incomplete;

Section 106.19(1)(b), Florida Statutes, may have failed to report one or more contributions required to be reported by Chapter 106, Florida Statutes;

Section 106.19(1)(c), Florida Statutes, may have falsely reported or deliberately failed to include information required by Chapter 106, Florida Statutes, in one or more campaign treasurer reports; and

Section 106.143(1), Florida Statutes, may have paid for and distributed political advertisements that contained express advocacy but did not include a proper disclaimer.

**I. Preliminary Information:**

1. Respondent was a 2018 candidate for North Miami Beach City Commission, Group 5. He led the field of four candidates in the November 6, 2018, municipal election, advanced to the November 20, 2018, run-off election, and was elected in the run-off election. Respondent was not a first-time candidate.

2. On August 22, 2018, Respondent filed his Statement of Candidate with the North Miami Beach City Clerk, which was his filing officer. By filing the Statement of Candidate, Respondent acknowledged that he had been provided access to read and understand the requirements of Chapter 106, Florida Statutes. To review the Statement of Candidate, refer to Exhibit 1.

3. On August 22, 2018, Respondent also filed his Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates form (DS-DE 9) with the City Clerk. Respondent was appointed as his own campaign treasurer. To review the DS-DE 9, refer to Exhibit 2.

4. In an affidavit dated November 9, 2020, Respondent acknowledged having read Chapters 104 and 106, Florida Statutes, and the *Candidate & Campaign Treasurer Handbook*. To review the pertinent part of Respondent's affidavit, refer to Exhibit 3, page 2, responses 10, 13 and 16.

5. At the time of the 2018 election campaign, Pamela Luckie-Latimore was the North Miami Beach City Clerk. Andrise Bernard is the current City Clerk and was the Assistant City Clerk at the time of the 2018 election campaign. In an affidavit dated June 14, 2021, Ms. Bernard attested that Respondent was given a copy of Chapter 106, Florida Statutes. To review Ms. Bernard's affidavit, refer to Exhibit 4.

6. Pursuant to a public records request to the City of North Miami Beach, I obtained a listing of the contents of the *2018 Municipal Election Candidate Handbook*, which included the following: a letter from Respondent's filing officer referring 2018 municipal candidates to the filing officer's website for additional election information and admonishing candidates to become familiar with the election laws and requirements; Chapter 106, Florida Statutes; and the *Candidate & Campaign Treasurer Handbook*. To review the filing officer's letter and a list of the contents of the *2018 Municipal Election Candidate Handbook*, refer to Exhibit 5.

## **II. Alleged Violation of Sections 106.07(5), 106.19(1)(b), and 106.19(1)(c), Florida Statutes:**

7. I investigated whether Respondent violated these sections of the election laws by certifying a report as true, correct, and complete when it was not, by failing to report an in-kind contribution, and/or by failing to report an expenditure.

8. Specifically, Complainant essentially alleged that Respondent may have failed to report a palm card political advertisement as an in-kind contribution from another candidate, Robert Dempster, and/or Respondent may have failed to report a campaign expenditure for his share of the costs of palm card advertisement. To review the advertisement, refer to Exhibit 6.

9. The advertisement at issue appears to be a joint or "slate" advertisement expressly advocating for the candidacies of three 2018 North Miami Beach candidates: Respondent, Robert Dempster, and Michael Joseph. Photographs of the three candidates appear on one side of the palm card with the heading, "NORTH MIAMI BEACH CANDIDATES," and on the reverse side the reader is encouraged to "VOTE ON NOVEMBER 6 TO HELP BUILD A BETTER NMB TOGETHER." The reverse side of the advertisement includes several sections discussing policies or stances on issues, each of which uses the pronoun "we" to suggest that these sections express views relative to all three candidates. Also on the reverse side is a disclaimer stating, "PAID BY ROBERT DEMPSTER FOR MAYOR."

10. Complainant included Respondent's 2018 M8 report, which covered the period of August 1-31, 2018, with the complaint. Respondent's 2018 M8 report revealed no in-kind contributions, and there were no expenditures to a vendor related to a palm card political advertisement. To review Respondent's 2018 M8 Report, refer to Exhibit 7.

11. In an affidavit dated February 11, 2021, (Third Affidavit) Mr. Dempster declared that he discussed with both Respondent and Michael Joseph that his campaign wanted to produce

the political advertisement at issue shortly before he printed it, though he did not recall any discussions with them regarding costs, payments, or disclaimers.<sup>1</sup> Mr. Dempster asserted that the photographs of Respondent and Mr. Joseph were provided by Respondent and Mr. Joseph. To review the pertinent parts of Mr. Dempster's Third Affidavit, refer to Exhibit 10, pages 1-3, responses 6 and 11.

12. Mr. Dempster further explained that all three candidates were included in the advertisement because, "...we share core values and a vision for North Miami Beach, and my team felt it was important to make the argument that by working together as Commissioners, we would be able to deliver a stronger execution of that vision." To review the pertinent part of Mr. Dempster's Third Affidavit, refer to Exhibit 10, page 3, response 11.

13. Mr. Dempster declared his belief that the expenditure for the political advertisement at issue was disclosed at sequence item number 7 on his 2018 M8 report, which covered the period from August 1-31, 2018. The expenditure was in the amount of \$1,401.70 and was made on August 13, 2018, to Progressive Rags for "Literature."<sup>2</sup> To review the pertinent part of Mr. Dempster's Third Affidavit, refer to Exhibit 10, pages 2-3, response 10. To review Mr. Dempster's 2018 M8 report, refer to Exhibit 12.

14. Mr. Dempster affirmed that Respondent and Mr. Joseph did not share the costs, reimburse Mr. Dempster's campaign, or provide anything of value to off-set the \$1,401.70 cost of producing the political advertisement. To review pertinent part of Mr. Dempster's Third Affidavit, refer to Exhibit 10, page 3, responses 12 and 13.

15. Mr. Dempster added, "My apologies if any of the above does not comply with Florida Statute, I was, perhaps mistaken, but under the impression that expenditures made on a flyer for three or more candidates were not considered a contribution or an expenditure to those campaigns."<sup>3</sup> To review the pertinent part of Mr. Dempster's Third Affidavit, refer to Exhibit 10, page 3, response 14.

16. In an affidavit dated March 30, 2021, (Fourth Affidavit) Mr. Dempster asserted that he described the political advertisement at issue to Respondent and Mr. Joseph, and that they were both aware that their photographs would be included on the political advertisement Mr. Dempster was creating. Mr. Dempster did not recall whether either of the other two candidates saw a sample copy of the advertisement before printing or distribution, and he did not recall any specific input or recommendations from either of the other two candidates relative to the advertisement. To review the pertinent parts of Mr. Dempster's Fourth Affidavit, refer to Exhibit 11, pages 1-4, responses 5, 8-9, and 17-22.

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<sup>1</sup> During the course of the investigation, Mr. Dempster submitted four affidavits responding to and/or clarifying his responses to questions. To facilitate review of Mr. Dempster's testimony, all four affidavits are being provided here as Exhibits 8-11.

<sup>2</sup> Mr. Dempster asserted that he no longer has records regarding the transaction.

<sup>3</sup> In his Second Affidavit, Mr. Dempster affirmed that the political advertisement at issue was not sponsored by an affiliated party committee or political party. To review the pertinent part of Mr. Dempster's Second Affidavit, refer to Exhibit 9, page 4, response 23.

17. In an email dated October 24, 2018, Respondent stated that his campaign was not responsible for, did not pay for, design, or print the advertisement at issue. In affidavit dated November 9, 2020, Respondent acknowledged that he discussed the advertisement at issue with Mr. Dempster and Mr. Joseph prior to its publication, but he asserted that he decided not to proceed with printing any materials. Respondent explained that he did not, "...follow up or through with the advertisement in question," and that, "...conversations fell through," so he did not disclose an in-kind contribution or expenditure for it. He asserted that his campaign did not print the advertisement at issue. "I did not decide to proceed with printing of this material. I did not contract with a printer for production of said material. I did not control the process. Although there was discussion initially that if I did print the material I would add my own disclaimer; this conversation did not come to fruition on my part." To review Respondent's email, refer to Exhibit 13. To review Respondent's affidavit, refer to Exhibit 3.

18. In an interview on April 16, 2021, Respondent acknowledged that he met with Mr. Dempster and Mr. Joseph, discussed production of the advertisement, and provided his photograph to be included in the advertisement. To review the pertinent part of the investigation phone log, refer to Exhibit 14, pages 5-6, interview 16.

19. Mr. Joseph was sent an affidavit regarding the issue, but he did not return it. However, in an email dated October 26, 2018, Mr. Joseph stated that the advertisement at issue was produced by Mr. Dempster and asserted that his campaign did not pay for or distribute it. Mr. Joseph reiterated that during three telephone interviews. In an interview on April 22, 2019, Mr. Joseph stated that anyone could use his image or logo and produce an advertisement without his approval because they are available online. In another interview on the same date, Mr. Joseph reiterated that others have obtained his image for their use. In a third interview on May 26, 2021, Mr. Joseph stated that he did not create or pay for the advertisement and again indicated that anyone could create an advertisement and include his picture. To review Mr. Joseph's email, refer to Exhibit 15. To review the pertinent parts of the investigative phone log, refer to Exhibit 14, pages 2-3, and 6-7, interviews 5, 6, and 17.

### **III. Alleged Violation of Section 106.143(1), Florida Statutes:**

20. I investigated whether Respondent violated this section of the election laws by failing to include the proper disclaimer on the advertisement at issue.

21. The disclaimer on the advertisement states, "PAID BY ROBERT DEMPSTER FOR MAYOR." To review the advertisement, refer to Exhibit 6.

22. In Mr. Dempster's First Affidavit, he was asked to describe the procedures in place to ensure his campaign's political advertisements contained correct disclaimers. Mr. Dempster asserted that he and his campaign treasurer approved all advertisements and worked exclusively with experienced political printers. He attested that all print advertisements were printed by Progressive Rags, which was owned by the late Jack Lieberman, who was their sole point of contact with the company. Mr. Dempster affirmed that all print advertisements were distributed directly by the campaign and no other vendors were involved in publishing. To review the pertinent parts of Mr. Dempster's First Affidavit, refer to Exhibit 8, pages 3-4, responses 19 and 21.

23. In Mr. Dempster's Third Affidavit, he was asked to describe and identify his process for determining what was to be included in a political advertisement disclaimer. Mr. Dempster stated that he did not recall a process but asserted that he used the disclaimer that he and his campaign manager, "...believed to be appropriate." Mr. Dempster attested that he did not recall any guidance from Progressive Rags and/or Mr. Lieberman about the advertisement except that Progressive Rags provided the "union bug" portion on one side. To review the pertinent parts of Mr. Dempster's Third Affidavit, refer to Exhibit 10, pages 1-2, responses 4 and 8.

24. In Mr. Dempster's Fourth Affidavit, he attested that he created the disclaimer on the political advertisement at issue. He reiterated that Progressive Rags added the "union bug" indicating it was printed by a unionized print shop but, "We provided the rest of the document as-is." To review the pertinent parts of Mr. Dempster's Fourth Affidavit, refer to Exhibit 11, page 2, responses 11 and 13.

25. In Mr. Dempster's Third Affidavit, he declared his belief that the expenditure for the political advertisement at issue was disclosed at sequence item number 7 on his 2018 M8 report, which covered the period from August 1-31, 2018. The expenditure was in the amount of \$1,401.70 and was made on August 13, 2018, to Progressive Rags for "Literature."<sup>4</sup> To review the pertinent part of Mr. Dempster's Third Affidavit, refer to Exhibit 10, pages 2-3, response 10. To review Mr. Dempster's 2018 M8 report, refer to Exhibit 12.

26. He also affirmed that Respondent and Mr. Joseph did not share the costs, reimburse Mr. Dempster's campaign, or provide anything of value to off-set the \$1,401.70 cost of producing the political advertisement. To review pertinent part of Mr. Dempster's Third Affidavit, refer to Exhibit 10, page 3, responses 12 and 13.

27. Further, Mr. Dempster declared that he discussed with both Respondent and Michael Joseph that his campaign wanted to produce the political advertisement at issue shortly before he printed it, though he did not recall any discussions with them regarding costs, payments, or disclaimers. Mr. Dempster asserted that the photographs of Respondent and Mr. Joseph were provided by Respondent and Mr. Joseph. To review the pertinent parts of Mr. Dempster's Third Affidavit, refer to Exhibit 10, pages 1-3, responses 6 and 11.

28. In his Fourth Affidavit, Mr. Dempster asserted that he described the political advertisement at issue to Respondent and Mr. Joseph, and that they were both aware that their photographs would be included on the political advertisement Mr. Dempster was creating. Mr. Dempster did not recall whether either of the other two candidates saw a sample copy of the advertisement before printing or distribution, and he did not recall any specific input or recommendations from either of the other two candidates relative to the advertisement. To review the pertinent parts of Mr. Dempster's Fourth Affidavit, refer to Exhibit 11, pages 1-4, responses 5, 8-9, and 17-22.

29. In an email dated October 24, 2018, Respondent stated that his campaign was not responsible for, did not pay for, design, or print the advertisement at issue. In affidavit dated November 9, 2020, Respondent acknowledged that he discussed the advertisement at issue with

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<sup>4</sup> Mr. Dempster asserted that he no longer has records regarding the transaction.

Mr. Dempster and Mr. Joseph prior to its publication, but he asserted that he decided not to proceed with printing any materials. Respondent explained that he did not, "...follow up or through with the advertisement in question," and that, "...conversations fell through," so he did not disclose an in-kind contribution or expenditure for it. He asserted that his campaign did not print the advertisement at issue. "I did not decide to proceed with printing of this material. I did not contract with a printer for production of said material. I did not control the process. Although there was discussion initially that if I did print the material I would add my own disclaimer; this conversation did not come to fruition on my part." Mr. Fleurimond stressed that, "Any items that were printed by me had the proper disclaimer. I made sure that the printer included disclaimer in all materials authorized and paid for by my campaign." To review Respondent's email, refer to Exhibit 13. To review Respondent's affidavit, refer to Exhibit 3.

30. In an interview on April 16, 2021, Respondent acknowledged that he met with Mr. Dempster and Mr. Joseph, discussed production of the advertisement, and provided his photograph to be included in the advertisement. To review the pertinent part of the investigation phone log, refer to Exhibit 14, pages 5-6, interview 16.

31. Mr. Joseph was sent an affidavit regarding the issue, but he did not return it. However, in an email dated October 26, 2018, Mr. Joseph stated that the advertisement at issue was produced by Mr. Dempster and asserted that his campaign did not pay for or distribute it. Mr. Joseph reiterated this during three telephone interviews. In an interview on April 22, 2019, Mr. Joseph stated that anyone could use his image or logo and produce an advertisement without his approval because they are available online. In another interview on the same date, Mr. Joseph reiterated that others have obtained his image for their use. In a third interview on May 26, 2021, Mr. Joseph stated that he did not create or pay for the flyer and again indicated that anyone could create a flyer and include his picture. To review Mr. Joseph's email, refer to Exhibit 15. To review the pertinent parts of the investigative phone log, refer to Exhibit 14, pages 2-3 and 6-7, interviews 5, 6, and 17.

Respectfully submitted on January 11, 2022.

*Helen Hinson*

Helen Hinson  
Investigation Specialist



**FLORIDA ELECTIONS COMMISSION**  
**REPORT OF INVESTIGATION**  
**McKenzie Fleurimond -- FEC 18-325**

<b>LIST OF EXHIBITS</b>	
<b>Exhibits #s</b>	<b>Description of Exhibits</b>
Exhibit 1	Respondent's 2018 Statement of Candidate
Exhibit 2	Respondent's 2018 DS-DE 9
Exhibit 3	Respondent's Affidavit of Background Information ("Affidavit")
Exhibit 4	Andrise Bernard's Affidavit (North Miami Beach City Clerk)
Exhibit 5	Filing Officer's letter and Contents of the <i>2018 Municipal Election Candidate Handbook</i>
Exhibit 6	Political Advertisement
Exhibit 7	Respondent's 2018 M8 report
Exhibit 8	Robert Dempster's Affidavit dated November 16, 2020
Exhibit 9	Robert Dempster's Affidavit dated January 15, 2021
Exhibit 10	Robert Dempster's Affidavit dated February 11, 2021
Exhibit 11	Robert Dempster's Affidavit dated March 30, 2021
Exhibit 12	Robert Dempster's 2018 M8 report
Exhibit 13	Respondent's email
Exhibit 14	Phone Log
Exhibit 15	Mr. Joseph's email

**STATEMENT OF  
CANDIDATE**

**(Section 106.023, F.S.)**

(Please print or type)

OFFICE USE ONLY

RECEIVED

2018 AUG 22 PM 1:42

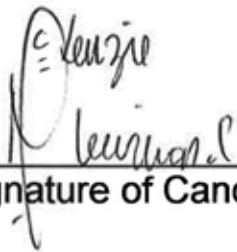
CRMB CITY CLERK'S OFFICE

I, McKenzie Fleurimond,

candidate for the office of City of North Miami Beach Commissioner Group 5;

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

X

  
\_\_\_\_\_  
Signature of Candidate

08/22/2018

\_\_\_\_\_  
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).

RECEIVED

2018 AUG 22 PM 1:42

DNMB CITY CLERK'S OFFICE

**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.

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)

McKenzie Fleurimond

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

15221 NE 11th Court  
North Miami Beach FL, 33162

4. Telephone

( 786 ) 712-4216

5. E-mail address

Mcfleurimond@gmail.com

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

North Miami Beach  
City Commissioner Group 5

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

McKenzie Fleurimond

11. Mailing Address

15221 NE 11th Court

12. Telephone

( 786)712-4216

13. City

North Miami Beach

14. County

Miami Dade

15. State

FL

16. Zip Code

33162

17. E-mail address

Mcfleurimond@gmail.com

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

19. Name of Bank

Wells Fargo Bank

20. Address

14731 Biscayne Boulevard

21. City

North Miami Beach

22. County

Miami Dade

23. State

FL

24. Zip Code

33181

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

08/22/2018

26. Signature of Candidate

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

McKenzie Fleurimond

I, \_\_\_\_\_, do hereby accept the appointment

(Please Print or Type Name)

designated above as:

Campaign Treasurer

Deputy Treasurer.

08/22/2018

Date

Signature of Campaign Treasurer or Deputy Treasurer

**AFFIDAVIT OF BACKGROUND INFORMATION**  
**Case Number: FEC 18-325**

**STATE OF FLORIDA**  
**County of Miami-Dade**

**McKenzie Fleurimond, being duly sworn, says:**

- 1. This affidavit is made upon my personal knowledge.
- 2. I am of legal age and competent to testify to the matters stated herein. I am currently employed by Self Employed as Insurance Agent.

My contact number(s), and address are as follows: \_\_\_\_\_  
16651 NE 18th Avenue Apartment 88 North Miami Beach FL 33162

- 3. Have you ever run for public office? If so, please name the office(s) you ran for; the date(s) of the election(s) you ran in; and the outcome(s) of the election(s); also, include any races from which you withdrew as a candidate noting if you withdrew before or after qualifying.  
Prior to the election in question I ran for office in 2011 for city council. I did not win. I successfully ran for city commission in 2018 and re-elected in 2020.

- 4. Have you ever been appointed to act as a campaign treasurer and/or deputy treasurer for a candidate? If so, please name the candidate(s) you served as treasurer/deputy treasurer including your candidacy; the office(s) the candidate ran for; and the dates of the election(s).  
I have served as deputy treasurer for my 2011, 2018 and 2020 campaigns.

- 5. Have you ever held the office of chairperson or campaign treasurer (or deputy treasurer) for a political committee? If so, please list the name(s) and address(es) of the committees, the position you held, dates you held the position(s) and the filing officer having jurisdiction over the committee(s).  
No.

- 6. What action have you taken to determine your responsibilities as a candidate under Florida's election laws? (Please explain what you did to determine what was required of you as a 2018 candidate under Florida's election laws, such as the following: contact your local filing officer; contact the County Supervisor of Elections (SOE); contact the Division of Elections;

contact an attorney; review documents provided by the filing officer; review documents available on the SOE's website; review documents on the Department of State, Division of Elections' website, etc.)

I contacted by city clerk and took a course. I also read the candidate hand book.

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7. Please explain if you sought guidance from anyone (supervisor of elections, Division of Elections, an attorney, etc.) prior to publishing and distributing the political advertisement at issue. If so, please include in your explanation the following: when you sought guidance; from whom you sought guidance; and the specific guidance they provided concerning Florida's election laws. I did not seek specific guidance on this issue.

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8. Do you possess a copy of Chapter 106, *Florida Statutes*?  Yes  No

9. If so, when did you obtain it? During qualifying included in packet from city clerk

10. Have you read Chapter 106, *Florida Statutes*?  Yes  No

11. Do you possess a copy of the *Candidate & Campaign Treasurer Handbook*?  Yes  No

12. If so, when did you obtain it? During qualifying

13. Have you read the *Candidate & Campaign Treasurer Handbook*?  Yes  No

14. Do you possess a copy of Chapter 104, *Florida Statutes*?  Yes  No

15. If so, when did you obtain it? During qualifying

16. Have you read Chapter 104, *Florida Statutes*?  Yes  No

17. Please describe any discussions or correspondence you had with the filing officer or a member of her/his staff during your 2018 campaign, and include the date(s) of the contact(s); identify the subject matter, and reason for the contact(s).

