

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: **Kyle Chaderwick Gibson**

Case No.: **FEC 16-157**

TO: Kyle Chaderwick Gibson
1418 NE 57th Court
Ft. Lauderdale, FL 33334-6118

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

NOTICE OF HEARING (INFORMAL HEARING)

A hearing will be held in this case before the Florida Elections Commission on, **May 17, 2017 at 8:30 am, or as soon thereafter as the parties can be heard**, at the following location: **Augustus B. Turnbull Conference Center, 555 West Pensacola Street, Room 214, Tallahassee, Florida 32301**

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

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

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

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

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

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

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

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

See further instructions on the reverse side.

Amy McKeever Toman
Executive Director
Florida Elections Commission
May 1, 2017

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

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

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

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

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

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

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

FILED
17 FEB 28 2017
STATE OF FLORIDA
ELECTIONS COMMISSION

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,
Petitioner,**

Case No.: FEC 16-157

v.

**Kyle Chaderwick Gibson,
Respondent.**

_____ /

ORDER OF PROBABLE CAUSE

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

On December 2, 2016, Staff recommended to the Commission that there was probable cause to believe that the Florida Election Code was violated. The facts articulated in Staff's Recommendation are adopted by reference and incorporated herein. Based on the Complaint, Report of Investigation, Staff's Recommendation, and oral statements (if any) made at the probable cause hearing, the Commission finds that there is **probable cause** to charge Respondent with the following violation(s):

Count 1:

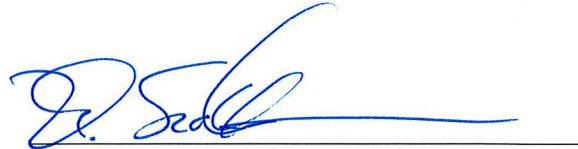
On or about April 16, 2016, Respondent violated Section 106.07(2)(b)1., Florida Statutes, when Respondent failed to file an addendum to the campaign's 2016 M1 Report correcting the errors identified by the Division within seven days of receiving notice from the filing officer that the Report was incomplete.

Count 2:

On or about April 16, 2016, Respondent violated Section

106.07(2)(b)1., Florida Statutes, when Respondent failed to file an addendum to the campaign's 2016 M2 Report correcting the errors identified by the Division within seven days of receiving notice from the filing officer that the Report was incomplete.

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



M. Scott Thomas, Chairman
Florida Elections Commission

Copies furnished to:
Cole H. Kekelis, Assistant General Counsel
Kyle Chaderwick Gibson, Respondent
Division of Elections, Complainant

NOTICE OF RIGHT TO A HEARING

As the Respondent, you may elect to resolve this case in several ways. First, you may elect to resolve this case by consent order where you and Commission staff agree to resolve the violation(s) and agree to the amount of the fine. The consent order is then presented to the Commission for its approval. To discuss a consent order, contact the FEC attorney identified in the Order of Probable Cause.

Second, you may request an informal hearing held before the Commission, if you do not dispute any material fact in the Staff Recommendation. You have 30 days from the date the Order of Probable Cause is filed with the Commission to request such a hearing. The date this order was filed appears in the upper right-hand corner of the first page of the order. At the hearing, you will have the right to make written or oral arguments to the Commission concerning the legal issues related to the violation(s) and the potential fine. At the request of Respondent, the Commission will consider and determine willfulness at an informal hearing. Otherwise, live witness testimony is unnecessary.

Third, you may request a formal hearing held before an administrative law judge in the Division of Administrative Hearings (DOAH), if you dispute any material fact in the Staff Recommendation. You have 30 days from the date the Order of Probable Cause is filed with the Commission to request such a hearing. The date this order was filed appears in the upper right-hand corner of the first page of the order. At the hearing, you will have the right to present evidence relevant to the violation(s) listed in this order, to cross-examine opposing witnesses, to impeach any witness, and to rebut the evidence presented against you.

If you do not elect to resolve the case by consent order or request a formal hearing at the DOAH

or an informal hearing before the Commission within 30 days of the date this Order of Probable Cause is filed with the Commission, the case will be sent to the Commission for a formal or informal hearing, depending on whether the facts are in dispute. The date this order was filed appears in the upper right-hand corner of the first page of the order.

To request a hearing, please send a written request to the Commission Clerk, Donna Ann Malphurs. The address of the Commission Clerk is 107 W. Gaines Street, Collins Building, Suite 224, Tallahassee, Florida 32399-1050. The telephone number is (850) 922-4539. The Clerk will provide you with a copy of Chapter 28-106, *Florida Administrative Code*, and other applicable rules upon request. No mediation is available.

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Kyle Chaderwick Gibson

Case No.: FEC 16-157

TO: Kyle Chaderwick Gibson
1418 NE 57th Court
Ft. Lauderdale, FL 33334-6118

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

NOTICE OF HEARING (PROBABLE CAUSE DETERMINATION)

A hearing will be held in this case before the Florida Elections Commission on, **February 28, 2017 at 8:30 am, or as soon thereafter as the parties can be heard**, at the following location: **Senate Office Building, 404 South Monroe Street, Room 110-S, Tallahassee, Florida 32399**

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

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See further instructions on the reverse side.

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

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

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Kyle C. Gibson

Case No.: FEC 16-157

STAFF RECOMMENDATION FOLLOWING INVESTIGATION

Pursuant to Section 106.25(4)(c), Florida Statutes, undersigned counsel files this written recommendation for disposition of the referral in this case recommending that there is **probable cause** to charge Respondent with violating **Section 106.07(2)(b)1., Florida Statutes**. Based upon a thorough review of the Report of Investigation submitted on October 24, 2016, the following facts and law support this staff recommendation:

1. On June 16, 2016, the Florida Elections Commission (“Commission”) received a referral from the Division of Elections (“Division”) alleging Kyle C. Gibson (“Respondent”) violated Chapter 106, Florida Statutes.

2. Respondent is a 2018 candidate for Florida Governor, acting as his own treasurer. An Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates form (“DS-DE 9”) appointing Respondent as his own treasurer was filed with the Division on September 25, 2014. (ROI Exhibit 1)¹

3. By letter dated August 10, 2016, the Executive Director notified Respondent that Commission staff would investigate the following statutory provision:

Section 106.07(2)(b)1., Florida Statutes: Respondent, a 2018 candidate for Florida Governor, acting as his own treasurer, failed to timely make necessary amendments to the campaign’s 2016 M1 and 2016 M2 campaign treasurer reports, as alleged in the complaint.

4. By letter dated September 26, 2014, Kristi Reid Bronson, Division of Elections, Chief, Bureau of Election Records, notified Respondent that his DS-DE 9 was filed with the Division on September 25, 2014. The letter also contained a security envelope containing Respondent’s confidential PIN number to access the Division’s electronic filing system. (ROI Exhibit 2)

5. Ms. Bronson’s September 26, 2014, letter also informed Respondent that all of the Division’s publications and reporting forms were available on the Division’s website, including Chapters 104 and 106, Florida Statutes, the *Candidate and Campaign Treasurer Handbook*, and

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

the *Calendar of Reporting Dates*. The letter notified Respondent that it was his responsibility to read, understand, and follow the requirements of Florida's election laws. (*Id.*)

6. The campaign's 2016 M1 Report covering the dates of January 1, 2016, to January 31, 2016, was due on February 10, 2016. Respondent filed the Report on February 11, 2016, which was one day late. Furthermore, the Report was incomplete. (ROI Exhibit 5, page 2 and Attachment A)

7. The campaign's 2016 M2 Report covering the dates of February 1, 2016, to February 29, 2016, was due on March 10, 2016. Respondent filed the Report on March 4, 2016. However, the Report was incomplete. (ROI Exhibit 5, page 3 and Attachment A)

8. On March 11, 2016, and March 24, 2016, the Division sent Respondent a letter notifying him that the campaign's 2016 M1 and 2016 M2 Reports were incomplete and that Respondent had seven days to correct the errors or provide the missing information noted in the attached Error Reports. (ROI Exhibit 3 and Exhibit 4)

9. On April 7, 2016, the Division sent Respondent a letter marked Final Notice notifying Respondent that the campaign's 2016 M1 and 2016 M2 Reports remained incomplete and that Respondent had seven days to correct the errors or provide the missing information noted in the attached Error Reports. The letter also stated that if the information was reported accurately, Respondent should provide a written explanation to the Division addressing the issues noted in the Error Reports attached to the notification letter. The April 7, 2016, letter was confirmed delivered on April 9, 2016. (ROI Exhibit 5)

10. The Division confirmed via email that as of November 28, 2016, neither the campaign's 2016 M1 nor 2016 M2 Report had been amended to correct the errors identified by the Division. (Attachment B)

11. Respondent was given multiple opportunities to respond to Commission staff's investigation, but failed to do so.

12. Based upon the information above, it appears that Respondent failed to file the campaign's amended 2016 M1 and 2016 M2 Reports correcting all the errors identified by the Division within seven days of receiving notice from the filing officer that the Reports were incomplete.