I dont recall specific discussions. I received email with hand book and reference links to relevant statutes.

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18. The questions that follow relate to the allegations made by Complainant and the sections of law being investigated by staff of the Florida Elections Commission. **Section 106.143(1), Florida Statutes:** Respondent, a 2018 candidate for the North Miami Beach City Commission, Group 5, may have paid for and distributed political advertisements that contained express advocacy but did not include a proper disclaimer. **Section 106.07(5), Florida Statutes:** Respondent, a 2018 candidate for the North Miami Beach City Commission, Group 5, may have filed one or more campaign treasurer reports that were either incorrect or incomplete, as alleged in the complaint. **Section 106.19(1)(b), Florida Statutes** Respondent, a 2018 candidate for the North Miami Beach City Commission, Group 5, may have failed to report one or more contributions required to be reported by Chapter 106, Florida Statutes, as alleged in the complaint. **Section 106.19(1)(c), Florida Statutes:** Respondent, a 2018 candidate for the North Miami Beach City Commission, Group 5, may have falsely reported or deliberately failed to include information in one or more campaign reports required by Chapter 106, Florida Statutes, as alleged in the complaint.

19. Please identify and describe your **2018** municipal campaign procedures that were in place to ensure that your political advertisement(s) included a correct disclaimer.

Any items that were printed by me had the proper disclaimer. I made sure that the printer

included disclaimer in all materials authorized and paid for by my campaign.

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20. Please explain if you had any discussions with the other 2018 NMB candidates depicted with you in the political advertisement(s)—Robert Dempster and/or Michael Joseph—prior to publication of the political advertisement(s).

I had discussions prior but decided not to proceed with printing any materials. My understanding

was that if I did print materials, I would include my disclaimer.

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21. Please identify the vendor (include business name, contact person, email & mailing address, and phone number) who published the political advertisement(s) at issue.

I am not sure what vendor printed the materials in questions as I did not secure any vendor

to print the material in question.

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22. Please identify the campaign treasurer's report(s) where you disclosed a campaign expenditure or in-kind contribution for the political advertisement(s) at issue.

I did not disclose an in kind contribution nor did I disclose an expenditure due to the fact that I

did not follow up or through with the advertisement in question. I did not conclude the need to do so after conversations fell through and I printed my own flyers. The disclaimer is on all

of my individual materials.

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23. Please explain if a political party, a political party executive committee, political-party-affiliated group, or People's Progressive Caucus of Miami-Dade sponsored the political advertisement(s) at issue.

I am not aware of this being the case. I doubt it.

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24. Please identify and explain who organized and who advertised the event for the North Miami Beach Joint Campaign Kickoff event on or about September 9, 2018. Robert Dempster, Michael Joseph and you appeared in advertisement(s) for the event.

I do not recall.

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25. Please identify and explain whether Robert Dempster, Michael Joseph and/or you attended the NMB Joint Campaign Kickoff event on or about September 9, 2018.

I believe our respective teams intended to canvass a neighborhood together. Due to rainy weather

this event was cut short. I am not certain if this is the date you are referencing.

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26. Please identify who was responsible for organizing and advertising the NMB Joint Campaign Kickoff event where you, Robert Dempster and Michael Joseph were pictured in advertisement(s).

I do not recall who took the lead on the event in question. As stated earlier our respective teams met at a park

and due to the weather we were unable to canvass.

27. Please provide any additional comments you wish to make in the space below.

The advertisement in question was not printed by my campaign. I did not decide to

proceed with printing of this material. I did not contract with a printer for production of said material.

I did not control the process. Although there was discussion initially that if I did print the material I

would add my own disclaimer; this conversation did not come to fruition on my part.

**I HEREBY SWEAR OR AFFIRM THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.**

**[THIS SPACE INTENTIONALLY LEFT BLANK]**



*Mckenzie Fleurimond*

Signature of Affiant

*mckenzie fleurimond*

Type or print full name of Affiant in space above as it appears on his I.D.

Sworn to (or affirmed) and subscribed before me this 9<sup>th</sup> day of November, 2020.

*Charles A. Beaulieu*

Signature of Notary Public - State of Florida

Print, Type, or Stamp Commissioned Name of Notary Public



CHARLES A BEAULIEU  
Commission # GG 233448  
Expires October 28, 2022  
Bonded Through Budget Notary Services

Personally Known \_\_\_\_\_ or Produced Identification

Type of Identification Produced: Florida Driver License

Case Investigator: HH

**AFFIDAVIT OF FILING OFFICER**  
**Case Number: FEC 18-325**

**STATE OF FLORIDA**  
**County of Miami-Dade**

**Andrise Bernard, being duly sworn, says:**

1. This affidavit is made upon my personal knowledge.
2. I am of legal age and competent to testify to the matters stated herein. I am currently employed by City of North Miami Beach as City Clerk.
3. Please identify the position(s) you held and the dates you held the position(s) prior to being named City Clerk.

Administrative Assistant III  
Assistant City Clerk  
City Clerk

4. Please provide the date you were appointed as the City Clerk for North Miami Beach.

June 19, 2019

5. Please provide copies of the listed items from the following **2018** candidate's campaign file: **McKenzie Fleurimond**.

Check	ITEM
✓	The Statement of Candidate form for the <b>2018</b> election campaign.
✓	Appointments of Treasurers and Designation of Campaign Depository form (Form DS-DE 9) for the <b>2018</b> election campaign.
✓	Campaign treasurer's reports, waivers, and amendments for the <b>2018</b> election campaign.
	Addendum requests and proof of compliance for the <b>2018</b> election campaign.
	Calendar of Reporting Dates for the <b>2018</b> election campaign.
	The candidate's and campaign treasurers' acknowledgment whereby candidates and treasurers declare, under penalties of perjury, electronically filing a CTR is same as signing the report under oath, and to have certified the correctness of the report in accordance with sections 106.07(5) or 106.29(2), Florida Statutes, as applicable; such as an Application and Acknowledgement of Electronic Filing Information form (if applicable).

✓	Form(s) for all campaigns whereby candidate acknowledges receipt of instructions and/or campaign materials.
✓	All checks issued by the candidate's campaign to your office (qualifying fee, maps, etc.). Please do <u>not</u> redact the bank routing and account numbers.

6. Please check each item provided to the candidate and list the date that the candidate was provided the item.

Check	ITEM	DATE
	<i>A Compilation of The Election Laws of the State of Florida</i>	
✓	Chapter 104, <i>Florida Statutes</i>	
✓	Chapter 106, <i>Florida Statutes</i>	
	Political ad and disclaimer supplement	
	<i>Candidate &amp; Campaign Treasurer Handbook</i> . Please provide revision date of publication. _____	
	Other: <sup>1</sup>	

7. Relative to Chapter 106, *Florida Statutes*, and the *Candidate & Campaign Treasurer Handbook*, please indicate how these publications are provided to the candidate.

✓ A candidate packet, or similar material, is given to the candidate. The candidate packet includes links to the Division of Elections' website, or our website, where these documents are available for review.

Publications are provided on a CD or thumb/flash drive that is given to the candidate.

Other, please explain. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

<sup>1</sup> Any local publications relative to the Election laws that may have been provided by your office in lieu of the *Candidate & Campaign Treasurer Handbook* published by the Division of Elections. If your office published the item(s), please send a copy of the item(s) with the affidavit.

ab

8. Did this office<sup>2</sup> offer any candidate workshops, campaign skills or training seminars prior to the 2018 election?  Yes or  No. If yes, please list all workshops/training seminars that were attended by the candidate, along with the date of attendance. If a staff member attended for the candidate, list his/her name and position. If available, please attach a copy of any attendance sheets from the workshops/training seminars and if available, please provide a copy of the syllabus and outline or PowerPoint presentation for the workshops/seminars.

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9. Does this office have any record of **McKenzie Fleurimond** having sought elective office within your jurisdiction prior to the 2018 election campaign?  Yes or  No. If yes, please list the previous office(s) he/she ran for, the date(s) of the election(s), and the result(s) of the election(s). If the candidate withdrew her/his candidacy for election, please indicate if the withdrawal was before or after qualifying.

Ran in May 2011 - this candidate did not  
withdraw Candidate did not win this election

10. Does your office have any record of **McKenzie Fleurimond** having been named as a chairperson or campaign treasurer of a political committee (PC or PAC) or electioneering communications organization (ECO) within your jurisdiction?  Yes or  No. If yes, please list the name(s) of the committees.

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11. Did you or any member of the City Clerk's staff have any conversations with **McKenzie Fleurimond** concerning provisions of Chapter 106, Florida Statutes, relative to **campaign advertisements, political ad disclaimers** and/or the **reporting of campaign contributions and expenditures**, at any time during the 2018 campaign?  Yes or  No. If yes, please indicate whether the conversation was in person, in writing, or by telephone and the subject matter of the conversation. If applicable, please provide copies of records documenting the discussion.

Not to my knowledge - I was not the clerk  
at this election period

**I SWEAR OR AFFIRM THAT THE INFORMATION CONTAINED IN THIS DOCUMENT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.**

<sup>2</sup> If your County elections or ethics office offered candidate workshops/campaign skills or training seminars, please identify the office providing the workshops/seminars and provide copies of any notices that were sent to candidates within your jurisdiction.

**Signature of Affiant**

ANDRISE BERNARD

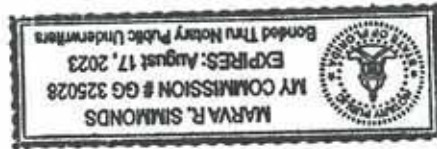
Print or type full name of Affiant on the line above.

Sworn to (or affirmed) and subscribed before me this 14 day of

JUNE, 2020- 2021

[Signature]  
Signature of Notary Public - State of Florida

Print, Type, or Stamp Commissioned Name of Notary Public



Personally Known  or Produced Identification

Type of Identification Produced: \_\_\_\_\_

Case investigator: HH



# 2018 MUNICIPAL ELECTION CANDIDATE HANDBOOK

Provided by the Office of the City Clerk  
North Miami Beach, FL.

Pamela L. Latimore, MMC, City Clerk



August 2018

Dear Candidate:

Thank you for your interest in becoming a candidate for the City of North Miami Beach Council.

Enclosed please find information about the November 6, 2018 City of North Miami Beach General Election.

This packet is provided for your information and is intended to assist you in the election process. In this document you will find important information for the filing of Campaign Treasurers Reports, common reporting forms, qualifying documents and pertinent election information. This information will be available on the City of North Miami Beach website at [www.citynmb.com](http://www.citynmb.com) - **click on "Elections"**.

While we attempt to provide accurate information; you are legally responsible to ensure that your actions comply with applicable laws and regulations.

We encourage you to familiarize yourself with all the election laws and requirements and if you feel this office can be of further assistance to you, please contact us at 305-787-6001 or via email at Pamela.Latimore@citynmb.com

Sincerely,

Pamela L. Latimore, MMC, City Clerk

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## North Miami Beach Election Information

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## Dates to Remember

Absentee Ballot Request Form

Poll Watcher Information

## Florida Election Laws

2018 Chapter 99 Candidates

2018 Chapter 105 Nonpartisan Elections

2018 Chapter 106 Campaign Financing

2018 Candidate and Campaign Treasurer Handbook

Penalties for Violations of the Florida Election Code

Florida Commission on Ethics

Miami-Dade County Commission on Ethics and  
Public Trust

Miami-Dade Supervisor of Elections Documents





North Miami Beach  
2018 Candidate Handbook

## General Information

A General Election will be held on **Tuesday, November 6, 2018**. The members of the City Commission shall be elected from groups numbered 2, 4, and 6 for Four(4) year terms and 1, 5, and 7 for Two (2) year terms. The groups shall be elected citywide by the qualified electors of the City of North Miami Beach.

Commencing with the 2015 election and at each general election each four (4) years thereafter, the members of the City Commission running groups 1, 3, 5 and 7 shall be elected for four (4) year terms. Commencing with this election, the members of the City Council running groups 2, 4, and 6 shall be elected for four (4) year terms. The annual salary for the Mayor is \$3,600.06, and the annual salary for each Council Member is \$3,000.19.

Each candidate must be a qualified elector of the City of North Miami Beach at the time of filing for the position; not have been convicted in this or any other State of any offense involving moral turpitude within the preceding five (5) years; not have been adjudicated insane or incompetent by a court of competent jurisdiction with adjudication stands unrevoked; and be a bona fide resident of the City of North Miami Beach for one year prior to qualifying, and express an intent to remain permanently a bona fide resident of the City the entire term of office for which she or he is a candidate.

### **How to Begin Your Campaign:**

- Read all of the enclosed materials; and
- Appoint a Campaign Treasurer who must be a registered voter of the State of Florida. You may appoint Deputy Treasurers at any time. Note: A candidate may be her/his own Treasurer or Deputy Treasurer; and
- Complete Form DS-DE9 "Appointment of Campaign Treasurer and Designation of Campaign Depository: and return the original form to the Clerk's Office at 17011 N.E. 19<sup>th</sup> Avenue, North Miami Beach, FL 33162; and
- Open a campaign account at a bank authorized to do business in the State of Florida. This account must be separate from any personal or business accounts. The bank should provide you with deposit slips and checks indicating it is a campaign account; and
-

- Complete Form DS-DE 84 “Statement of Candidate” and return the original form to the Clerk’s Office at 17011 N.E. 19<sup>th</sup> Avenue, North Miami Beach, FL 33162 within ten (10) days. Upon filing of this form, the candidate may begin to collect and spend monies for the campaign.



## North Miami Beach 2018 Candidate Handbook

### Qualifying Information

**Candidates may file their paperwork anytime from the start of qualifying on Monday, August 20<sup>th</sup> through August 24<sup>th</sup> from 8:00 a.m. to 5:00 p.m. and on August 25<sup>th</sup> from 8:00 a.m. to 12 Noon.**

The following will be necessary for the filing of a candidacy:

- Form DS-DE9 “Appointment of Campaign Treasurer and Designation of Campaign Depository” - **if not already filed.**
- Form DS-DE 84 “Statement of Candidate” - **if not already filed.**
- Qualifying Fee: *(Must be payable to the City of NMB from a campaign account.)*

Commission Seat (2-7) \$150.00

Mayor’s Seat (1) \$180.00

- Loyalty Oath (Sections 876.05-876.10, 99.012, Florida Statutes)/Oath of Candidate (Section 99.021, Florida Statute)
- Fingerprinting and photos at the North Miami Beach Police Department - Ordinance 2010-27.
- Form 1, Statement of Financial Interests 2017
- Affidavit of Candidate Residency Requirement

- Proof of Residency (one year prior to qualifying) FPL, Mortgage Deed, Lease, etc.
- Voter’s Registration Card
- Miami Dade County Voluntary Statement of Fair Campaign Practices. (Optional)



## North Miami Beach 2018 Candidate Handbook

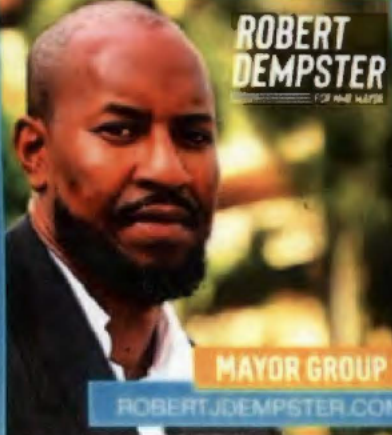
### Treasurer’s Reports

Florida’s campaign finance laws require candidates to file periodic reports of their campaign financial activities. All reports must be original, postmarked no later than the specified deadline and hand-delivered or mailed to the City Clerk. The following is a schedule for the 2018 Municipal Election:

Form	Reporting Period	Code	Due Date
DS-DE 12 (Summary), DS-DE 13 (Contributions) and DS-DE 14 (Expenditures) or DS-DE 87 (Waiver)	09/01/18 TO 09/14/18	G1	09/21/18
DS-DE 12 (Summary), DS-DE 13 (Contributions) and DS-DE 14 (Expenditures)	09/15/18 TO /09/28/18	G2	10/05/18

# NORTH MIAMI BEACH CANDIDATES

#BUILDINGABETTERNMB



**ROBERT  
DEMPSTER**  
FOR MAYOR

**MAYOR GROUP 1**

ROBERTJDEMPSTER.COM



**McKENZIE  
FLEURIMOND**  
FOR NMB CITY COMMISSIONER

**COMMISSION GROUP 5**

MCKENZIEFLEURIMOND.COM



**MICHAEL  
JOSEPH**  
City of NMB Commissioner 7

**COMMISSION GROUP 7**

VOTEMICHAELJOSEPH.COM

## WE BELIEVE IN A NORTH MIAMI BEACH THAT WORKS FOR ALL

**VOTE ON NOVEMBER 6 TO HELP BUILD A BETTER NMB TOGETHER**

**COMMUNITY POLICING:** We believe law enforcement officers should be a part of the communities they protect. We will encourage training & hiring officers from NMB and then assigning officers to their own neighborhoods. We will expand community programs to ensure that residents know and can trust their local police officers.

**ETHICAL GOVERNMENT:** We will pass expanded ethics ordinances and guarantee strong transparency in government in order to ensure that the City Commission works for the residents, and not for businesses or vendors.

**GREEN SPACES:** We will protect & expand our parks and other public green spaces. All residents should have access to the joy of outdoor activity provided by parks.

**BRINGING JOBS TO NMB:** NMB residents should be able to work in NMB if they so choose. We will encourage revitalizing unused commercial spaces with local small businesses, incentivize hiring from the community, and help NMB residents to start their own businesses.

**CONSCIOUS GROWTH:** We believe in development that is sensitive to the needs of residents and to the environmental health of North Miami Beach. We want to encourage commercial & residential development, but never at the cost of the quality of life of those citizens already living here.

#WEARENMB

PAID BY ROBERT DEMPSTER FOR MAYOR

## CAMPAIGN TREASURER'S REPORT SUMMARY

RECEIVED

**OFFICE USE ONLY**  
 2018 SEP 10 PM 4:41  
 CNMB CITY CLERK'S OFFICE

(1) McKenzie Fleurimond  
 Name  
 (2) 15221 NE 11th Court  
 Address (number and street)  
North Miami Beach, FL 33162  
 City, State, Zip Code

Check here if address has changed

(3) ID Number: \_\_\_\_\_

(4) Check appropriate box(es):

- Candidate Office Sought: City Commissioner Group 5
- Political Committee (PC)
- Electioneering Communications Org. (ECO)  Check here if PC or ECO has disbanded
- Party Executive Committee (PTY)  Check here if PTY has disbanded
- Independent Expenditure (IE) (also covers an individual making electioneering communications)  Check here if no other IE or EC reports will be filed

### (5) Report Identifiers

Cover Period: From 08 / 01 / 2018 To 08 / 31 / 2018 Report Type: \_\_\_\_\_

- Original  Amendment  Special Election Report

**(6) Contributions This Report**

Cash & Checks \$ \_\_\_\_\_ , \_\_\_\_\_ , 300 .00

Loans \$ \_\_\_\_\_ , \_\_\_\_\_ , 150 .00

Total Monetary \$ \_\_\_\_\_ , \_\_\_\_\_ , 450 .00

In-Kind \$ \_\_\_\_\_ , \_\_\_\_\_ , \_\_\_\_\_ . \_\_\_\_\_

**(7) Expenditures This Report**

Monetary Expenditures \$ \_\_\_\_\_ , \_\_\_\_\_ , 226 .31

Transfers to Office Account \$ \_\_\_\_\_ , \_\_\_\_\_ , \_\_\_\_\_ . \_\_\_\_\_

Total Monetary \$ \_\_\_\_\_ , \_\_\_\_\_ , \_\_\_\_\_ . \_\_\_\_\_

**(8) Other Distributions**

\$ \_\_\_\_\_ , \_\_\_\_\_ , \_\_\_\_\_ . \_\_\_\_\_

**(9) TOTAL Monetary Contributions To Date**

\$ \_\_\_\_\_ , \_\_\_\_\_ , 450 .00

**(10) TOTAL Monetary Expenditures To Date**

\$ \_\_\_\_\_ , \_\_\_\_\_ , 226 .31

### (11) Certification

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

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

(Type name) McKenzie Fleurimond

Individual (only for IE or electioneering comm.)  Treasurer  Deputy Treasurer

**X** \_\_\_\_\_  
 Signature

(Type name) McKenzie Fleurimond

Candidate  Chairperson (only for PC and PTY)

**X** \_\_\_\_\_  
 Signature

## CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES

(1) Name McKenzie Fleurimond

(2) I.D. Number \_\_\_\_\_

(3) Cover Period 08 / 01 / 2018 through 08 / 31 / 2018

(4) Page 1 of 1

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
(6) Sequence Number					
08 / 24 / 18 1	City of North Miami Beach 17011 NE 19th Avenue North Miami Beach FL 33162	Qualifying Fee	Mon		150.00
08 / 24 / 18 2	Square Inc 1455 Market Street Suite 600 San Fransisco, CA 94103	Service Charge	Mon		1.50
08 / 27 / 18 3	Wal Mart Super Center 1425 NE 163rd Street North Miami Beach FL 33162	Campaign Materials	Mon		3.07
08 / 28 / 18 4	Macillion Grio Restaurant 1026 N Miami Beach Blvd North Miami Beach FL 33162	Food for campaign workers	Mon		38.00
08 / 31 / 18 5	Groupon.com 600 West Chicago Avenue Chicago IL 60654	Candidate Pictures	Mon		29.99
08 / 31 / 18 6	Miami Parking Authority 40 NW 3rd St Miami FL 33128	Campaign Meeting Parking	Mon		3.75

RECEIVED  
 2018 SEP 10 4:41  
 EXHIBIT 7 (PAGE 2 OF 3)

## CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

(1) Name McKenzie Fleurimond (2) I.D. Number \_\_\_\_\_

(3) Cover Period 08 / 01 / 2018 through 08 / 31 / 2018 (4) Page 1 of 1

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor		(9) Contribution	(10) In-kind	(11)	(12)
(6) Sequence Number		Type	Occupation	Type	Description	Amendment	Amount
08 / 22 / 18 1	McKenzie Fleurimond 15221 NE 11th Court North Miami Beach, FL 33162	I	Ins. Agent	Loan			150.00
08 / 24 / 18 2	Lucvens Francois 99 NW 183rd Street Miami Gardens FL 33169	I	Salesman	Check			100.00
08 / 31 / 18 3	Allied Electrical Svcs 13899 Biscayne Blvd Suite 144 North Miami FL 33181	B	Electrician	Check			200.00
/ /							
/ /							
/ /							
/ /							

DS-DE 13 (Rev. 11/13)

SEE REVERSE FOR INSTRUCTIONS AND CODE VALUES

RECEIVED  
 2018 SEP 13 PM 4:41  
 CAMPAIGN TREASURER

AFFIDAVIT OF BACKGROUND INFORMATION

STATE OF FLORIDA  
County of Miami-Dade

Robert Dempster, being duly sworn, says:

1. This affidavit is made upon my personal knowledge.
2. I am of legal age and competent to testify to the matters stated herein. I am currently employed by N/A as N/A.  
My contact number, and address is:

786-838-0535, 17550 NE 5th Court, North Miami Beach, FL 33162.