13. "Probable Cause" is defined as a 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).

14. The above facts show that Respondent is a 2018 candidate for Florida Governor. The campaign's 2016 M1 and 2016 M2 Reports were filed incomplete. The Division sent letters on March 11, 2016, March 24, 2016, and April 7, 2016, notifying Respondent that the campaign's

2016 M1 and 2016 M2 Reports were incomplete and that Respondent had seven days from receipt of the letters to correct the errors noted in the attached Error Reports and file amended reports. The facts also show that neither of the Reports had been corrected as of November 28, 2016.

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

Count 1:

On or about April 16, 2016, Respondent violated Section 106.07(2)(b)1., Florida Statutes, when Respondent failed to file an addendum to the campaign's 2016 M1 Report correcting the errors identified by the Division within seven days of receiving notice from the filing officer that the Report was incomplete.

Count 2:

On or about April 16, 2016, Respondent violated Section 106.07(2)(b)1., Florida Statutes, when Respondent failed to file an addendum to the campaign's 2016 M2 Report correcting the errors identified by the Division within seven days of receiving notice from the filing officer that the Report was incomplete.

Respectfully submitted on December 2, 2016,



Cole H. Kekelis
Assistant General Counsel

I reviewed this Staff Recommendation this 1st day of December 2016.



Amy McKeever Toman
Executive Director



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Florida Department of State - Division of Elections

Florida Election System Reports

Candidate/Committee Lookup

Name:

Election:

Acct:

Type:

Candidate Name: Kyle Chaderwick Gibson

Account: 64360

Date Due	Type	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amount Paid
11/10/2016	M10	11/11/2016	PEN	1	\$0.00		\$0.00	\$0.00
10/11/2016	M9	10/10/2016						
9/12/2016	M8	9/10/2016						
8/10/2016	M7	8/10/2016						
7/11/2016	M6	7/10/2016						
6/10/2016	M5	6/10/2016						
5/10/2016	M4	5/10/2016						
4/11/2016	M3	4/11/2016						
3/24/2016	M7	8/11/2015	DFS	1	\$37.50		\$37.50	\$0.00
3/10/2016	M2	3/4/2016						
2/10/2016	M1	2/11/2016	DFS	1	\$50.00		\$50.00	\$0.00
1/11/2016	M12	1/12/2016	DFS	1	\$50.00		\$50.00	\$0.00
12/10/2015	M11	12/10/2015						
11/10/2015	M10	11/10/2015						
10/13/2015	M9	10/10/2015						
9/10/2015	M8	9/10/2015						
7/10/2015	M6	7/10/2015						
6/10/2015	M5	6/7/2015						
5/11/2015	M4	5/11/2015						
4/10/2015	M3	4/15/2015	FOI	5	\$0.00		\$0.00	\$0.00
3/10/2015	M2	3/10/2015						
2/10/2015	M1	2/9/2015						
1/12/2015	M12	1/21/2015	FOI	9	\$0.00		\$0.00	\$0.00
12/10/2014	M11	12/4/2014						
11/10/2014	M10	10/31/2014						
10/10/2014	M9	10/16/2014	FOI	6	\$0.00		\$0.00	\$0.00

ATTACHMENT A



RE: Referral to FEC
Bronson, Kristi R.
to:
Cole Kekelis
11/28/2016 09:37 AM
Hide Details
From: "Bronson, Kristi R." <Kristi.Bronson@DOS.MyFlorida.com>
To: Cole Kekelis <Cole.Kekelis@myfloridalegal.com>

Good morning, Cole.

No corrections have been made.

Thanks!

Regards,

*Kristi Reid Bronson, Chief
Division of Elections,
Bureau of Election Records
(850) 245-6240*

This response is provided for reference only and does not constitute legal advice or representation. As applied to a particular set of facts or circumstances, interested parties should refer to the Florida Statutes and applicable case law, and/or consult a private attorney before drawing any legal conclusions or relying upon the information provided. Please note: Florida has a very broad public records law. Written communications to or from state officials regarding state business constitute public records and are available to the public and media upon request unless the information is subject to a specific statutory exemption. Therefore, your e-mail message may be subject to public disclosure.