3. Have you ever run for public office? If so, please name the office(s) you ran for; the date(s) of the election(s) you ran in; and the outcome(s) of the election(s); also, include any races from which you withdrew before or after qualifying.

I ran for Mayor of the City of North Miami Beach in 2016 (11/06/2016) and Miami Dade-County District Committeeman in 2020 (08/18/2020). I won the latter (I ran unopposed) and lost the former.

4. Have you ever been appointed to act as a campaign treasurer and/or deputy treasurer for a candidate? If so, please name the candidate(s) you served as treasurer/deputy treasurer including your candidacy: the office(s) the candidate ran for; and the dates of the election(s)

I have not ever been appointed to act as a campaign treasurer for a candidate.

5. Have you ever held the office of chairperson or campaign treasurer (or deputy treasurer) for a political committee? If so, please list the name(s) and address(es) of the committees, the position you held, dates you held the position(s) and the filing officer having jurisdiction over the committee(s).

I have never held the office of chairperson or campaign treasurer (or deputy treasurer) for a political committee.

6. What action have you taken to determine your responsibilities as a candidate under Florida's election laws? (Please explain what you did to determine what was required of you as a 2018 candidate under Florida's election laws, such as the following: contact your local filing officer; contact the County Supervisor of Elections (SOE); contact the Division of Elections; contact an attorney; review documents provided by the filing



officer; review documents available on the SOE website; review documents on the Department of State, Division of Elections website, etc...

I reviewed Chapter 106, Florida Statutes; I reviewed the Campaign Treasurer's Handbook; I received general guidance from activists and professionals who work in elections.

7. Please explain if you sought guidance from anyone (supervisor of elections, Division of Elections, an attorney, etc.) prior to publishing and distributing the political advertisement at issue. If so, please include in your explanation the following: when you sought guidance; from whom you sought guidance; and the specific guidance they provided concerning Florida's election laws.

I do not recall seeking explicit guidance regarding any particular advertisement.

8. Do you possess a copy of Chapter 106, Florida Statutes?

NO

9. If so, when did you attain it?

N/A

10. Have you read Chapter 106, Florida Statutes?

YES

11. Do you possess a copy of the Candidate & Campaign Treasurer Handbook?

NO

12. If so, when did you obtain it?

N/A

13. Have you read the Candidate & Campaign Treasurer Handbook?

YES

14. Do you possess a copy of Chapter 104, Florida Statutes?

NO

15. If so, when did you obtain it?

N/A

16. Have you read Chapter 104, Florida Statutes?

I do not recall having read Chapter 104

17. Please describe any discussions or correspondence you had with the filing officer or a member of his/her staff during your 2018 campaign and include the date(s) of the contact(s).

We had multiple conversations with the North Miami Beach City Clerk. To my recollection, they were courteous small talk made when I submitted my Campaign Treasurer's Reports, as well as some conversations regarding campaign finance report calendars, and inquiries into other candidates' reports.

18.



19. Please identify and describe your 2018 municipal campaign procedures that were in place to ensure that your political advertisement(s) had a correct disclaimer.

All advertisements were approved by both me and my Treasurer, we worked exclusively with experienced political printers for print advertisements; we used Facebook (which has internal controls) for digital advertising.

20. Please explain if you had any discussions with the other 2018 NMB candidates depicted with you in the political advertisement(s)--McKenzie Fleurimond and/or Michael Joseph--prior to publication of the political advertisement(s).

I had multiple conversations with the candidates, in both private and public, generally regarding the best policies for the City and how to effectively communicate with voters.

21. Please identify the vendor (include business name, contact person, email & mailing address, and phone number) who published the political advertisement(s) at issue.

All print advertisements were printed by Progressive Rags, located at 2040 NE 163rd St. #210, North Miami Beach, Florida. Email address of progressiverags@gmail.com. Our contact person was Jack Lieberman, who has since died, and our phone contacts were to him personally. Print advertisements were all distributed directly by the campaign, with no other vendors involved in publishing. All digital advertisements were published on Facebook, 1 Hacker Way, Menlo Park, California. We had no particular point of contact, phone number, or email address.

22. Please identify the campaign treasurer's report(s) where you disclosed a campaign expenditure or in-kind contribution for the political advertisement(s) at issue.

I do not know what political advertisement is at issue. However, expenditures to our publishers are recorded on reports G1, G4, G5, G6, M8, and TR.

23. Please explain if a political party, a political party executive committee, People's Progressive Caucus of Miami-Dade or other political party-affiliated group sponsored the political advertisement at issue.

I have no knowledge of political advertisements sponsored by a political party, political party executive committee, People's Progressive Caucus of Miami-Dade or other political party-affiliated group.

24. Please identify and explain who organized and who advertised the event for the North Miami Beach Joint Campaign Kickoff event on or about September 9, 2018. McKenzie Fleurimond, Michael Joseph, and you appeared in advertisement(s) for the event.

The event was collaboratively organized between me, my campaign manager, McKenzie Fleurimond, and Michael Joseph. I am not aware of any advertisement(s) for this event.

25. Please identify and explain whether McKenzie Fleurimond or Michael Joseph attended the NMB Joint Campaign Kickoff event on or about September 9, 2018.

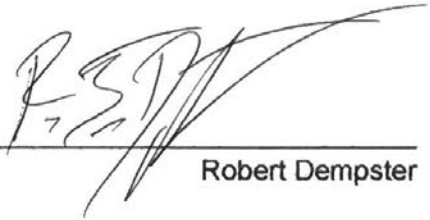
To my recollection, both McKenzie and Michael attended the event.

26. Please identify who was responsible for organizing and advertising the NMB Joint Campaign Kickoff event where you, McKenzie Fleurimond, and Michael Joseph were pictured in advertisement(s).

To my recollection, I, my campaign manager, McKenzie Fleurimond, and Michael Joseph jointly organized the event. I do not recall any advertising for the event.

27. Please provide any additional comments you wish to make in the space below.

I do not recall any advertisements for any event with Michael and McKenzie. We printed leaflets to give to the voters at doors that expressed our public alignment on matters of policy with both of them, but we paid for and disclosed any and all of those leaflets, and they all carried a proper political disclaimer.

  
Robert Dempster

BEFORE ME, the undersigned authority, this day personally appeared Robert Dempster and being by me first duly sworn, deposes and says that he has executed the foregoing Affidavit and that it is true and correct.

WITNESS my hand and official seal this 16th day of November 2020.

  
\_\_\_\_\_

My Commission Expires: 02/05/22

NOTARY PUBLIC  
STATE OF FLORIDA

\_\_\_\_ Personally known OR  
 Produced Identification  
Type of Identification Produced  
FL DL



Alain Cueto  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# GG183001  
Expires 2/5/2022

AFFIDAVIT OF BACKGROUND INFORMATION

STATE OF FLORIDA  
County of Miami-Dade

Robert Dempster, being duly sworn, says:

1. This affidavit is made upon my personal knowledge.
2. I am of legal age and competent to testify to the matters stated herein. I am currently employed by N/A as N/A.  
My contact number, and address is:

786-838-0535, 17550 NE 5th Court, North Miami Beach, FL 33162.

3. Have you ever run for public office? If so, please name the office(s) you ran for; the date(s) of the election(s) you ran in; and the outcome(s) of the election(s); also, include any races from which you withdrew before or after qualifying.

I ran for Mayor of the City of North Miami Beach in 2018 (11/06/2018) and Miami Dade-County District Committeeman in 2020 (08/18/2020). I won the latter (I ran unopposed) and lost the former.

4. Have you ever been appointed to act as a campaign treasurer and/or deputy treasurer for a candidate? If so, please name the candidate(s) you served as treasurer/deputy treasurer including your candidacy; the office(s) the candidate ran for; and the dates of the election(s).

I have not ever been appointed to act as a campaign treasurer or deputy treasurer for a candidate.

5. Have you ever held the office of chairperson or campaign treasurer (or deputy treasurer) for a political committee? If so, please list the name(s) and address(es) of the committees, the position you held, dates you held the position(s) and the filing officer having jurisdiction over the committee(s).

I have never held the office of chairperson or campaign treasurer (or deputy treasurer) for a political committee.

6. What action have you taken to determine your responsibilities as a candidate under Florida's election laws? (Please explain what you did to determine what was required of you as a 2018 candidate under Florida's election laws, such as the following: contact your local filing officer; contact the County Supervisor of Elections (SOE); contact the

Division of Elections; contact an attorney; review documents provided by the filing officer; review documents available on the SOE website; review documents on the Department of State, Division of Elections website, etc...

To my recollection, I reviewed Chapter 106, Florida Statutes, the Campaign Treasurer's Handbook and received general guidance from activists and professionals who work in elections.

7. Please explain if you sought guidance from anyone (supervisor of elections, Division of Elections, an attorney, etc.) prior to publishing and distributing the political advertisement at issue. If so, please include in your explanation the following: when you sought guidance; from whom you sought guidance; and the specific guidance they provided concerning Florida's election laws.

I do not recall seeking guidance regarding the political advertisement at issue.

8. Do you possess a copy of Chapter 106, Florida Statutes?

NO

9. If so, when did you attain it?

N/A

10. Have you read Chapter 106, Florida Statutes?

YES

11. Do you possess a copy of the Candidate & Campaign Treasurer Handbook?

NO

12. If so, when did you obtain it?

N/A

13. Have you read the Candidate & Campaign Treasurer Handbook?

YES

14. Do you possess a copy of Chapter 104, Florida Statutes?

NO

15. If so, when did you obtain it?

N/A

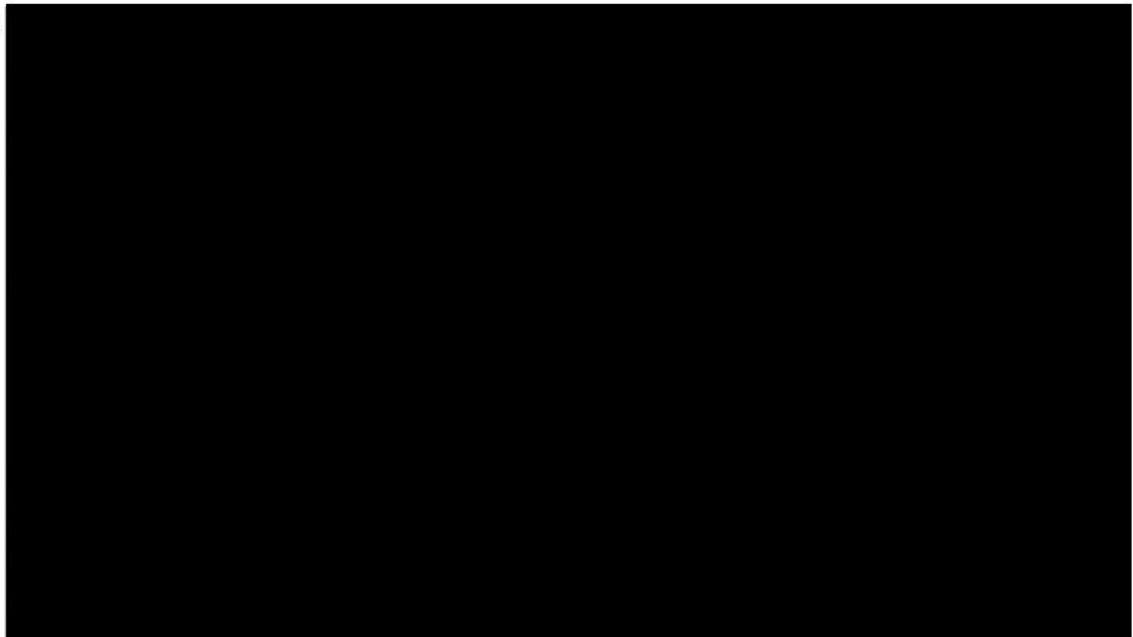
16. Have you read Chapter 104, Florida Statutes?

I do not recall having read Chapter 104

17. Please describe any discussions or correspondence you had with the filing officer or a member of his/her staff during your 2018 campaign and include the date(s) of the contact(s).

I had multiple conversations with the North Miami Beach City Clerk and/or their staff. To my recollection, it was mostly courteous small talk made on the dates we filed Campaign Treasurer's Reports, as well as some conversations regarding campaign finance report calendars.

18.



19. Please identify and describe your 2018 municipal campaign procedures that were in place to ensure that your political advertisement(s) had a correct disclaimer.

All advertisements were approved by both me and my Treasurer; we worked exclusively with experienced political printers for print advertisements; we used Facebook (which has internal controls) for digital advertising.

20. Please explain if you had any discussions with the other 2018 NMB candidates depicted with you in the political advertisement(s)--McKenzie Fleurimond and/or Michael Joseph--prior to publication of the political advertisement(s).

I had multiple conversations with the candidates, in both private and public, generally regarding the best policies for the City.

21. Please identify the vendor (include business name, contact person, email & mailing address, and phone number) who published the political advertisement(s) at issue.

All print advertisements were printed by Progressive Rags, located at 2040 NE 163rd St. #210, North Miami Beach, Florida. Email address of [progressiverags@gmail.com](mailto:progressiverags@gmail.com). Our contact person was Jack Lieberman, who has since died, and our phone contacts were to him personally. Print advertisements were all distributed directly by the campaign, with no other vendors involved in publishing. All digital advertisements were published on Facebook, 1 Hacker Way, Menlo Park, California. We had no particular point of contact, phone number, or email address.

22. Please identify the campaign treasurer's report(s) where you disclosed a campaign expenditure or in-kind contribution for the political advertisement(s) at issue.

While I no longer have records that I can use to determine which expenditure to Progressive Rags was this one exactly, I believe it was recorded as line item 7 for \$1,401.70 on the report dated 8/1/2018 through 8/31/2018.

23. Please explain if a political party, a political party executive committee, People's Progressive Caucus of Miami-Dade or other political party-affiliated group sponsored the political advertisement at issue.

They did not.

24. Please identify and explain who organized and who advertised the event for the North Miami Beach Joint Campaign Kickoff event on or about September 9, 2018. McKenzie Fleurimond, Michael Joseph, and you appeared in advertisement(s) for the event.

To the best of my recollection, the event was collaboratively organized between me, my campaign manager, McKenzie Fleurimond, and Michael Joseph. I am not aware of any advertisement(s) for this event.

25. Please identify and explain whether McKenzie Fleurimond or Michael Joseph attended the NMB Joint Campaign Kickoff event on or about September 9, 2018.

To my recollection, both McKenzie and Michael attended the event.

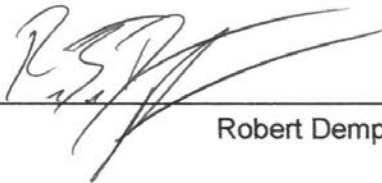


26. Please identify who was responsible for organizing and advertising the NMB Joint Campaign Kickoff event where you, McKenzie Fleurimond, and Michael Joseph were pictured in advertisement(s).

To the best of my recollection, my campaign manager, McKenzie Fleurimond, Michael Joseph and I organized the event. I do not recall any paid advertising for the event.

27. Please provide any additional comments you wish to make in the space below.

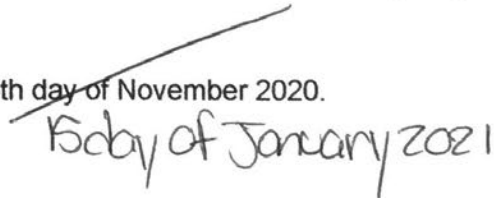
I do not recall any advertisements for any event with Michael and McKenzie. We printed leaflets to give to the voters at doors that expressed our public alignment on matters of policy with both of them, but we paid for and disclosed any and all of those leaflets, and they all carried a proper political disclaimer. I was, perhaps mistaken, but under the impression that expenditures made on a flyer for three or more candidates were not considered a contribution or an expenditure to those campaigns.

  
\_\_\_\_\_  
Robert Dempster

BEFORE ME, the undersigned authority, this day personally appeared Robert Dempster and being by me first duly sworn, deposes and says that he has executed the foregoing Affidavit and that it is true and correct.

WITNESS my hand and official seal this 16th day of November 2020.

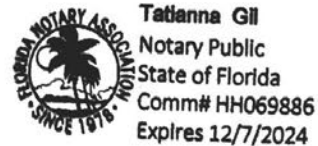
  
\_\_\_\_\_

  
Sobay of January 2021

My Commission Expires: 12/7/24

NOTARY PUBLIC  
STATE OF FLORIDA

Personally known OR  
 Produced identification  
Type of Identification Produced  
FL DL



AFFIDAVIT OF BACKGROUND INFORMATION

STATE OF FLORIDA  
County of Miami-Dade

Robert Dempster, being duly sworn, says:

1. This affidavit is made upon my personal knowledge.
2. I am of legal age and competent to testify to the matters stated herein. I am currently employed by N/A as N/A.

My contact number, and address is:

786-838-0535, 17550 NE 5th Court, North Miami Beach, FL 33162.

3.  A copy of the political advertisement at issue is enclosed and marked as Attachment "A."

4. Please describe and identify your process for determining what was to be included in the political advertisement and disclaimer.

For the political advertisement, my campaign manager and I brainstormed what we thought would be good content that expressed our values. For the disclaimer, I do not recall any process or solicitation of specific advice, we used the disclaimer that my campaign manager and I believed to be appropriate.

5. Please describe and identify (name, title, position within your campaign, phone number and email and mailing addresses) who created and was responsible for the wording and look of the political advertisement and disclaimer.

Aside from myself, that would be William Byatt, campaign manager, 305-900-8648, 1288 NE 191st St, Miami, FL 33179, and Jack Lieberman of Progressive Rags (now deceased), Former Owner, 2040 NE 163rd St, #210, North Miami Beach FL 33162, (305) 582-4846.

6. Please explain if you discussed creating, producing, costs, payments and/or a disclaimer for the political advertisement with the other 2018 NMB candidates depicted with you in the political advertisement--McKenzie Fleurimond and Michael Joseph. If so, please identify what you discussed, when and with whom regarding the political advertisement.

We discussed that my campaign wanted to produce this ad shortly before we printed it with both McKenzie and Michael, I do not recall there being any discussions regarding costs, payments, or disclaimers.

7. Please explain and identify what guidance you gave Progressive Rags and/or Jack Lieberman in the design, creation and production of the political advertisement and the wording of its disclaimer. (You had previously identified Progressive Rags and the vendor and Jack Lieberman as your contact for publication of the political advertisement at issue.)

We provided the advertisement to be produced. I do not recall details beyond that.

8. Please explain and identify what guidance Progressive Rags and/or Jack Lieberman gave you in the design, creation and production of the political advertisement and the wording of its disclaimer. (You had previously identified Progressive Rags and the vendor and Jack Lieberman as your contact for publication of the political advertisement at issue.)

Progressive Rags provided the location of the "union bug" portion of the advertisement on the text side. I do not remember any other guidance from Progressive Rags and/or Jack Lieberman to our campaign regarding this advertisement.

9. Please explain and identify why Progressive Rags was selected as the vendor for the political advertisement and provide copies of all contracts and/or addendums, stipulations, representations, agreements, bids, scope of work, letter of intent and any other document(s) defining and identifying the services to be performed by Progressive Rags and/or Jack Lieberman and identifying all fees and costs due and payable to them related to the political advertisement.

Jack's shop is in the City of North Miami Beach and he is a long-time supporter of allied causes. We worked with Jack because we liked him. We did not create any formal contracts or similar, we called him and asked for rough quotes and then gave him the content we wanted printed.

10. Please identify the campaign treasurer's report(s), date(s), and sequence number(s) where you disclosed campaign expenditure(s) and/or in-kind contribution(s) for the political advertisement at issue. Also, please provide copies of all invoices, billing statements, work orders, worksheets, quotes, receipts and payment instruments (front and back) for the political advertisement.

While I no longer have records that I can use to determine which expenditure to Progressive Rags was this one exactly, I believe it was recorded as line item 7 for \$1,401.70 on the report dated 8/1/2018 through 8/31/2018, [REDACTED]

I looked for any copies of invoices, billing statements, work orders, worksheets, quotes, receipts and payment instruments, but could not find any. I do not believe we still have those records.

- 11. Please explain why photographs of McKenzie Fleurimond and Michael Joseph are included with your photograph in the political advertisement; and explain and identify who provided the photographs of McKenzie Fleurimond and/or Michael Joseph that were included in the political advertisement.**

We included photographs of Mr. Joseph and Mr. Fleurimond because we share core values and a vision for North Miami Beach, and my team felt it was important to make the argument that by working together as Commissioners, we would be able to deliver a stronger execution of that vision. The photographs were provided by Mr. Joseph and Mr. Fleurimond.

- 12. Please explain and identify any joint costs and payments made to Progressive Rags and/or Jack Lieberman by you, McKenzie Fleurimond and/or Michael Joseph for the political advertisement.**

There were no joint costs and payments.

- 13. Please identify any payments, cost-sharing, reimbursements or anything of value you received from McKenzie Fleurimond and/or Michael Joseph to off-set any costs associated with production of the political advertisement.**

We did not receive any payments, cost-sharing, reimbursements or anything of value from McKenzie Fleurimond or Michael Joseph to off-set any costs associated with production of the political advertisement.

- 14. Please provide any additional comments you wish to make in the space below.**

My apologies if any of the above does not comply with Florida Statute, I was, perhaps mistaken, but under the impression that expenditures made on a flyer for three or more candidates were not considered a contribution or an expenditure to those campaigns.

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



**Signature of Affiant**

Robert John Dempster

Type or print full name of Affiant in space above as it appears on his I.D.

Sworn to (or affirmed) and subscribed before me this day of 11 Feb, 2021.

[Signature] Signature of Notary Public - State of Florida

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known \_\_\_\_\_ or Produced Identification  Type of Identification Produced: FL DL



Tatiana Gil  
Notary Public  
State of Florida  
Comm# HH069886  
Expires 12/7/2024

**AFFIDAVIT**

**STATE OF FLORIDA**  
**County of Miami-Dade**

**Robert Dempster, being duly sworn, says:**

1. This affidavit is made upon my personal knowledge.
  
2. I am of legal age and competent to testify to the matters stated herein. I am currently employed by   N/A   as   N/A  .
  
3. The information that follows relates to your responses to queries previously made by this investigator. Follow up questions are included to obtain additional facts and details to clarify your responses.

4. Question #6 When asked to explain if you discussed creating, producing, costs, payments and/or a disclaimer for the political advertisement at issue with the other 2018 NMB candidates, McKenzie Fleurimond and Michael Joseph, depicted with you in the political advertisement and if so, to identify what you discussed, when and with whom regarding the political advertisement, you indicated:

I discussed that my campaign wanted to produce the flyer shortly before we printed it with both McKenzie Fleurimond and Michael Joseph. I do not recall there being any discussions regarding costs, payments, or disclaimers with them.

5. Did you describe the political advertisement to McKenzie Fleurimond and Michael Joseph?  
 Yes or  No.

6. What details did you provide to McKenzie Fleurimond and Michael Joseph regarding the political advertisement when you discussed it with them?

**I told them that I thought we should do a piece with all three of us on it, but I do not recall exact specific details of the conversation beyond that.**

7. Did you show a mockup or digital copy of the political advertisement to McKenzie Fleurimond and Michael Joseph?  Yes or  No. If so, please identify which format was shown to whom and when.

**I do not recall.**

8. Please describe and identify what input or recommendations were made by McKenzie Fleurimond regarding the political advertisement.

**I do not recall any specific input or recommendations from Mr Fleurimond.**

9. Please describe and identify what input or recommendations were made by Michael Joseph regarding the political advertisement.

**I do not recall any specific input or recommendations from Mr Joseph.**

10. Question #7 When asked to explain and identify what guidance you gave Progressive Rags and/or Jack Lieberman in the design, creation and production of the political advertisement and the wording of its disclaimer, (you had previously identified Progressive Rags as the vendor and Jack Lieberman as your contact for publication of the political advertisement at issue), you indicated:

**We provided the flyer to be produced. I do not recall details beyond that.**

11. Did you create the disclaimer on the political advertisement? (X) Yes or ( ) No. 12. If not, please identify and explain who created and provided the disclaimer for the ad.

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13. Was the political advertisement provided to Progressive Rags as "print ready"? ( ) Yes or (X) No. If not, please describe in detail what was provided to Progressive Rags/Jack Lieberman.

**Progressive Rags added the "union bug" indicating the piece was printed by a unionized print shop. We provided the rest of the document as-is.**

14. Question #9 When asked to explain and identify why Progressive Rags was selected as the vendor for the political advertisement and provide copies of all contracts and/or addendums, etc., and any other document(s) defining and identifying: the services to be performed by Progressive Rags and/or Jack Lieberman; and identifying all fees and costs due and payable to them related to the political advertisement, you indicated:

**Progressive Rags was selected as the vendor for the political advertisement because Jack Lieberman's shop was in the City of North Miami Beach and he was a long-time supporter of allied causes. We worked with Jack because we liked him. We did not create any formal contracts or similar, we called him and asked for rough quotes and then gave him the**

**content we wanted printed.**

15. Please identify and explain in detail what you meant in your response "and then gave him the content we wanted printed."

**We provided material that was almost exactly print-ready, except that Progressive Rags would add the "union bug."**

16. Question #11 When asked to explain why photographs of McKenzie Fleurimond and Michael Joseph were included with your [REDACTED] photograph in the political advertisement and who provided the photographs of McKenzie Fleurimond and/or Michael Joseph that were included in the political advertisement, you indicated:

**We included photographs of Mr. Joseph and Mr. Fleurimond because we share core values and a vision for North Miami Beach, and my team felt it was important to make the argument that by working together as Commissioners, we would be able to deliver a stronger execution of that vision. The photographs were provided by Mr. Joseph and Mr. Fleurimond.**

17. Was Mr. Joseph aware his photograph would be included on a political advertisement you were creating? (x) Yes or ( ) No.

18. Was Mr. Fleurimond aware this photograph would be included on a political advertisement you were creating? (x) Yes or ( ) No

19. Did Mr. Joseph see a sample or copy of the political advertisement before printing? ( ) Yes or ( ) No.

**I do not recall**

20. Did Mr. Joseph see a copy of the political advertisement before mailing? ( ) Yes or ( ) No.

**I do not recall if or when Mr Joseph may have seen the piece, however we did not mail this piece, it was door-to-door canvassed only.**

21. Did Mr. Fleurimond see a sample or copy of the political advertisement before printing? ( ) Yes or ( ) No.



**I do not recall**

22. Did Mr. Fleurimond see a copy of the political advertisement before mailing? ( )  
Yes or ( ) No.

**I do not recall if or when Mr Fleurimond may have seen the piece, however we did not mail this piece, it was door-to-door canvassed only.**

**I HEREBY SWEAR OR AFFIRM THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.**


**[THIS SPACE INTENTIONALLY LEFT BLANK]**

  
\_\_\_\_\_  
**Signature of Affiant**

Robert John Dempster  
Type or print full name of Affiant in space above as it appears on his I.D.

Sworn to (or affirmed) and subscribed before me this day of  
30 Mar, 2021.

  
\_\_\_\_\_  
**Signature of Notary Public - State of Florida**  
**Print, Type, or Stamp Commissioned Name of Notary Public**

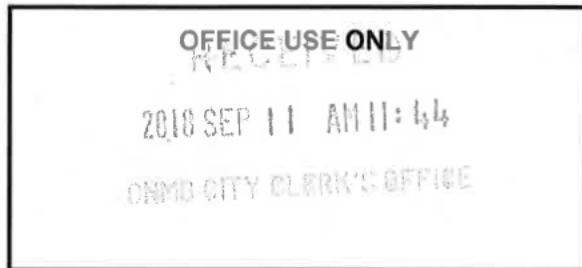
 **Tatiana Gil**  
Notary Public  
State of Florida  
Comm# HH069886  
Expires 12/7/2024

Personally Known \_\_\_\_\_ or Produced Identification   
Type of Identification Produced: FDX

Case Investigator: HH

# CAMPAIGN TREASURER'S REPORT SUMMARY

(1) Robert Dempster  
 Name  
 (2) 17550 NE 5th Ct  
 Address (number and street)  
North Miami Beach, FL 33162  
 City, State, Zip Code



Check here if address has changed

(3) ID Number: \_\_\_\_\_

(4) Check appropriate box(es):  
 Candidate Office Sought: Mayor (Group 1)  
 Political Committee (PC)  
 Electioneering Communications Org. (ECO)  
 Party Executive Committee (PTY)  
 Independent Expenditure (IE) (also covers an individual making electioneering communications)

Check here if PC or ECO has disbanded  
 Check here if PTY has disbanded  
 Check here if no other IE or EC reports will be filed

### (5) Report Identifiers

Cover Period: From 08 / 01 / 2016 To 08 / 31 / 2016 Report Type: M8

Original  Amendment  Special Election Report

### (6) Contributions This Report

Cash & Checks \$ \_\_\_\_\_ , \_\_\_\_\_ , 135 . 34  
 Loans \$ \_\_\_\_\_ , \_\_\_\_\_ , \_\_\_\_\_ . \_\_\_\_\_  
 Total Monetary \$ \_\_\_\_\_ , \_\_\_\_\_ , \_\_\_\_\_ . \_\_\_\_\_  
 In-Kind \$ \_\_\_\_\_ , \_\_\_\_\_ , \_\_\_\_\_ . \_\_\_\_\_

### (7) Expenditures This Report

Monetary Expenditures \$ \_\_\_\_\_ , \_\_\_\_\_ , 2 , 273 . 93  
 Transfers to Office Account \$ \_\_\_\_\_ , \_\_\_\_\_ , \_\_\_\_\_ . \_\_\_\_\_  
 Total Monetary \$ \_\_\_\_\_ , \_\_\_\_\_ , \_\_\_\_\_ . \_\_\_\_\_

### (8) Other Distributions

\$ \_\_\_\_\_ , \_\_\_\_\_ , \_\_\_\_\_ . \_\_\_\_\_

### (9) TOTAL Monetary Contributions To Date

\$ \_\_\_\_\_ , \_\_\_\_\_ , 8 , 648 . 52

### (10) TOTAL Monetary Expenditures To Date

\$ \_\_\_\_\_ , \_\_\_\_\_ , 2 , 433 . 95

### (11) Certification

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

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

(Type name) William Byatt  
 Individual (only for IE or electioneering comm.)  Treasurer  Deputy Treasurer

X [Signature]  
 Signature

(Type name) ROBERT DEMPSTER  
 Candidate  Chairperson (only for PC and PTY)

X [Signature]  
 Signature

# CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

(1) Name Robert Dempster (2) I.D. Number \_\_\_\_\_

(3) Cover Period 08 / 01 / 2018 through 08 / 31 / 2018 (4) Page 1 of 1

(5) Date	(6) Sequence Number	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor Type   Occupation		(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
08 / 08 / 2018	1	Shannon O'Neill 700 Ardmore Ave. Unit 628 Ardmore PA 19003	I	IT	MON			\$100.00
08 / 08 / 2018	2	Dawn Grayson 19942 NE 5th Court, Miami, FL 33179	I	Project Mgmt	MON			\$100.00
/ /								
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RECEIVED  
 2018 SEP 11 AM 11:44  
 OHIO CITY CLERK'S OFFICE

## CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES

(1) Name Robert Dempster

(2) I.D. Number \_\_\_\_\_

(3) Cover Period 08 / 01 / 2018 through 08 / 31 / 2018

(4) Page 1 of 2

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
(6) Sequence Number					
08 / 06 / 2018 1	Greynolds Park 17530 W Dixie Hwy North Miami Beach, FL	Event	MON		\$149.80
08 / 08 / 2018 2	PayPal 2211 North First Street San Jose, CA 95131	Merchant Fees	MON		\$4.66
08 / 09 / 2018 3	FedEx 3401 N Miami Ave, #108 Miami, FL 33127	Printing	MON		\$3.77
08 / 13 / 2018 4	Publix 14641 Biscayne Blvd North Miami, FL 33181	Event Supplies	MON		\$121.86
08 / 13 / 2018 5	Costco 14585 Biscayne Blvd North Miami, FL 33181	Event Supplies	MON		\$189.26
08 / 13 / 2018 6	Costco 14585 Biscayne Blvd North Miami, FL 33181	Event Supplies	MON		\$96.29
08 / 13 / 2018 7	Progressive Rags 2040 NE 163rd St, #210 North Miami Beach, FL 33162	Literature	MON		\$1,401.70
08 / 13 / 2018 8	Publix 14641 Biscayne Blvd North Miami, FL 33181	Event Supplies	MON		\$61.66

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 2018 SEP 11 AM 11:44  
 MIAMI: 44  
 DND CITY CLERK'S OFFICE

## CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES

(1) Name Robert Dempster

(2) I.D. Number \_\_\_\_\_

(3) Cover Period 08 / 01 / 2018 through 08 / 31 / 2018

(4) Page 2 of 2

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
(6) Sequence Number					
08 / 20 / 2018	Squarespace 225 Varick St, 12th Floor New York, NY 10014	Website	MON		\$15.00
9					
08 / 20 / 2018	Squarespace 225 Varick St, 12th Floor New York, NY 10014	Website	MON		\$16.00
10					
08 / 21 / 2018	BB&T 10990 Biscayne Blvd #11 Miami, FL 33161	Bank Fees	MON		\$19.00
11					
08 / 23 / 2018	FedEx 3401 N Miami Ave, #108 Miami, FL 33127	Printing	MON		\$4.59
12					
08 / 24 / 2018	City of North Miami Beach 17011 NE 19th Ave North Miami Beach, FL 33162	Qualifying Fees	MON		\$180.00
13					
08 / 27 / 2018	MailChimp 655 Ponce de Leon Ave NE Suite 5000 Atlanta, GA 303038	Mail List	MON		\$15.00
14					

RECEIVED  
 2018 SEP 11 AM 11:44  
 ORANGE CITY CLERK'S OFFICE



Attn: Erin Riley FEC 18-325

McKenzie Fleurimond

to:

fec

10/24/2018 07:22 AM

Hide Details

From: "McKenzie Fleurimond" <mcflleurimond@gmail.com>

To: fec@myfloridalegal.com

Dear Erin Riley,

I have received a complaint of a possible violation in reference to campaign materials of Mr. Robert Dempster that include my face on it. Thank you for bringing this to my attention.

My campaign was not responsible for, did not pay for, design or print any of the materials attached to the complaint.

Now that this complaint has been launched, I humbly submit to your direction in remedying this issue that I was not aware of. How can I properly address this to avoid adverse action against me? I look forward to your guidance.

Best regards,

McKenzie

**FLORIDA ELECTIONS COMMISSION  
PHONE LOG  
Case No.: FEC 18-325**

**Respondent:** McKenzie Fleurimond

**Complainant:** Stephanie Kienzle

1. **Date and time:** March 1, 2019; 4:25 p.m.  
**Name:** Complainant—Stephanie Kienzle  
**Phone #:** 305-335-2093  
**Summary:** I phoned, reached her voice-mailbox, explained that I've received information she filed in this office, indicated that I'm unable to speak with any specificity regarding my investigation, provided my contact number and requested she return my call so I may obtain additional information regarding the political advertisement..  
**Memo to File?** No  
**Entered by:** HH
2. **Date and time:** March 1, 2019; 4:35 p.m.  
**Name:** Pamela Latimore, CMC, NMB City Clerk—Filing Officer  
**Phone #:** 305-787-6001  
**Summary:** I phoned, introduced myself, explained that I recall several occasions I've spoken with her, provided questionnaires to her by email and obtained records, including her deposition in other cases and again, this case is confidential at this time; I requested her email address so I may forward a questionnaire to her by email and she provided [pamela.latimore@citynmb.com](mailto:pamela.latimore@citynmb.com).  
**Memo to File?** No  
**Entered by:** HH
3. **Date and time:** March 1, 2019; 4:37 p.m.  
**Name:** Complainant—Stephanie Kienzle  
**Phone #:** 305-335-2093 (caller I.D.)  
**Summary:** She returned my call and reached my voice-mailbox while I was speaking with Ms. Latimore; she said she's sorry she missed my call, believes I've gone for the weekend, and provided her contact number so I may reach her Monday, March 04, 2019.  
**Memo to File?** No  
**Entered by:** HH
4. **Date and time:** March 1, 2019; 5:17 p.m.  
**Name:** Complainant—Stephanie Kienzle  
**Phone #:** 305-335-2093  
**Summary:** I phoned, reviewed our process with her, requested she look for a NOH for any complaint filed with this office, she may make a public records request for records after the Commission hears the case and she may review Final Orders on the DOAH website.  
**Memo to File?** No  
**Entered by:** HH

5. **Date and time:** April 22, 2019; 1:30 p.m.

**Name:** Michael Joseph

**Phone #:** UNK

**Summary:** Mr. Joseph called, explained that he did not pay for nor distribute the literature at issue (3-candidate political advertisement). Mr. Joseph offered that anyone could use his image and logo and produce the political advertisement. He said his image and logo are available on his campaign website (from his 2018 campaign) and said I may “google” [votemichaeljoseph.com](http://votemichaeljoseph.com) and see for myself. Mr. Joseph added all anyone must do to obtain his image and logo is right click on the image or logo on his website and copy and paste the information to an advertisement, etc., without his approval or knowledge.

While we were talking, I checked Mr. Joseph’s 2018 campaign website as he suggested which was active including the “Donate” button which took me to an area of his website where one can donate (make a campaign contribution after the election) using PayPal or by debit or credit card. I reviewed his website, his logo and queried Mr. Joseph as to his website and possible campaign for re-election; Mr. Joseph said he’s been elected four months and is not currently seeking re-election. Mr. Joseph said he didn’t take down his website after the election because he did not know how; Mr. Joseph added that he disclosed his expenditure for the site and paid for one year. After Mr. Joseph thought it may be a problem to have his campaign website active after the election, he said he’d immediately contact his webmaster to disable his website or mark it under construction as soon as he gets off this call.

I requested Mr. Joseph’s email address, so I may provide a questionnaire; Mr. Joseph referred me to his same email address, [mjoseph@galbutwalters.com](mailto:mjoseph@galbutwalters.com), (law firm email address—same as email address on The Florida Bar website) that Mr. Joseph used earlier. Mr. Joseph said he’s willing to complete an affidavit right now affirming he did not pay for nor authorize the political advertisement.

**Memo to File?** No

**Entered by:** HH

6. **Date and time:** April 22, 2019; 4:00 p.m.

**Name:** Michael Joseph

**Phone #:** 786-245-2307

**Summary:** Mr. Joseph phoned, he explained that his website (<http://www.votemichaeljoseph.com>) should have been disabled months ago, and his people have corrected their error since our earlier discussion; however, although it was not my concern, I viewed his website with a political disclaimer saying, “Paid for and Approved by Michael Joseph. Not at Taxpayer Expense.” When I questioned Mr. Joseph about the website he referred me to the political disclaimer, he offered that they had messed up again and can’t get it straight, but he’ll contact them again.

Mr. Joseph asked me to “google” his name again adding North Miami Beach by his name in my search, referred me to a [www.MiamiNewTimes.com](http://www.MiamiNewTimes.com) article dated November 1, 2018, regarding North Miami Beach Campaign Flyers Show Fake....” The article suggests a flyer circulating in North Miami Beach falsely claims former President Barack Obama



has endorsed five local candidates in addition to 2 statewide candidates which he did endorse, Andrew Gillum and Bill Nelson. Robert Dempster for mayor, Paule Villard for Commissioner Group 2, Fortuna Smukler for Commissioner Group 4, McKenzie Fleurimond for Commissioner Group 5, and Michael Joseph for Commissioner Group 7 are also identified as being endorsed by Obama. Mr. Joseph assured me he did not publish this flyer or the flyer (palm-card advertisement) at issue. Mr. Joseph said he wants me to clearly understand that others have obtained his image for their use.

**Memo to File?** No

**Entered by:** HH

7. **Date and time:** Wednesday, August 14, 2019; 10:15 a.m.  
**Name:** Andrise Bernard, CMC, new NMB city clerk  
**Phone #:** 305-787-6001  
**Summary:** I informed Ms. Bernard that I will forward a questionnaire about Respondent to her email address, [andrise.bernard@citynmb.com](mailto:andrise.bernard@citynmb.com), at my earliest convenience.  
**Memo to File?** No  
**Entered by:** HH
8. **Date and time:** Friday, August 16, 2019; 2:55 p.m.  
**Name:** Robert A. Thompson, Community Outreach Coordinator, Miami-Dade County Commission on Ethics and Public Trust (“COE”)  
**Phone #:** 305-350-0630 (direct line)  
**Summary:** I called, requested to speak with Mr. Thompson, was informed he wasn’t in the office today—out in community—and my call was transferred to his voice-mailbox; I identified myself, provided my contact number, requested he return my call regarding ethics and campaign skills seminars he conducted for 2018 candidates in NMB.  
**Memo to File?** No  
**Entered by:** HH
9. **Date and time:** Friday, August 16, 2019; 2:55 p.m.  
**Name:** Robert A. Thompson, Community Outreach Coordinator, Miami-Dade County Commission on Ethics and Public Trust (“COE”)  
**Phone #:** 305-350-0630 (direct line)  
**Summary:** I called, requested to speak with Mr. Thompson, was informed he wasn’t in the office today—out in community—and my call was transferred to his voice-mailbox; I identified myself, provided my contact number, requested he return my call regarding ethics and campaign skills seminars he conducted for 2018 candidates in NMB.  
**Memo to File?** No  
**Entered by:** HH
10. **Date and time:** Tuesday, August 20, 2019; 1:20 p.m.  
**Name:** Robert A. Thompson, Community Outreach Coordinator, Miami-Dade County Commission on Ethics and Public Trust (“COE”)  
**Phone #:** 305-579-2594 (caller I.D.)  
**Summary:** He returned my call, said he conducted ethics and campaign skills seminars which were advertised through the COE website and Miami-Dade Municipal Clerks Association; he agreed to provide copies of relevant advertisements, sign-in sheets and

PowerPoint presentations he provided during the 2018 election cycle. He requested I send an email to him so he may forward the information to me; I requested his email address in case it is no longer in my address book and he provided his email address, [robertthom@miamidade.gov](mailto:robertthom@miamidade.gov).

**Memo to File?** No

**Entered by:** HH

11. **Date and time:** Thursday, September 3, 2020; 6:08 p.m.

**Name:** Complainant—Stephanie Kienzle

**Phone #:** 305-335-2093

**Summary:** I called Complainant and asked if she had an original two-sided palm card political advertisement with photographs of Robert Dempster, Michael Joseph and McKenzie Fleurimond as I am working from home, have a scanned image and unable to determine if it was produced by a union printshop and if a faint mark was a mark identifying the relevant union or a smudge, etc. She indicated she threw away the original after scanning it but may be able to locate an original. She indicated that AFSCME is a union that is active in NMB but the mark does not appear to belong to AFSCME.

Complainant said 2018 NMB candidate Robert Dempster disclosed an expenditure to Progressive Rags (advertised as “progressive political activists” who offer t-shirts, posters, banners and more to political campaigns and organizations “promoting progressive messages for use in the struggle for social justice”). She said it could have been produced by Progressive Rags and she heard last night that the owner died from COVID-19. I provided my contact information so she may contact me if she locates an original political ad and/or identifies the mark. Complainant indicated McKenzie Fleurimond and Michael Joseph are seeking re-election in NMB in November 2020.

Complainant said she had not received any information regarding the instant case as well as other complaints she had filed; she indicated she had checked our website, local media, etc. I explained that I’m unable to confirm or deny the existence of any complaints filed with the Commission. Complainant said she’ll use tracking for any future complaints she files to determine if/when they were received by this office.

**Memo to File?** No

**Entered by:** HH

12. **Date and time:** Monday, September 8, 2020; 4:05 p.m.

**Name:** Andrise Bernard, CMC, NMB City Clerk

**Phone #:** 305-787-6001

**Summary:** I phoned to ask if she had completed the Aff of FO I sent earlier this year; however, after multiple rings there was no answer and no provision to leave a message.

**Memo to File?** No

**Entered by:** HH

13. **Date and time:** Wednesday, October 7, 2020; 4:44 p.m.

**Name:** Marva, NMB City Clerk’s office

**Phone #:** 305-787-6001

**Summary:** I called, requested to speak to Ms. Bernard; Marva said she had just stepped into a virtual meeting and did not know when she'd be available. I explained that I sent an email to her yesterday and she replied saying she would check into it and report back to me and I haven't heard from her; I continued that it is related to questionnaires I sent her in March 2020. Marva said she'd send an email and text as she doesn't know which she'll see since she is in the meeting. I provided my contact information explaining it's better to reach me by email.

**Memo to File?** No

**Entered by:** HH

14. **Date and time:** Thursday, October 8, 2020; 11:41 a.m.

**Name:** Andrise Bernard, CMC, NMB City Clerk

**Phone #:** 305-947-7581 (caller I.D.)

**Summary:** She returned my call, explained that she recalled completing and returning an Aff of FO document; however, after closer examination of the document she realized it was on Paule Villard, another 2018 NMB candidate. I confirmed receiving it but indicated an Aff of FO was sent to her August 16, 2019, March 19, 2020, and October 6, 2020 regarding Respondent but not returned. She apologized, said she'd expedite my request and provided her cell phone number: 786-357-0358. She agreed to provide email addresses on file for Respondent and noted he is a 2020 candidate for re-election.

**Memo to File?** No

**Entered by:** HH

15. **Date and time:** October 22, 2020; 4:21 p.m.

**Name:** Respondent—McKenzie Fleurimond

**Phone #:** UNK

**Summary:** Donna Malphurs sent an email to me indicating McKenzie Fleurimond called the office to request an extension of time to respond to the affidavit. He provided his contact number as 786-712-4216. His email address is [mcflleurimond@gmail.com](mailto:mcflleurimond@gmail.com). He asked that I please email him if confirmation of extension is granted or not.

**Memo to File?** No

**Entered by:** HH

16. **Date and time:** Friday, April 16, 2021; 3:49 p.m.

**Name:** Respondent—McKenzie Fleurimond

**Phone #:** 786-712-4216

**Summary:** I phoned Respondent as we had previously agreed by email, to conduct a final interview by telephone, and give him an opportunity to respond to the information gathered during the course of the investigation concerning the allegations made in the complaint; I identified myself and he confirmed I had reached him. Respondent asked if I recalled our earlier in-person meeting; I affirmed that I recalled he and Paule Villard arrived unexpectedly at lunch one day during a legislative session and I explained to Respondent that Ms. Villard was unable to meet with us as his case was confidential. (At the time, Respondent indicated that he was not requesting that Ms. Villard meet with us, but she had joined him to see the FEC office.) I noted he and I met in the office conference room and discussed the issues and reviewed our process. During our first meeting, Respondent said

he and a local delegation from NMB were in Tallahassee during the session for a special day for local governments.

I reviewed with him the information I had gathered during my investigation including Respondent met with and discussed the political ad with the other two candidates, he provided his photograph for the political ad, it occurred during the reporting period of August 1 through 31, 2018, and appears to be an in-kind contribution to his campaign. Respondent reiterated his earlier response in that he did not contract with or pay a vendor to print the political ad at issue. However, Respondent confirmed he met with the other candidates identified in the political ad, discussed production of the political ad and provided his photograph to be included in the political ad. He also acknowledged he and the other two candidates discussed and agreed to meet and walk local neighborhood for a “joint NMB campaign kick-off event” on or about (Sunday) September 9, 2018 which was advertised online, although he believes the event was rained out and he did not ever distribute the political ad at issue. Respondent asked if I make any decisions or present any recommendations to the Commission; I said I did not.

I reviewed our process, his opportunity to provide written responses to my ROI and legal staff’s SR; Respondent suggested he wanted to offer a rebuttal. I encouraged him to respond sooner rather than later including before my ROI is completed if he has additional relevant information to support his views so the new information may be considered and included in my ROI and so legal staff may consider his responses with my ROI for their SR. I indicated the ROI and this case will not make the agenda for the May 2021 Commission meeting, the next meeting will be in August 2021, explained that I’m unsure when my ROI will be reviewed by my supervisor and mailed to Respondent since the May meeting is close upon us, NOHs and then orders will be sent out by the agency clerk.

I requested Respondent inform us of any changes in contact information and I reviewed his address we have on file; Respondent updated his address to **16651 NE 18<sup>th</sup> Ave., Apt. 88, NMB, with the same Zip**. Respondent reminded me that he has cooperated throughout this process.

**Memo to File?** Yes

**Entered by:** HH

17. **Date and time:** Wednesday, May 26, 2021; 5:00 p.m.

**Name:** Michael Joseph

**Phone #:** 786-245-2307 (Law office phone number—direct)

**Summary:** I phoned Mr. Joseph to conduct an interview regarding the 3-candidate political advertisement; I indicated I had sent an Aff of Background Information; Mr. Joseph recalled speaking with me on other occasions but never received the Affidavit of Background Information that I sent (via his law office email address) and suggested I resend it as he would respond.

Mr. Joseph said this issue makes no sense as anyone could create a flyer (political ad) and include his picture; he declared he did not create this flyer or pay for it. Mr. Joseph requested I use his “campaign” phone number to reach him; I explained that I do not have a need to reach him in the future nor do I anticipate a need to reach him but asked what his campaign

phone number is as I did not have that number in the file or know it; Mr. Joseph said it's 786-471-6183. I repeated the number and Mr. Joseph confirmed that it was correct

**Memo to File?** No

**Entered by:** HH

18. **Date and time:** Tuesday, June 1, 2021; 10:09 a.m.

**Name:** NMB City Clerk's office

**Phone #:** 305-787-6001

**Summary:** I phoned since I haven't received the records re Public Records Request; a man answering the phone placed my call on hold while he checked on status of my request; a woman answered (Marva) and asked why I was calling; I explained and she said she'll return my call after checking their records.

**Memo to File?** No

**Entered by:** HH

19. **Date and time:** Tuesday, June 1, 2021; 12:01 p.m.

**Name:** Marva Simmonds, Asst. City Clerk, NMB City Clerk's office

**Phone #:** 305-354-4110

**Summary:** After providing most of the records I requested in a public records request, she returned my call, and asked if I had everything I needed. I thanked her, noted there is one item missing from my request, copy of list of contents for Candidate Handbook & letter from FO to candidates and explained that I've tried for 2 years to get an Aff of FO completed with candidate records.

**Memo to File?** No

**Entered by:** HH

20. **Date and time:** Friday, June 4, 2021; 1:09 p.m.

**Name:** Andrise Bernard, NMB City Clerk

**Phone #:** 305-354-4110

**Summary:** She called, explained that she lost her phone with my number and email contact info., asked if her assistant, Marva, had provided everything I requested; I acknowledged I was waiting for the remainder of the records to be provided by Marva. She acknowledged speaking with my colleague recently (05/11/21; 2:47 p.m.); I informed her she spoke to my FEC attorney I'm working with on this case, Ms. Clay, and she (City Clerk) had informed her (Ms. Clay) I/we would have the records by the end of May 2021 but the records were not sent. Therefore, I made a Public Records Request to be certain I had the records for my investigation. I reminded Ms. Bernard I had sent multiple requests to her (City Clerk) over the past 2 years, each time she had agreed to provide same; however, she never completed and returned an Aff of FO with the records. Again, Ms. Bernard agreed to respond to my requests and complete an Aff of FO.

**Memo to File?** No

**Entered by:** HH

21. **Date and time:**

**Name:**

**Phone #:**

**Summary:**



Re: [Redacted] Michael Joseph

Michael Joseph

to:

fec

10/26/2018 08:17 AM

Hide Details

From: "Michael Joseph" <mjoseph@galbutwalters.com>

To: <fec@myfloridalegal.com>

Security:

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

Dear Ms. Riley,

[Redacted]  
[Redacted] is it relates to a piece of literature produced by mayoral candidate Robert Dempster that references my campaign.

To be clear, my campaign did not pay for nor distribute the reference literature. [Redacted]  
[Redacted]

Very truly yours,

Michael

Michael Joseph, Esq.

Associate

**Galbut Walters & Associates**

4770 Biscayne Blvd.

Suite 1400

Miami, Florida 33137

Direct Telephone: (786) 245-2307

Fax: (786) 433-7532

MJoseph@galbutwalters.com

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**FLORIDA ELECTIONS COMMISSION  
PHONE LOG  
Case No.: FEC 18-325**

**Respondent:** McKenzie Fleurimond

**Complainant:** Stephanie Kienzle

1. **Date and time:** March 1, 2019; 4:25 p.m.  
**Name:** Complainant—Stephanie Kienzle  
**Phone #:** 305-335-2093  
**Summary:** I phoned, reached her voice-mailbox, explained that I've received information she filed in this office, indicated that I'm unable to speak with any specificity regarding my investigation, provided my contact number and requested she return my call so I may obtain additional information regarding the political advertisement..  
**Memo to File?** No  
**Entered by:** HH
2. **Date and time:** March 1, 2019; 4:35 p.m.  
**Name:** Pamela Latimore, CMC, NMB City Clerk—Filing Officer  
**Phone #:** 305-787-6001  
**Summary:** I phoned, introduced myself, explained that I recall several occasions I've spoken with her, provided questionnaires to her by email and obtained records, including her deposition in other cases and again, this case is confidential at this time; I requested her email address so I may forward a questionnaire to her by email and she provided [pamela.latimore@citynmb.com](mailto:pamela.latimore@citynmb.com).  
**Memo to File?** No  
**Entered by:** HH
3. **Date and time:** March 1, 2019; 4:37 p.m.  
**Name:** Complainant—Stephanie Kienzle  
**Phone #:** 305-335-2093 (caller I.D.)  
**Summary:** She returned my call and reached my voice-mailbox while I was speaking with Ms. Latimore; she said she's sorry she missed my call, believes I've gone for the weekend, and provided her contact number so I may reach her Monday, March 04, 2019.  
**Memo to File?** No  
**Entered by:** HH
4. **Date and time:** March 1, 2019; 5:17 p.m.  
**Name:** Complainant—Stephanie Kienzle  
**Phone #:** 305-335-2093  
**Summary:** I phoned, reviewed our process with her, requested she look for a NOH for any complaint filed with this office, she may make a public records request for records after the Commission hears the case and she may review Final Orders on the DOAH website.  
**Memo to File?** No  
**Entered by:** HH

5. **Date and time:** April 22, 2019; 1:30 p.m.

**Name:** Michael Joseph

**Phone #:** UNK

**Summary:** Mr. Joseph called, explained that he did not pay for nor distribute the literature at issue (3-candidate political advertisement). Mr. Joseph offered that anyone could use his image and logo and produce the political advertisement. He said his image and logo are available on his campaign website (from his 2018 campaign) and said I may “google” [votemichaeljoseph.com](http://votemichaeljoseph.com) and see for myself. Mr. Joseph added all anyone must do to obtain his image and logo is right click on the image or logo on his website and copy and paste the information to an advertisement, etc., without his approval or knowledge.

While we were talking, I checked Mr. Joseph’s 2018 campaign website as he suggested which was active including the “Donate” button which took me to an area of his website where one can donate (make a campaign contribution after the election) using PayPal or by debit or credit card. I reviewed his website, his logo and queried Mr. Joseph as to his website and possible campaign for re-election; Mr. Joseph said he’s been elected four months and is not currently seeking re-election. Mr. Joseph said he didn’t take down his website after the election because he did not know how; Mr. Joseph added that he disclosed his expenditure for the site and paid for one year. After Mr. Joseph thought it may be a problem to have his campaign website active after the election, he said he’d immediately contact his webmaster to disable his website or mark it under construction as soon as he gets off this call.

I requested Mr. Joseph’s email address, so I may provide a questionnaire; Mr. Joseph referred me to his same email address, [mjoseph@galbutwalters.com](mailto:mjoseph@galbutwalters.com), (law firm email address—same as email address on The Florida Bar website) that Mr. Joseph used earlier. Mr. Joseph said he’s willing to complete an affidavit right now affirming he did not pay for nor authorize the political advertisement.

**Memo to File?** No

**Entered by:** HH

6. **Date and time:** April 22, 2019; 4:00 p.m.

**Name:** Michael Joseph

**Phone #:** 786-245-2307

**Summary:** Mr. Joseph phoned, he explained that his website (<http://www.votemichaeljoseph.com>) should have been disabled months ago, and his people have corrected their error since our earlier discussion; however, although it was not my concern, I viewed his website with a political disclaimer saying, “Paid for and Approved by Michael Joseph. Not at Taxpayer Expense.” When I questioned Mr. Joseph about the website he referred me to the political disclaimer, he offered that they had messed up again and can’t get it straight, but he’ll contact them again.

Mr. Joseph asked me to “google” his name again adding North Miami Beach by his name in my search, referred me to a [www.MiamiNewTimes.com](http://www.MiamiNewTimes.com) article dated November 1, 2018, regarding North Miami Beach Campaign Flyers Show Fake....” The article suggests a flyer circulating in North Miami Beach falsely claims former President Barack Obama



has endorsed five local candidates in addition to 2 statewide candidates which he did endorse, Andrew Gillum and Bill Nelson. Robert Dempster for mayor, Paule Villard for Commissioner Group 2, Fortuna Smukler for Commissioner Group 4, McKenzie Fleurimond for Commissioner Group 5, and Michael Joseph for Commissioner Group 7 are also identified as being endorsed by Obama. Mr. Joseph assured me he did not publish this flyer or the flyer (palm-card advertisement) at issue. Mr. Joseph said he wants me to clearly understand that others have obtained his image for their use.

**Memo to File?** No

**Entered by:** HH

7. **Date and time:** Wednesday, August 14, 2019; 10:15 a.m.  
**Name:** Andrise Bernard, CMC, new NMB city clerk  
**Phone #:** 305-787-6001  
**Summary:** I informed Ms. Bernard that I will forward a questionnaire about Respondent to her email address, [andrise.bernard@citynmb.com](mailto:andrise.bernard@citynmb.com), at my earliest convenience.  
**Memo to File?** No  
**Entered by:** HH
8. **Date and time:** Friday, August 16, 2019; 2:55 p.m.  
**Name:** Robert A. Thompson, Community Outreach Coordinator, Miami-Dade County Commission on Ethics and Public Trust (“COE”)  
**Phone #:** 305-350-0630 (direct line)  
**Summary:** I called, requested to speak with Mr. Thompson, was informed he wasn’t in the office today—out in community—and my call was transferred to his voice-mailbox; I identified myself, provided my contact number, requested he return my call regarding ethics and campaign skills seminars he conducted for 2018 candidates in NMB.  
**Memo to File?** No  
**Entered by:** HH
9. **Date and time:** Friday, August 16, 2019; 2:55 p.m.  
**Name:** Robert A. Thompson, Community Outreach Coordinator, Miami-Dade County Commission on Ethics and Public Trust (“COE”)  
**Phone #:** 305-350-0630 (direct line)  
**Summary:** I called, requested to speak with Mr. Thompson, was informed he wasn’t in the office today—out in community—and my call was transferred to his voice-mailbox; I identified myself, provided my contact number, requested he return my call regarding ethics and campaign skills seminars he conducted for 2018 candidates in NMB.  
**Memo to File?** No  
**Entered by:** HH
10. **Date and time:** Tuesday, August 20, 2019; 1:20 p.m.  
**Name:** Robert A. Thompson, Community Outreach Coordinator, Miami-Dade County Commission on Ethics and Public Trust (“COE”)  
**Phone #:** 305-579-2594 (caller I.D.)  
**Summary:** He returned my call, said he conducted ethics and campaign skills seminars which were advertised through the COE website and Miami-Dade Municipal Clerks Association; he agreed to provide copies of relevant advertisements, sign-in sheets and

PowerPoint presentations he provided during the 2018 election cycle. He requested I send an email to him so he may forward the information to me; I requested his email address in case it is no longer in my address book and he provided his email address, [robertthom@miamidade.gov](mailto:robertthom@miamidade.gov).

**Memo to File?** No

**Entered by:** HH

11. **Date and time:** Thursday, September 3, 2020; 6:08 p.m.

**Name:** Complainant—Stephanie Kienzle

**Phone #:** 305-335-2093

**Summary:** I called Complainant and asked if she had an original two-sided palm card political advertisement with photographs of Robert Dempster, Michael Joseph and McKenzie Fleurimond as I am working from home, have a scanned image and unable to determine if it was produced by a union printshop and if a faint mark was a mark identifying the relevant union or a smudge, etc. She indicated she threw away the original after scanning it but may be able to locate an original. She indicated that AFSCME is a union that is active in NMB but the mark does not appear to belong to AFSCME.

Complainant said 2018 NMB candidate Robert Dempster disclosed an expenditure to Progressive Rags (advertised as “progressive political activists” who offer t-shirts, posters, banners and more to political campaigns and organizations “promoting progressive messages for use in the struggle for social justice”). She said it could have been produced by Progressive Rags and she heard last night that the owner died from COVID-19. I provided my contact information so she may contact me if she locates an original political ad and/or identifies the mark. Complainant indicated McKenzie Fleurimond and Michael Joseph are seeking re-election in NMB in November 2020.

Complainant said she had not received any information regarding the instant case as well as other complaints she had filed; she indicated she had checked our website, local media, etc. I explained that I’m unable to confirm or deny the existence of any complaints filed with the Commission. Complainant said she’ll use tracking for any future complaints she files to determine if/when they were received by this office.

**Memo to File?** No

**Entered by:** HH

12. **Date and time:** Monday, September 8, 2020; 4:05 p.m.

**Name:** Andrise Bernard, CMC, NMB City Clerk

**Phone #:** 305-787-6001

**Summary:** I phoned to ask if she had completed the Aff of FO I sent earlier this year; however, after multiple rings there was no answer and no provision to leave a message.

**Memo to File?** No

**Entered by:** HH

13. **Date and time:** Wednesday, October 7, 2020; 4:44 p.m.

**Name:** Marva, NMB City Clerk’s office

**Phone #:** 305-787-6001

**Summary:** I called, requested to speak to Ms. Bernard; Marva said she had just stepped into a virtual meeting and did not know when she'd be available. I explained that I sent an email to her yesterday and she replied saying she would check into it and report back to me and I haven't heard from her; I continued that it is related to questionnaires I sent her in March 2020. Marva said she'd send an email and text as she doesn't know which she'll see since she is in the meeting. I provided my contact information explaining it's better to reach me by email.

**Memo to File?** No

**Entered by:** HH

14. **Date and time:** Thursday, October 8, 2020; 11:41 a.m.

**Name:** Andrise Bernard, CMC, NMB City Clerk

**Phone #:** 305-947-7581 (caller I.D.)

**Summary:** She returned my call, explained that she recalled completing and returning an Aff of FO document; however, after closer examination of the document she realized it was on Paule Villard, another 2018 NMB candidate. I confirmed receiving it but indicated an Aff of FO was sent to her August 16, 2019, March 19, 2020, and October 6, 2020 regarding Respondent but not returned. She apologized, said she'd expedite my request and provided her cell phone number: 786-357-0358. She agreed to provide email addresses on file for Respondent and noted he is a 2020 candidate for re-election.

**Memo to File?** No

**Entered by:** HH

15. **Date and time:** October 22, 2020; 4:21 p.m.

**Name:** Respondent—McKenzie Fleurimond

**Phone #:** UNK

**Summary:** Donna Malphurs sent an email to me indicating McKenzie Fleurimond called the office to request an extension of time to respond to the affidavit. He provided his contact number as 786-712-4216. His email address is [mcflleurimond@gmail.com](mailto:mcflleurimond@gmail.com). He asked that I please email him if confirmation of extension is granted or not.

**Memo to File?** No

**Entered by:** HH

16. **Date and time:** Friday, April 16, 2021; 3:49 p.m.

**Name:** Respondent—McKenzie Fleurimond

**Phone #:** 786-712-4216

**Summary:** I phoned Respondent as we had previously agreed by email, to conduct a final interview by telephone, and give him an opportunity to respond to the information gathered during the course of the investigation concerning the allegations made in the complaint; I identified myself and he confirmed I had reached him. Respondent asked if I recalled our earlier in-person meeting; I affirmed that I recalled he and Paule Villard arrived unexpectedly at lunch one day during a legislative session and I explained to Respondent that Ms. Villard was unable to meet with us as his case was confidential. (At the time, Respondent indicated that he was not requesting that Ms. Villard meet with us, but she had joined him to see the FEC office.) I noted he and I met in the office conference room and discussed the issues and reviewed our process. During our first meeting, Respondent said

he and a local delegation from NMB were in Tallahassee during the session for a special day for local governments.

I reviewed with him the information I had gathered during my investigation including Respondent met with and discussed the political ad with the other two candidates, he provided his photograph for the political ad, it occurred during the reporting period of August 1 through 31, 2018, and appears to be an in-kind contribution to his campaign. Respondent reiterated his earlier response in that he did not contract with or pay a vendor to print the political ad at issue. However, Respondent confirmed he met with the other candidates identified in the political ad, discussed production of the political ad and provided his photograph to be included in the political ad. He also acknowledged he and the other two candidates discussed and agreed to meet and walk local neighborhood for a “joint NMB campaign kick-off event” on or about (Sunday) September 9, 2018 which was advertised online, although he believes the event was rained out and he did not ever distribute the political ad at issue. Respondent asked if I make any decisions or present any recommendations to the Commission; I said I did not.

I reviewed our process, his opportunity to provide written responses to my ROI and legal staff’s SR; Respondent suggested he wanted to offer a rebuttal. I encouraged him to respond sooner rather than later including before my ROI is completed if he has additional relevant information to support his views so the new information may be considered and included in my ROI and so legal staff may consider his responses with my ROI for their SR. I indicated the ROI and this case will not make the agenda for the May 2021 Commission meeting, the next meeting will be in August 2021, explained that I’m unsure when my ROI will be reviewed by my supervisor and mailed to Respondent since the May meeting is close upon us, NOHs and then orders will be sent out by the agency clerk.

I requested Respondent inform us of any changes in contact information and I reviewed his address we have on file; Respondent updated his address to **16651 NE 18<sup>th</sup> Ave., Apt. 88, NMB, with the same Zip**. Respondent reminded me that he has cooperated throughout this process.

**Memo to File?** Yes

**Entered by:** HH

17. **Date and time:** Wednesday, May 26, 2021; 5:00 p.m.

**Name:** Michael Joseph

**Phone #:** 786-245-2307 (Law office phone number—direct)

**Summary:** I phoned Mr. Joseph to conduct an interview regarding the 3-candidate political advertisement; I indicated I had sent an Aff of Background Information; Mr. Joseph recalled speaking with me on other occasions but never received the Affidavit of Background Information that I sent (via his law office email address) and suggested I resend it as he would respond.

Mr. Joseph said this issue makes no sense as anyone could create a flyer (political ad) and include his picture; he declared he did not create this flyer or pay for it. Mr. Joseph requested I use his “campaign” phone number to reach him; I explained that I do not have a need to reach him in the future nor do I anticipate a need to reach him but asked what his campaign

phone number is as I did not have that number in the file or know it; Mr. Joseph said it's 786-471-6183. I repeated the number and Mr. Joseph confirmed that it was correct

**Memo to File?** No

**Entered by:** HH

18. **Date and time:** Tuesday, June 1, 2021; 10:09 a.m.

**Name:** NMB City Clerk's office

**Phone #:** 305-787-6001

**Summary:** I phoned since I haven't received the records re Public Records Request; a man answering the phone placed my call on hold while he checked on status of my request; a woman answered (Marva) and asked why I was calling; I explained and she said she'll return my call after checking their records.

**Memo to File?** No

**Entered by:** HH

19. **Date and time:** Tuesday, June 1, 2021; 12:01 p.m.

**Name:** Marva Simmonds, Asst. City Clerk, NMB City Clerk's office

**Phone #:** 305-354-4110

**Summary:** After providing most of the records I requested in a public records request, she returned my call, and asked if I had everything I needed. I thanked her, noted there is one item missing from my request, copy of list of contents for Candidate Handbook & letter from FO to candidates and explained that I've tried for 2 years to get an Aff of FO completed with candidate records.

**Memo to File?** No

**Entered by:** HH

20. **Date and time:** Friday, June 4, 2021; 1:09 p.m.

**Name:** Andrise Bernard, NMB City Clerk

**Phone #:** 305-354-4110

**Summary:** She called, explained that she lost her phone with my number and email contact info., asked if her assistant, Marva, had provided everything I requested; I acknowledged I was waiting for the remainder of the records to be provided by Marva. She acknowledged speaking with my colleague recently (05/11/21; 2:47 p.m.); I informed her she spoke to my FEC attorney I'm working with on this case, Ms. Clay, and she (City Clerk) had informed her (Ms. Clay) I/we would have the records by the end of May 2021 but the records were not sent. Therefore, I made a Public Records Request to be certain I had the records for my investigation. I reminded Ms. Bernard I had sent multiple requests to her (City Clerk) over the past 2 years, each time she had agreed to provide same; however, she never completed and returned an Aff of FO with the records. Again, Ms. Bernard agreed to respond to my requests and complete an Aff of FO.

**Memo to File?** No

**Entered by:** HH

21. **Date and time:**

**Name:**

**Phone #:**

**Summary:**

AFFIDAVIT OF BACKGROUND INFORMATION

STATE OF FLORIDA  
County of Miami-Dade

Robert Dempster, being duly sworn, says:

1. This affidavit is made upon my personal knowledge.
2. I am of legal age and competent to testify to the matters stated herein. I am currently employed by N/A as N/A.  
My contact number, and address is:

786-838-0535, 17550 NE 5th Court, North Miami Beach, FL 33162.

3. Have you ever run for public office? If so, please name the office(s) you ran for; the date(s) of the election(s) you ran in; and the outcome(s) of the election(s); also, include any races from which you withdrew before or after qualifying.

I ran for Mayor of the City of North Miami Beach in 2016 (11/06/2016) and Miami Dade-County District Committeeman in 2020 (08/18/2020). I won the latter (I ran unopposed) and lost the former.

4. Have you ever been appointed to act as a campaign treasurer and/or deputy treasurer for a candidate? If so, please name the candidate(s) you served as treasurer/deputy treasurer including your candidacy: the office(s) the candidate ran for; and the dates of the election(s)

I have not ever been appointed to act as a campaign treasurer for a candidate.

5. Have you ever held the office of chairperson or campaign treasurer (or deputy treasurer) for a political committee? If so, please list the name(s) and address(es) of the committees, the position you held, dates you held the position(s) and the filing officer having jurisdiction over the committee(s).

I have never held the office of chairperson or campaign treasurer (or deputy treasurer) for a political committee.

6. What action have you taken to determine your responsibilities as a candidate under Florida's election laws? (Please explain what you did to determine what was required of you as a 2018 candidate under Florida's election laws, such as the following: contact your local filing officer; contact the County Supervisor of Elections (SOE); contact the Division of Elections; contact an attorney; review documents provided by the filing

officer; review documents available on the SOE website; review documents on the Department of State, Division of Elections website, etc...

I reviewed Chapter 106, Florida Statutes; I reviewed the Campaign Treasurer's Handbook; I received general guidance from activists and professionals who work in elections.

7. Please explain if you sought guidance from anyone (supervisor of elections, Division of Elections, an attorney, etc.) prior to publishing and distributing the political advertisement at issue. If so, please include in your explanation the following: when you sought guidance; from whom you sought guidance; and the specific guidance they provided concerning Florida's election laws.

I do not recall seeking explicit guidance regarding any particular advertisement.

8. Do you possess a copy of Chapter 106, Florida Statutes?

NO

9. If so, when did you attain it?

N/A

10. Have you read Chapter 106, Florida Statutes?

YES

11. Do you possess a copy of the Candidate & Campaign Treasurer Handbook?

NO

12. If so, when did you obtain it?

N/A

13. Have you read the Candidate & Campaign Treasurer Handbook?

YES

14. Do you possess a copy of Chapter 104, Florida Statutes?

NO

15. If so, when did you obtain it?

N/A

16. Have you read Chapter 104, Florida Statutes?

I do not recall having read Chapter 104

17. Please describe any discussions or correspondence you had with the filing officer or a member of his/her staff during your 2018 campaign and include the date(s) of the contact(s).

We had multiple conversations with the North Miami Beach City Clerk. To my recollection, they were courteous small talk made when I submitted my Campaign Treasurer's Reports, as well as some conversations regarding campaign finance report calendars, and inquiries into other candidates' reports.

18.



19. Please identify and describe your 2018 municipal campaign procedures that were in place to ensure that your political advertisement(s) had a correct disclaimer.

All advertisements were approved by both me and my Treasurer, we worked exclusively with experienced political printers for print advertisements; we used Facebook (which has internal controls) for digital advertising.



20. Please explain if you had any discussions with the other 2018 NMB candidates depicted with you in the political advertisement(s)—McKenzie Fleurimond and/or Michael Joseph—prior to publication of the political advertisement(s).

I had multiple conversations with the candidates, in both private and public, generally regarding the best policies for the City and how to effectively communicate with voters.

21. Please identify the vendor (include business name, contact person, email & mailing address, and phone number) who published the political advertisement(s) at issue.

All print advertisements were printed by Progressive Rags, located at 2040 NE 163rd St. #210, North Miami Beach, Florida. Email address of progressiverags@gmail.com. Our contact person was Jack Lieberman, who has since died, and our phone contacts were to him personally. Print advertisements were all distributed directly by the campaign, with no other vendors involved in publishing. All digital advertisements were published on Facebook, 1 Hacker Way, Menlo Park, California. We had no particular point of contact, phone number, or email address.

22. Please identify the campaign treasurer's report(s) where you disclosed a campaign expenditure or in-kind contribution for the political advertisement(s) at issue.

I do not know what political advertisement is at issue. However, expenditures to our publishers are recorded on reports G1, G4, G5, G6, M8, and TR.

23. Please explain if a political party, a political party executive committee, People's Progressive Caucus of Miami-Dade or other political party-affiliated group sponsored the political advertisement at issue.

I have no knowledge of political advertisements sponsored by a political party, political party executive committee, People's Progressive Caucus of Miami-Dade or other political party-affiliated group.

24. Please identify and explain who organized and who advertised the event for the North Miami Beach Joint Campaign Kickoff event on or about September 9, 2018. McKenzie Fleurimond, Michael Joseph, and you appeared in advertisement(s) for the event.

The event was collaboratively organized between me, my campaign manager, McKenzie Fleurimond, and Michael Joseph. I am not aware of any advertisement(s) for this event.

25. Please identify and explain whether McKenzie Fleurimond or Michael Joseph attended the NMB Joint Campaign Kickoff event on or about September 9, 2018.

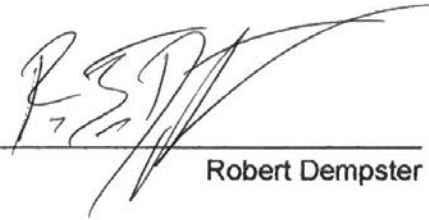
To my recollection, both McKenzie and Michael attended the event.

26. Please identify who was responsible for organizing and advertising the NMB Joint Campaign Kickoff event where you, McKenzie Fleurimond, and Michael Joseph were pictured in advertisement(s).

To my recollection, I, my campaign manager, McKenzie Fleurimond, and Michael Joseph jointly organized the event. I do not recall any advertising for the event.

27. Please provide any additional comments you wish to make in the space below.

I do not recall any advertisements for any event with Michael and McKenzie. We printed leaflets to give to the voters at doors that expressed our public alignment on matters of policy with both of them, but we paid for and disclosed any and all of those leaflets, and they all carried a proper political disclaimer.

  
\_\_\_\_\_  
Robert Dempster

BEFORE ME, the undersigned authority, this day personally appeared Robert Dempster and being by me first duly sworn, deposes and says that he has executed the foregoing Affidavit and that it is true and correct.

WITNESS my hand and official seal this 16th day of November 2020.

  
\_\_\_\_\_

My Commission Expires: 02/05/22

NOTARY PUBLIC  
STATE OF FLORIDA

\_\_\_\_ Personally known OR  
 Produced Identification  
Type of Identification Produced  
FL DL



Alain Cueto  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# GG183001  
Expires 2/5/2022

AFFIDAVIT OF BACKGROUND INFORMATION

STATE OF FLORIDA  
County of Miami-Dade

Robert Dempster, being duly sworn, says:

1. This affidavit is made upon my personal knowledge.
2. I am of legal age and competent to testify to the matters stated herein. I am currently employed by N/A as N/A.  
My contact number, and address is:

786-838-0535, 17550 NE 5th Court, North Miami Beach, FL 33162.

3. Have you ever run for public office? If so, please name the office(s) you ran for; the date(s) of the election(s) you ran in; and the outcome(s) of the election(s); also, include any races from which you withdrew before or after qualifying.

I ran for Mayor of the City of North Miami Beach in 2018 (11/06/2018) and Miami Dade-County District Committeeman in 2020 (08/18/2020). I won the latter (I ran unopposed) and lost the former.

4. Have you ever been appointed to act as a campaign treasurer and/or deputy treasurer for a candidate? If so, please name the candidate(s) you served as treasurer/deputy treasurer including your candidacy; the office(s) the candidate ran for; and the dates of the election(s).

I have not ever been appointed to act as a campaign treasurer or deputy treasurer for a candidate.

5. Have you ever held the office of chairperson or campaign treasurer (or deputy treasurer) for a political committee? If so, please list the name(s) and address(es) of the committees, the position you held, dates you held the position(s) and the filing officer having jurisdiction over the committee(s).

I have never held the office of chairperson or campaign treasurer (or deputy treasurer) for a political committee.

6. What action have you taken to determine your responsibilities as a candidate under Florida's election laws? (Please explain what you did to determine what was required of you as a 2018 candidate under Florida's election laws, such as the following: contact your local filing officer; contact the County Supervisor of Elections (SOE); contact the

Division of Elections; contact an attorney; review documents provided by the filing officer; review documents available on the SOE website; review documents on the Department of State, Division of Elections website, etc...

To my recollection, I reviewed Chapter 106, Florida Statutes, the Campaign Treasurer's Handbook and received general guidance from activists and professionals who work in elections.

7. Please explain if you sought guidance from anyone (supervisor of elections, Division of Elections, an attorney, etc.) prior to publishing and distributing the political advertisement at issue. If so, please include in your explanation the following: when you sought guidance; from whom you sought guidance; and the specific guidance they provided concerning Florida's election laws.

I do not recall seeking guidance regarding the political advertisement at issue.

8. Do you possess a copy of Chapter 106, Florida Statutes?

NO

9. If so, when did you attain it?

N/A

10. Have you read Chapter 106, Florida Statutes?

YES

11. Do you possess a copy of the Candidate & Campaign Treasurer Handbook?

NO

12. If so, when did you obtain it?

N/A

13. Have you read the Candidate & Campaign Treasurer Handbook?

YES

14. Do you possess a copy of Chapter 104, Florida Statutes?

NO

15. If so, when did you obtain it?

N/A

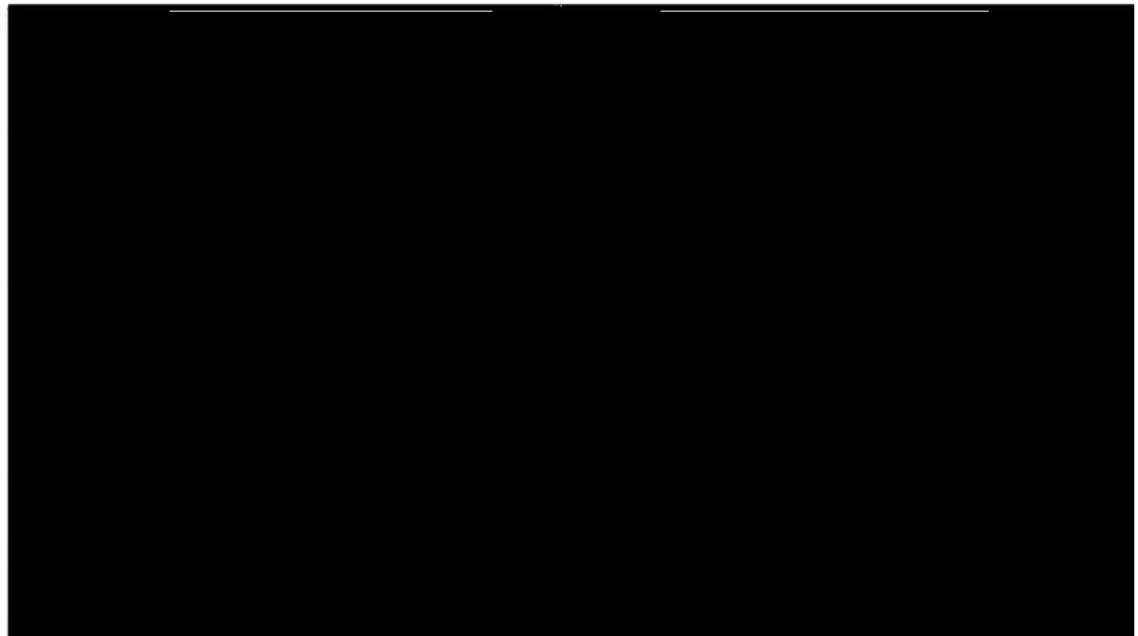
16. Have you read Chapter 104, Florida Statutes?

I do not recall having read Chapter 104

17. Please describe any discussions or correspondence you had with the filing officer or a member of his/her staff during your 2018 campaign and include the date(s) of the contact(s).

I had multiple conversations with the North Miami Beach City Clerk and/or their staff. To my recollection, it was mostly courteous small talk made on the dates we filed Campaign Treasurer's Reports, as well as some conversations regarding campaign finance report calculations.

18.



19. Please identify and describe your 2018 municipal campaign procedures that were in place to ensure that your political advertisement(s) had a correct disclaimer.

All advertisements were approved by both me and my Treasurer; we worked exclusively with experienced political printers for print advertisements; we used Facebook (which has internal controls) for digital advertising.

20. Please explain if you had any discussions with the other 2018 NMB candidates depicted with you in the political advertisement(s)--McKenzie Fleurimond and/or Michael Joseph--prior to publication of the political advertisement(s).

I had multiple conversations with the candidates, in both private and public, generally regarding the best policies for the City.

21. Please identify the vendor (include business name, contact person, email & mailing address, and phone number) who published the political advertisement(s) at issue.

All print advertisements were printed by Progressive Rags, located at 2040 NE 163rd St. #210, North Miami Beach, Florida. Email address of [progressiverags@gmail.com](mailto:progressiverags@gmail.com). Our contact person was Jack Lieberman, who has since died, and our phone contacts were to him personally. Print advertisements were all distributed directly by the campaign, with no other vendors involved in publishing. All digital advertisements were published on Facebook, 1 Hacker Way, Menlo Park, California. We had no particular point of contact, phone number, or email address.

22. Please identify the campaign treasurer's report(s) where you disclosed a campaign expenditure or in-kind contribution for the political advertisement(s) at issue.

While I no longer have records that I can use to determine which expenditure to Progressive Rags was this one exactly, I believe it was recorded as line item 7 for \$1,401.70 on the report dated 8/1/2018 through 8/31/2018.

23. Please explain if a political party, a political party executive committee, People's Progressive Caucus of Miami-Dade or other political party-affiliated group sponsored the political advertisement at issue.

They did not.

24. Please identify and explain who organized and who advertised the event for the North Miami Beach Joint Campaign Kickoff event on or about September 9, 2018. McKenzie Fleurimond, Michael Joseph, and you appeared in advertisement(s) for the event.

To the best of my recollection, the event was collaboratively organized between me, my campaign manager, McKenzie Fleurimond, and Michael Joseph. I am not aware of any advertisement(s) for this event.

25. Please identify and explain whether McKenzie Fleurimond or Michael Joseph attended the NMB Joint Campaign Kickoff event on or about September 9, 2018.

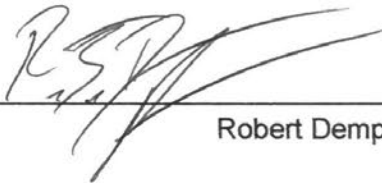
To my recollection, both McKenzie and Michael attended the event.

26. Please identify who was responsible for organizing and advertising the NMB Joint Campaign Kickoff event where you, McKenzie Fleurimond, and Michael Joseph were pictured in advertisement(s).

To the best of my recollection, my campaign manager, McKenzie Fleurimond, Michael Joseph and I organized the event. I do not recall any paid advertising for the event.

27. Please provide any additional comments you wish to make in the space below.

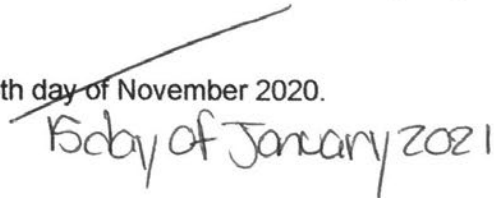
I do not recall any advertisements for any event with Michael and McKenzie. We printed leaflets to give to the voters at doors that expressed our public alignment on matters of policy with both of them, but we paid for and disclosed any and all of those leaflets, and they all carried a proper political disclaimer. I was, perhaps mistaken, but under the impression that expenditures made on a flyer for three or more candidates were not considered a contribution or an expenditure to those campaigns.

  
\_\_\_\_\_  
Robert Dempster

BEFORE ME, the undersigned authority, this day personally appeared Robert Dempster and being by me first duly sworn, deposes and says that he has executed the foregoing Affidavit and that it is true and correct.

WITNESS my hand and official seal this 16th day of November 2020.

  
\_\_\_\_\_

  
Sobay of January 2021

My Commission Expires: 12/7/24

NOTARY PUBLIC  
STATE OF FLORIDA

Personally known OR  
 Produced identification  
Type of Identification Produced  
FL DL



Tatianna Gil  
Notary Public  
State of Florida  
Comm# HH069886  
Expires 12/7/2024

AFFIDAVIT OF BACKGROUND INFORMATION

STATE OF FLORIDA  
County of Miami-Dade

Robert Dempster, being duly sworn, says:

1. This affidavit is made upon my personal knowledge.
2. I am of legal age and competent to testify to the matters stated herein. I am currently employed by N/A as N/A.

My contact number, and address is:

786-838-0535, 17550 NE 5th Court, North Miami Beach, FL 33162.

3.

 A copy of the political advertisement at issue is enclosed and marked as Attachment "A."

4. Please describe and identify your process for determining what was to be included in the political advertisement and disclaimer.

For the political advertisement, my campaign manager and I brainstormed what we thought would be good content that expressed our values. For the disclaimer, I do not recall any process or solicitation of specific advice, we used the disclaimer that my campaign manager and I believed to be appropriate.

5. Please describe and identify (name, title, position within your campaign, phone number and email and mailing addresses) who created and was responsible for the wording and look of the political advertisement and disclaimer.

Aside from myself, that would be William Byatt, campaign manager, 305-900-8648, 1288 NE 191st St, Miami, FL 33179, and Jack Lieberman of Progressive Rags (now deceased), Former Owner, 2040 NE 163rd St, #210, North Miami Beach FL 33162, (305) 582-4846.

6. Please explain if you discussed creating, producing, costs, payments and/or a disclaimer for the political advertisement with the other 2018 NMB candidates depicted with you in the political advertisement—McKenzie Fleurimond and Michael Joseph. If so, please identify what you discussed, when and with whom regarding the political advertisement.



We discussed that my campaign wanted to produce this ad shortly before we printed it with both McKenzie and Michael, I do not recall there being any discussions regarding costs, payments, or disclaimers.

- 7. Please explain and identify what guidance you gave Progressive Rags and/or Jack Lieberman in the design, creation and production of the political advertisement and the wording of its disclaimer. (You had previously identified Progressive Rags and the vendor and Jack Lieberman as your contact for publication of the political advertisement at issue.)**

We provided the advertisement to be produced. I do not recall details beyond that.

- 8. Please explain and identify what guidance Progressive Rags and/or Jack Lieberman gave you in the design, creation and production of the political advertisement and the wording of its disclaimer. (You had previously identified Progressive Rags and the vendor and Jack Lieberman as your contact for publication of the political advertisement at issue.)**

Progressive Rags provided the location of the "union bug" portion of the advertisement on the text side. I do not remember any other guidance from Progressive Rags and/or Jack Lieberman to our campaign regarding this advertisement.

- 9. Please explain and identify why Progressive Rags was selected as the vendor for the political advertisement and provide copies of all contracts and/or addendums, stipulations, representations, agreements, bids, scope of work, letter of intent and any other document(s) defining and identifying the services to be performed by Progressive Rags and/or Jack Lieberman and identifying all fees and costs due and payable to them related to the political advertisement.**

Jack's shop is in the City of North Miami Beach and he is a long-time supporter of allied causes. We worked with Jack because we liked him. We did not create any formal contracts or similar, we called him and asked for rough quotes and then gave him the content we wanted printed.

- 10. Please identify the campaign treasurer's report(s), date(s), and sequence number(s) where you disclosed campaign expenditure(s) and/or in-kind contribution(s) for the political advertisement at issue. Also, please provide copies of all invoices, billing statements, work orders, worksheets, quotes, receipts and payment instruments (front and back) for the political advertisement.**

While I no longer have records that I can use to determine which expenditure to Progressive Rags was this one exactly, I believe it was recorded as line item 7 for \$1,401.70 on the report dated 8/1/2018 through 8/31/2018. [REDACTED]

I looked for any copies of invoices, billing statements, work orders, worksheets, quotes, receipts and payment instruments, but could not find any. I do not believe we still have those records.

- 11. Please explain why photographs of McKenzie Fleurimond and Michael Joseph are included with your photograph in the political advertisement; and explain and identify who provided the photographs of McKenzie Fleurimond and/or Michael Joseph that were included in the political advertisement.**

We included photographs of Mr. Joseph and Mr. Fleurimond because we share core values and a vision for North Miami Beach, and my team felt it was important to make the argument that by working together as Commissioners, we would be able to deliver a stronger execution of that vision. The photographs were provided by Mr. Joseph and Mr. Fleurimond.

- 12. Please explain and identify any joint costs and payments made to Progressive Rags and/or Jack Lieberman by you, McKenzie Fleurimond and/or Michael Joseph for the political advertisement.**

There were no joint costs and payments.

- 13. Please identify any payments, cost-sharing, reimbursements or anything of value you received from McKenzie Fleurimond and/or Michael Joseph to off-set any costs associated with production of the political advertisement.**

We did not receive any payments, cost-sharing, reimbursements or anything of value from McKenzie Fleurimond or Michael Joseph to off-set any costs associated with production of the political advertisement.

- 14. Please provide any additional comments you wish to make in the space below.**

My apologies if any of the above does not comply with Florida Statute, I was, perhaps mistaken, but under the impression that expenditures made on a flyer for three or more candidates were not considered a contribution or an expenditure to those campaigns.

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



**Signature of Affiant**

Robert John Dempster

Type or print full name of Affiant in space above as it appears on his I.D.

Sworn to (or affirmed) and subscribed before me this day of  
11 Feb, 2021.

[Signature] Signature of Notary Public - State of Florida

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known \_\_\_\_\_ or Produced Identification  Type of Identification Produced: FL ID



Tatianna Gil  
Notary Public  
State of Florida  
Comm# HH069886  
Expires 12/7/2024

## AFFIDAVIT

STATE OF FLORIDA  
County of Miami-Dade

Robert Dempster, being duly sworn, says:

1. This affidavit is made upon my personal knowledge.
2. I am of legal age and competent to testify to the matters stated herein. I am currently employed by N/A as N/A.
3. The information that follows relates to your responses to queries previously made by this investigator. Follow up questions are included to obtain additional facts and details to clarify your responses.

4. Question #6 When asked to explain if you discussed creating, producing, costs, payments and/or a disclaimer for the political advertisement at issue with the other 2018 NMB candidates, McKenzie Fleurimond and Michael Joseph, depicted with you in the political advertisement and if so, to identify what you discussed, when and with whom regarding the political advertisement, you indicated:

I discussed that my campaign wanted to produce the flyer shortly before we printed it with both McKenzie Fleurimond and Michael Joseph. I do not recall there being any discussions regarding costs, payments, or disclaimers with them.

5. Did you describe the political advertisement to McKenzie Fleurimond and Michael Joseph?  
 Yes or  No.

6. What details did you provide to McKenzie Fleurimond and Michael Joseph regarding the political advertisement when you discussed it with them?

**I told them that I thought we should do a piece with all three of us on it, but I do not recall exact specific details of the conversation beyond that.**

7. Did you show a mockup or digital copy of the political advertisement to McKenzie Fleurimond and Michael Joseph?  Yes or  No. If so, please identify which format was shown to whom and when.

**I do not recall.**

8. Please describe and identify what input or recommendations were made by McKenzie Fleurimond regarding the political advertisement.

**I do not recall any specific input or recommendations from Mr Fleurimond.**

9. Please describe and identify what input or recommendations were made by Michael Joseph regarding the political advertisement.

**I do not recall any specific input or recommendations from Mr Joseph.**

10. Question #7 When asked to explain and identify what guidance you gave Progressive Rags and/or Jack Lieberman in the design, creation and production of the political advertisement and the wording of its disclaimer, (you had previously identified Progressive Rags as the vendor and Jack Lieberman as your contact for publication of the political advertisement at issue), you indicated:

**We provided the flyer to be produced. I do not recall details beyond that.**

11. Did you create the disclaimer on the political advertisement? (X) Yes or ( ) No. 12. If not, please identify and explain who created and provided the disclaimer for the ad.

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13. Was the political advertisement provided to Progressive Rags as "print ready"? ( ) Yes or (X) No. If not, please describe in detail what was provided to Progressive Rags/Jack Lieberman.

**Progressive Rags added the "union bug" indicating the piece was printed by a unionized print shop. We provided the rest of the document as-is.**

14. Question #9 When asked to explain and identify why Progressive Rags was selected as the vendor for the political advertisement and provide copies of all contracts and/or addendums, etc., and any other document(s) defining and identifying: the services to be performed by Progressive Rags and/or Jack Lieberman; and identifying all fees and costs due and payable to them related to the political advertisement, you indicated:

**Progressive Rags was selected as the vendor for the political advertisement because Jack Lieberman's shop was in the City of North Miami Beach and he was a long-time supporter of allied causes. We worked with Jack because we liked him. We did not create any formal contracts or similar, we called him and asked for rough quotes and then gave him the**

**content we wanted printed.**

15. Please identify and explain in detail what you meant in your response "and then gave him the content we wanted printed."

**We provided material that was almost exactly print-ready, except that Progressive Rags would add the "union bug."**

16. Question #11 When asked to explain why photographs of McKenzie Fleurimond and Michael Joseph were included with your [REDACTED] photograph in the political advertisement and who provided the photographs of McKenzie Fleurimond and/or Michael Joseph that were included in the political advertisement, you indicated:

**We included photographs of Mr. Joseph and Mr. Fleurimond because we share core values and a vision for North Miami Beach, and my team felt it was important to make the argument that by working together as Commissioners, we would be able to deliver a stronger execution of that vision. The photographs were provided by Mr. Joseph and Mr. Fleurimond.**

17. Was Mr. Joseph aware his photograph would be included on a political advertisement you were creating? (x) Yes or ( ) No.

18. Was Mr. Fleurimond aware this photograph would be included on a political advertisement you were creating? (x) Yes or ( ) No

19. Did Mr. Joseph see a sample or copy of the political advertisement before printing? ( ) Yes or ( ) No.

**I do not recall**

20. Did Mr. Joseph see a copy of the political advertisement before mailing? ( ) Yes or ( ) No.

**I do not recall if or when Mr Joseph may have seen the piece, however we did not mail this piece, it was door-to-door canvassed only.**

21. Did Mr. Fleurimond see a sample or copy of the political advertisement before printing? ( ) Yes or ( ) No.

**I do not recall**

22. Did Mr. Fleurimond see a copy of the political advertisement before mailing? ( )  
Yes or ( ) No.

**I do not recall if or when Mr Fleurimond may have seen the piece, however we  
did not mail this piece, it was door-to-door canvassed only.**

**I HEREBY SWEAR OR AFFIRM THAT THE FOREGOING INFORMATION IS TRUE  
AND CORRECT TO THE BEST OF MY KNOWLEDGE.**


**[THIS SPACE INTENTIONALLY LEFT BLANK]**

  
\_\_\_\_\_  
**Signature of Affiant**

Robert John Dempster  
Type or print full name of Affiant in space above as it appears on his  
I.D.

Sworn to (or affirmed) and subscribed before me this day of  
30 Mar, 2021.

  
\_\_\_\_\_  
**Signature of Notary Public - State of Florida**  
**Print, Type, or Stamp Commissioned Name of Notary Public**

  
**Tatiana Gil**  
Notary Public  
State of Florida  
Comm# HH069886  
Expires 12/7/2024

Personally Known \_\_\_\_\_ or Produced Identification   
Type of Identification Produced: FCID

Case Investigator: HH

## CAMPAIGN TREASURER'S REPORT SUMMARY

(1) Robert Dempster  
 Name  
 (2) 17550 NE 5th Ct  
 Address (number and street)  
North Miami Beach, FL 33162  
 City, State, Zip Code

OFFICE USE ONLY  
 RECEIVED  
 2010 SEP 11 AM 11:44  
 DDMC CITY CLERK'S OFFICE

Check here if address has changed

(3) ID Number: \_\_\_\_\_

(4) Check appropriate box(es):

Candidate Office Sought: Mayor (Group 1)

Political Committee (PC)

Electioneering Communications Org. (ECO)  Check here if PC or ECO has disbanded

Party Executive Committee (PTY)  Check here if PTY has disbanded

Independent Expenditure (IE) (also covers an individual making electioneering communications)  Check here if no other IE or EC reports will be filed

### (5) Report Identifiers

Cover Period: From 08 / 01 / 2010 To 08 / 31 / 2010 Report Type: M8

Original  Amendment  Special Election Report

### (6) Contributions This Report

Cash & Checks \$ \_\_\_\_\_ , \_\_\_\_\_ , 135 . 34

Loans \$ \_\_\_\_\_ , \_\_\_\_\_ , \_\_\_\_\_ . \_\_\_\_\_

Total Monetary \$ \_\_\_\_\_ , \_\_\_\_\_ , \_\_\_\_\_ . \_\_\_\_\_

In-Kind \$ \_\_\_\_\_ , \_\_\_\_\_ , \_\_\_\_\_ . \_\_\_\_\_

### (7) Expenditures This Report

Monetary Expenditures \$ \_\_\_\_\_ , \_\_\_\_\_ , 2 , 273 . 93

Transfers to Office Account \$ \_\_\_\_\_ , \_\_\_\_\_ , \_\_\_\_\_ . \_\_\_\_\_

Total Monetary \$ \_\_\_\_\_ , \_\_\_\_\_ , \_\_\_\_\_ . \_\_\_\_\_

### (8) Other Distributions

\$ \_\_\_\_\_ , \_\_\_\_\_ , \_\_\_\_\_ . \_\_\_\_\_

### (9) TOTAL Monetary Contributions To Date

\$ \_\_\_\_\_ , \_\_\_\_\_ , 8 , 648 . 52

### (10) TOTAL Monetary Expenditures To Date

\$ \_\_\_\_\_ , \_\_\_\_\_ , 2 , 433 . 95

### (11) Certification

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

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

(Type name) William Byatt

Individual (only for IE or electioneering comm.)  Treasurer  Deputy Treasurer

X [Signature]  
 Signature

(Type name) ROBERT DEMPSTER

Candidate  Chairperson (only for PC and PTY)

X [Signature]  
 Signature



# CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

(1) Name Robert Dempster (2) I.D. Number \_\_\_\_\_

(3) Cover Period 08 / 01 / 2018 through 08 / 31 / 2018 (4) Page 1 of 1

(5) Date	(6) Sequence Number	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor Type   Occupation		(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
08 / 08 / 2018	1	Shannon O'Neill 700 Ardmore Ave. Unit 628 Ardmore PA 19003	I	IT	MON			\$100.00
08 / 08 / 2018	2	Dawn Grayson 19942 NE 5th Court, Miami, FL 33179	I	Project Mgmt	MON			\$100.00
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## CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES

(1) Name Robert Dempster

(2) I.D. Number \_\_\_\_\_

(3) Cover Period 08 / 01 / 2018 through 08 / 31 / 2018

(4) Page 1 of 2

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
(6) Sequence Number					
08 / 06 / 2018 1	Greynolds Park 17530 W Dixie Hwy North Miami Beach, FL	Event	MON		\$149.80
08 / 08 / 2018 2	PayPal 2211 North First Street San Jose, CA 95131	Merchant Fees	MON		\$4.66
08 / 09 / 2018 3	FedEx 3401 N Miami Ave, #108 Miami, FL 33127	Printing	MON		\$3.77
08 / 13 / 2018 4	Publix 14641 Biscayne Blvd North Miami, FL 33181	Event Supplies	MON		\$121.86
08 / 13 / 2018 5	Costco 14585 Biscayne Blvd North Miami, FL 33181	Event Supplies	MON		\$189.26
08 / 13 / 2018 6	Costco 14585 Biscayne Blvd North Miami, FL 33181	Event Supplies	MON		\$96.29
08 / 13 / 2018 7	Progressive Rags 2040 NE 163rd St, #210 North Miami Beach, FL 33162	Literature	MON		\$1,401.70
08 / 13 / 2018 8	Publix 14641 Biscayne Blvd North Miami, FL 33181	Event Supplies	MON		\$61.66

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 2018 SEP 11 AM 11:44  
 MIAMI: 44  
 DND CITY CLERK'S OFFICE

**CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES**

(1) Name Robert Dempster

(2) I.D. Number \_\_\_\_\_

(3) Cover Period 08 / 01 / 2018 through 08 / 31 / 2018

(4) Page 2 of 2

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
(6) Sequence Number					
08 / 20 / 2018	Squarespace 225 Varick St, 12th Floor New York, NY 10014	Website	MON		\$15.00
9					
08 / 20 / 2018	Squarespace 225 Varick St, 12th Floor New York, NY 10014	Website	MON		\$16.00
10					
08 / 21 / 2018	BB&T 10990 Biscayne Blvd #11 Miami, FL 33161	Bank Fees	MON		\$19.00
11					
08 / 23 / 2018	FedEx 3401 N Miami Ave, #108 Miami, FL 33127	Printing	MON		\$4.59
12					
08 / 24 / 2018	City of North Miami Beach 17011 NE 19th Ave North Miami Beach, FL 33162	Qualifying Fees	MON		\$180.00
13					
08 / 27 / 2018	MailChimp 655 Ponce de Leon Ave NE Suite 5000 Atlanta, GA 303038	Mail List	MON		\$15.00
14					
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2018 SEP 11 AM 11:44  
CITY CLERK'S OFFICE

**AFFIDAVIT**

**STATE OF FLORIDA**  
**County of Miami-Dade**

**Robert Dempster, being duly sworn, says:**

1. This affidavit is made upon my personal knowledge.
  
2. I am of legal age and competent to testify to the matters stated herein. I am currently employed by N/A as N/A.
  
3. The information that follows relates to your responses to queries previously made by this investigator. Follow up questions are included to obtain additional facts and details to clarify your responses.

4. Question #6 When asked to explain if you discussed creating, producing, costs, payments and/or a disclaimer for the political advertisement at issue with the other 2018 NMB candidates, McKenzie Fleurimond and Michael Joseph, depicted with you in the political advertisement and if so, to identify what you discussed, when and with whom regarding the political advertisement, you indicated:

I discussed that my campaign wanted to produce the flyer shortly before we printed it with both McKenzie Fleurimond and Michael Joseph. I do not recall there being any discussions regarding costs, payments, or disclaimers with them.

5. Did you describe the political advertisement to McKenzie Fleurimond and Michael Joseph?  
(x) Yes or ( ) No.

6. What details did you provide to McKenzie Fleurimond and Michael Joseph regarding the political advertisement when you discussed it with them?

**I told them that I thought we should do a piece with all three of us on it, but I do not recall exact specific details of the conversation beyond that.**

7. Did you show a mockup or digital copy of the political advertisement to McKenzie Fleurimond and Michael Joseph? ( ) Yes or ( ) No. If so, please identify which format was shown to whom and when.

**I do not recall.**

8. Please describe and identify what input or recommendations were made by McKenzie Fleurimond regarding the political advertisement.

**I do not recall any specific input or recommendations from Mr Fleurimond.**

9. Please describe and identify what input or recommendations were made by Michael Joseph regarding the political advertisement.

**I do not recall any specific input or recommendations from Mr Joseph.**

10. Question #7 When asked to explain and identify what guidance you gave Progressive Rags and/or Jack Lieberman in the design, creation and production of the political advertisement and the wording of its disclaimer, (you had previously identified Progressive Rags as the vendor and Jack Lieberman as your contact for publication of the political advertisement at issue), you indicated:

**We provided the flyer to be produced. I do not recall details beyond that.**

11. Did you create the disclaimer on the political advertisement? (X) Yes or ( ) No. 12. If not, please identify and explain who created and provided the disclaimer for the ad.

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13. Was the political advertisement provided to Progressive Rags as "print ready"? ( ) Yes or (X) No. If not, please describe in detail what was provided to Progressive Rags/Jack Lieberman.

**Progressive Rags added the "union bug" indicating the piece was printed by a unionized print shop. We provided the rest of the document as-is.**

14. Question #9 When asked to explain and identify why Progressive Rags was selected as the vendor for the political advertisement and provide copies of all contracts and/or addendums, etc., and any other document(s) defining and identifying: the services to be performed by Progressive Rags and/or Jack Lieberman; and identifying all fees and costs due and payable to them related to the political advertisement, you indicated:

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**content we wanted printed.**

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**We included photographs of Mr. Joseph and Mr. Fleurimond because we share core values and a vision for North Miami Beach, and my team felt it was important to make the argument that by working together as Commissioners, we would be able to deliver a stronger execution of that vision. The photographs were provided by Mr. Joseph and Mr. Fleurimond.**

17. Was Mr. Joseph aware his photograph would be included on a political advertisement you were creating? (x) Yes or ( ) No.

18. Was Mr. Fleurimond aware this photograph would be included on a political advertisement you were creating? (x) Yes or ( ) No

19. Did Mr. Joseph see a sample or copy of the political advertisement before printing? ( ) Yes or ( ) No.

**I do not recall**

20. Did Mr. Joseph see a copy of the political advertisement before mailing? ( ) Yes or ( ) No.

**I do not recall if or when Mr Joseph may have seen the piece, however we did not mail this piece, it was door-to-door canvassed only.**

21. Did Mr. Fleurimond see a sample or copy of the political advertisement before printing? ( ) Yes or ( ) No.

**I do not recall**

22. Did Mr. Fleurimond see a copy of the political advertisement before mailing? ( )  
Yes or ( ) No.

**I do not recall if or when Mr Fleurimond may have seen the piece, however we  
did not mail this piece, it was door-to-door canvassed only.**

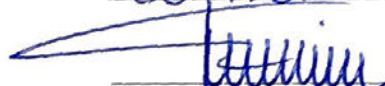
**I HEREBY SWEAR OR AFFIRM THAT THE FOREGOING INFORMATION IS TRUE  
AND CORRECT TO THE BEST OF MY KNOWLEDGE.**


**[THIS SPACE INTENTIONALLY LEFT BLANK]**

  
\_\_\_\_\_  
**Signature of Affiant**

Robert John Dempster  
Type or print full name of Affiant in space above as it appears on his  
I.D.

Sworn to (or affirmed) and subscribed before me this day of  
30 Mar, 2021.

  
\_\_\_\_\_  
**Signature of Notary Public - State of Florida**  
**Print, Type, or Stamp Commissioned Name of Notary Public**

  
**Tatianna Gil**  
Notary Public  
State of Florida  
Comm# HH069886  
Expires 12/7/2024

Personally Known \_\_\_\_\_ or Produced Identification   
Type of Identification Produced: FL ID

Case Investigator: HH



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

January 17, 2019

McKenzie Fleurimond  
15221 NE 11 court  
North Miami Beach, FL 33162

**RE: Case No.: FEC 18-325; Respondent: McKenzie Fleurimond**

Dear Mr. Fleurimond:

On October 1, 2018, 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 106.143(1), Florida Statutes:** Respondent, a 2018 candidate for the North Miami Beach City Commission, Group 5, may have paid for and distributed political advertisements that contained express advocacy but did not include a proper disclaimer.

**Section 106.07(5), Florida Statutes:** Respondent, a 2018 candidate for the North Miami Beach City Commission, Group 5, may have filed one or more campaign treasurer reports that were either incorrect or incomplete, as alleged in the complaint.

**Section 106.19(1)(b), Florida Statutes** Respondent, a 2018 candidate for the North Miami Beach City Commission, Group 5, may have failed to report one or more contributions required to be reported by Chapter 106, Florida Statutes, as alleged in the complaint.

**Section 106.19(1)(c), Florida Statutes:** Respondent, a 2018 candidate for the North Miami Beach City Commission, Group 5, may have falsely reported or deliberately failed to include information in one or more campaign reports required by Chapter 106, Florida Statutes, as alleged in the complaint.



McKenzie Fleurimond  
January 17, 2019  
Page 2  
FEC 18-325

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](http://www.fec.state.fl.us)).

If you have additional questions, please contact **Helen Hinson**, the investigator assigned to this case at extension 115.


Sincerely,

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

Tim Vaccaro  
Executive Director

TV/enr



Re: Attn: Erin Riley FEC 18-325   
Florida Elections Commission to: McKenzie Fleurimond  
Sent by: Donna Malphurs

10/24/2018 04:50 PM

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Thank you for responding to the complaint. In regards to your question "How can I properly address this to avoid adverse action against me?" The Florida Elections Commission is not authorized to provide you with legal advice. Please contact the Department of State, Division of Elections at 850-245-6200.

Sincerely,

Donna Ann Malphurs  
Agency Clerk

"McKenzie Fleurimond" Dear Erin Riley, I have received a complain...

10/24/2018 07:22:08 AM

From: "McKenzie Fleurimond" <mcflleurimond@gmail.com>  
To: fec@myfloridalegal.com  
Date: 10/24/2018 07:22 AM  
Subject: Attn: Erin Riley FEC 18-325

---

Dear Erin Riley,

I have received a complaint of a possible violation in reference to campaign materials of Mr. Robert Dempster that include my face on it. Thank you for bringing this to my attention.

My campaign was not responsible for, did not pay for, design or print any of the materials attached to the complaint.

Now that this complaint has been launched, I humbly submit to your direction in remedying this issue that I was not aware of. How can I properly address this to avoid adverse action against me? I look forward to your guidance.

Best regards,

McKenzie



Attn: Erin Riley FEC 18-325

McKenzie Fleurimond

to:

fec

10/24/2018 07:22 AM

Hide Details

From: "McKenzie Fleurimond" <mcflleurimond@gmail.com>

To: fec@myfloridalegal.com

Dear Erin Riley,

I have received a complaint of a possible violation in reference to campaign materials of Mr. Robert Dempster that include my face on it. Thank you for bringing this to my attention.

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Now that this complaint has been launched, I humbly submit to your direction in remedying this issue that I was not aware of. How can I properly address this to avoid adverse action against me? I look forward to your guidance.

Best regards,

McKenzie

## COMPLAINT

The Commission's records and proceedings in a case are confidential until the Commission rules on probable cause. A copy of the complaint will be provided to the person against whom it is brought.

### 1. PERSON BRINGING COMPLAINT:

Name: Stephanie Kienzle Work Phone: (964) 761-7706  
Address: 7535 SW 26 Court Home Phone: (305) 335-2093  
City: Davie County: Broward State: FL Zip Code: 33314

### 2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:

If you intend to name more than one individual or entity, please file multiple complaints. A person can be an individual, political committee, political party, electioneering communication organization, club, corporation, partnership, company, association, or other type of organization.

Name of individual or entity: McKenzie Fleurimond  
Address: 15221 NE 11 Court Phone: (    )       
City: North Miami Beach County: Miami-Dade State: FL Zip Code: 33162

If individual is a candidate, list the office or position sought: North Miami Beach Commissioner

Have you filed this complaint with the State Attorney's Office? (check one)  Yes  No

Are you alleging a violation of Section 104.271(2), F.S.? (check one)  Yes  No

Are you alleging a violation of Section 104.2715, F.S.? (check one)  Yes  No

### 3. ALLEGED VIOLATION(S):

Please attach a **concise** narrative statement in which you list the provisions of the Florida Election Code that you believe the person named above may have violated. The Commission has jurisdiction only to investigate provisions of Chapter 104 and Chapter 106, Florida Statutes. Please include the following items as part of your attached statement:

- The facts and actions that you believe support the violations you allege;
- The names/telephone numbers of persons whom you believe may be witnesses to the facts;
- A copy or picture of any political advertisement(s) you mention in your statement;
- A copy of each document you mention in your statement;
- An explanation of why you believe information you reference from websites is relevant; and
- Any other evidence supporting your allegations.

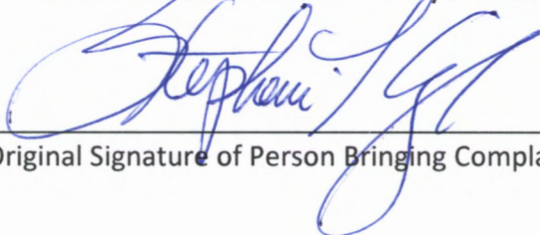
SEE REVERSE SIDE OF DOCUMENT FOR ADDITIONAL INFORMATION

***Any person who files a complaint while knowing that the allegations are false or without merit commits a misdemeanor of the first degree, punishable as provided in Sections 775.082 and 775.083, Florida Statutes.***

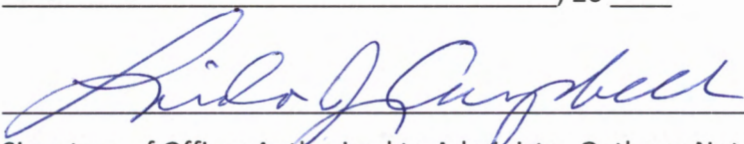
4. **OATH:**

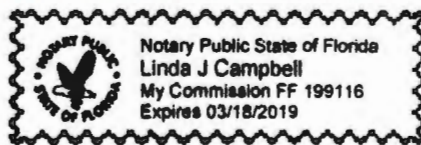
STATE OF FLORIDA  
COUNTY OF Broward

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

  
Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this 26 day of  
September, 20 18

  
Signature of Officer Authorized to Administer Oaths or Notary Public



(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known  Or Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_

5. **IMPROPERLY COMPLETED COMPLAINT FORMS MAY BE RETURNED:**

- You **MUST** submit this completed complaint form in order to file a complaint.
- You **MUST** complete **ALL FOUR** of the above sections of this form. **DO NOT** leave any blanks.
- You **MUST** submit the **ORIGINAL** complaint form. Copied/faxed/emailed forms are returned.
- Each complaint can only be filed against **ONE PERSON** or **ENTITY**. If you wish to file against multiple parties, you **MUST** submit a complaint form for each party you wish to file against.
- **DO NOT** submit multiple complaint forms with one set of attachments applying to multiple complaints. You **MUST** attach copies of attachments to each complaint to which they apply.
- **MAKE SURE** the alleged violation(s) of **Chapters 104 or 106** occurred within the last **2 years**.
- **MAKE SURE** your complaint is **sworn** and there is no defect to the notarization in Section 4.

**STATEMENT OF  
CANDIDATE**

**(Section 106.023, F.S.)**

(Please print or type)

**OFFICE USE ONLY**

**RECEIVED**

2018 AUG 22 PM 1:42

CNMB CITY CLERK OFFICE

I, McKenzie Fleurimond,  
candidate for the office of City of North Miami Beach Commissioner Group 5;  
have been provided access to read and understand the requirements of  
Chapter 106, Florida Statutes.

X

*McKenzie Fleurimond*  
Signature of Candidate

08/22/2018

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).

**Complaint:**

**McKenzie Fleurimond is a candidate for Commissioner (Group 5) in North Miami Beach.**

**He is in violation of Florida Statute 106.143 by advertising himself in a three candidate political advertisement and did not include the disclaimer as required (advertising attached). Additionally, he did not report the advertisement as an in kind contribution from Dempster as required (Contribution report attached).**

**NORTH MIAMI BEACH CANDIDATES**  
**#BUILDINGABETTERNMB**

**ROBERT DEMPSTER**  
CITY AND COUNTY  
**MAYOR GROUP 1**  
ROBERT.DEMPSTER.COM

**MCKENZIE FLEURIMOND**  
FOR NINE CITY COMMISSIONERS  
**COMMISSION GROUP 5**  
MCKENZIEFLEURIMOND.COM

**MICHAEL JOSEPH**  
City of North Miami Beach  
**COMMISSION GROUP 7**  
VOTEMICHAELJOSEPH.COM



**WE BELIEVE IN A NORTH MIAMI BEACH THAT WORKS FOR ALL**

**VOTE ON NOVEMBER 6 TO HELP BUILD A BETTER NMB TOGETHER**

**COMMUNITY POLICING:** We believe law enforcement officers should be a part of the communities they protect. We will encourage training & hiring officers from NMB and then assigning officers to their own neighborhoods. We will expand community programs to ensure that residents know and can trust their local police officers.

**ETHICAL GOVERNMENT:** We will pass expanded ethics ordinances and guarantee strong transparency in government in order to ensure that the City Commission works for the residents, and not for businesses or vendors.

**GREEN SPACES:** We will protect & expand our parks and other public green spaces. All residents should have access to the joy of outdoor activity provided by parks.

**BRINGING JOBS TO NMB:** NMB residents should be able to work in NMB if they so choose. We will encourage revitalizing unused commercial spaces with local small businesses, incentivize hiring from the community, and help NMB residents to start their own businesses.

**CONSCIOUS GROWTH:** We believe in development that is sensitive to the needs of residents and to the environmental health of North Miami Beach. We want to encourage commercial & residential development, but never at the cost of the quality of life of those citizens already living here.

**#WEARENMB**

PAID BY ROBERT DEWINTER FOR MAYOR

## CAMPAIGN TREASURER'S REPORT SUMMARY

RECEIVED

(1) McKenzie Fleurimond  
 Name  
 (2) 15221 NE 11th Court  
 Address (number and street)  
North Miami Beach, FL 33162  
 City, State, Zip Code

OFFICE USE ONLY

2018 SEP 10 PM 4:41

CNMB CITY CLERK'S OFFICE

Check here if address has changed

(3) ID Number: \_\_\_\_\_

(4) Check appropriate box(es):

- Candidate Office Sought: City Commissioner Group 5
- Political Committee (PC)
- Electioneering Communications Org. (ECO)  Check here if PC or ECO has disbanded
- Party Executive Committee (PTY)  Check here if PTY has disbanded
- Independent Expenditure (IE) (also covers an individual making electioneering communications)  Check here if no other IE or EC reports will be filed

### (5) Report Identifiers

Cover Period: From 08 / 01 / 2018 To 08 / 31 / 2018 Report Type: \_\_\_\_\_

- Original  Amendment  Special Election Report

### (6) Contributions This Report

Cash & Checks \$ \_\_\_\_\_ , \_\_\_\_\_ , 300 .00

Loans \$ \_\_\_\_\_ , \_\_\_\_\_ , 150 .00

Total Monetary \$ \_\_\_\_\_ , \_\_\_\_\_ , 450 .00

In-Kind \$ \_\_\_\_\_ , \_\_\_\_\_ , \_\_\_\_\_ . \_\_\_\_\_

### (7) Expenditures This Report

Monetary Expenditures \$ \_\_\_\_\_ , \_\_\_\_\_ , 226 .31

Transfers to Office Account \$ \_\_\_\_\_ , \_\_\_\_\_ , \_\_\_\_\_ . \_\_\_\_\_

Total Monetary \$ \_\_\_\_\_ , \_\_\_\_\_ , \_\_\_\_\_ . \_\_\_\_\_

### (8) Other Distributions

\$ \_\_\_\_\_ , \_\_\_\_\_ , \_\_\_\_\_ . \_\_\_\_\_

### (9) TOTAL Monetary Contributions To Date

\$ \_\_\_\_\_ , \_\_\_\_\_ , 450 .00

### (10) TOTAL Monetary Expenditures To Date

\$ \_\_\_\_\_ , \_\_\_\_\_ , 226 .31

### (11) Certification

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

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

(Type name) McKenzie Fleurimond

- Individual (only for IE or electioneering comm.)  Treasurer  Deputy Treasurer

**X** \_\_\_\_\_  
Signature

(Type name) McKenzie Fleurimond

- Candidate  Chairperson (only for PC and PTY)

**X** \_\_\_\_\_  
Signature

## CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES

(1) Name McKenzie Fleurimond

(2) I.D. Number \_\_\_\_\_

(3) Cover Period 08 / 01 / 2018 through 08 / 31 / 2018

(4) Page 1 of 1

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
(6) Sequence Number					
08 / 24 / 18  1	City of North Miami Beach 17011 NE 19th Avenue North Miami Beach FL 33162	Qualifying Fee	Mon		150.00
08 / 24 / 18  2	Square Inc 1455 Market Street Suite 600 San Fransisco, CA 94103	Service Charge	Mon		1.50
08 / 27 / 18  3	Wal Mart Super Center 1425 NE 163rd Street North Miami Beach FL 33162	Campaign Materials	Mon		3.07
08 / 28 / 18  4	Macillion Grio Restaurant 1026 N Miami Beach Blvd North Miami Beach FL 33162	Food for campaign workers	Mon		38.00
08 / 31 / 18  5	Groupon.com 600 West Chicago Avenue Chicago IL 60654	Candidate Pictures	Mon		29.99
08 / 31 / 18  6	Miami Parking Authority 40 NW 3rd St Miami FL 33128	Campaign Meeting Parking	Mon		3.75

RECEIVED  
 2018 SEP 10 AM 4:41  
 CAMPAIGN TREASURER'S OFFICE

## CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

(1) Name McKenzie Fleurimond (2) I.D. Number \_\_\_\_\_

(3) Cover Period 08 / 01 / 2018 through 08 / 31 / 2018 (4) Page 1 of 1

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor		(9) Contribution	(10) In-kind	(11)	(12)
(6) Sequence Number		Type	Occupation	Type	Description	Amendment	Amount
08 / 22 / 18 1	McKenzie Fleurimond 15221 NE 11th Court North Miami Beach, FL 33162	I	Ins. Agent	Loan			150.00
08 / 24 / 18 2	Lucvens Francois 99 NW 183rd Street Miami Gardens FL 33169	I	Salesman	Check			100.00
08 / 31 / 18 3	Allied Electrical Svcs 13899 Biscayne Blvd Suite 144 North Miami FL 33181	B	Electrician	Check			200.00
/ /							
/ /							
/ /							
/ /							

DS-DE 13 (Rev. 11/13)

SEE REVERSE FOR INSTRUCTIONS AND CODE VALUES

RECEIVED  
 2018 SEP 10 PM 4:41  
 CLERK OF SUPERIOR COURT