From: Cole Kekelis [<mailto:Cole.Kekelis@myfloridalegal.com>]
Sent: Tuesday, November 22, 2016 11:08 AM
To: Bronson, Kristi R.
Subject: Referral to FEC

Good morning, Ms. Bronson:

My name is Cole Kekelis. I have recently joined the staff of the Florida Elections Commission as an attorney.

I tried calling you this morning to introduce myself to you, but was not able to reach you.

I have a quick question about a referral that you sent to our office:

Has Kyle C. Gibson, 2018 candidate for Governor (ID#64360) made any amendments to his 2016 M1 and/or 2016 M2 reports?

If Mr. Gibson has filed amendments, do the amendments that he made correct all of the errors that were noted by your office on the reports, or are there still errors on the reports?

Investigator Keith Smith checked with you about this last month, at which time you indicated that he had not made any amendments, but I wanted to check one more time before submitting my staff recommendation on this case.

Thank you for your help, and have a great morning!

ATTACHMENT B

Sincerely,

Cole Kekelis
Florida Elections Commission

The Department of State is committed to excellence.
Please take our [Customer Satisfaction Survey](#).

ATTACHMENT B

FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Case No.: FEC 16-157

Respondent: Kyle Chaderwick Gibson

Complainant: Division of Elections

Pursuant to Section 106.25, Florida Statutes, on June 17, 2016, the Florida Elections Commission received information from the Division of Elections alleging that Respondent violated Chapter 106, Florida Statutes. The Division's referral was mandated pursuant to Section 106.07(8)(d), Florida Statutes. Commission staff, therefore, investigated whether Respondent violated the following statute:

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

I. Preliminary Information:

1. Respondent, Kyle Chaderwick Gibson, is a 2018 candidate for Governor.
2. Complainant is the Division of Elections (Division).
3. Respondent's filing officer is Kristi Reid-Bronson, Chief, Bureau of Election Records.

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

4. I investigated whether Respondent violated this section of the election laws by not filing addenda to his 2016 M1 and 2016 M2 reports, after receiving notice that the reports were incomplete.

5. On September 25, 2014, Respondent filed an Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates (DS-DE 9) form with the Division, appointing himself as treasurer for his campaign. To review the DS-DE 9 form, refer to Exhibit 1.

6. On September 26, 2014, Ms. Bronson sent Respondent a letter acknowledging that his name had been placed on the 2018 active candidate list. The letter advised Respondent that all candidates filing reports with the Division are required to use the electronic filing system (EFS), and provided Respondent with his user identification number and initial password allowing him access to the EFS.

7. The letter also advised Respondent that all of the Division's publications and reporting forms are available on their website, including Chapter 106, Florida Statutes, the *Candidate and Campaign Treasurer Handbook*, and the Calendar of Reporting Dates. The letter further advised Respondent that it is his responsibility to read, understand, and follow the requirements of Florida's election laws. To review the acknowledgement letter, refer to Exhibit 2.

8. On March 11, 2016, the Division sent Respondent a letter informing him that one or more of his campaign reports were incomplete. An error report was included with the letter as an attachment. The letter was mailed to Respondent at the address provided on his DS-DE 9 form filed on September 25, 2014. To review the Division's letter of March 11, 2016, refer to Exhibit 3.

9. On March 24, 2016, the Division sent Respondent a "Second Notice" notifying him that one or more of his campaign reports were incomplete. An error report was included with the letter as an attachment. The letter was mailed to Respondent at the address provided on his DS-DE 9 form filed on September 25, 2014. To review the Division's letter of March 24, 2016, refer to Exhibit 4.

10. On April 7, 2016, the Division sent Respondent a letter marked "Final Notice" informing him that one or more of his campaign reports were incomplete. An error report was included with the final notice as an attachment. The final notice was delivered to Respondent at the address provided on the DS-DE 9 form filed on September 25, 2014. To review copies of the final notice, error report and delivery confirmation, refer to Exhibit 5.

11. In an e-mail, Ms. Bronson confirmed that no amendments have been made to Respondent's 2016 M1 and 2016 M2 reports. To review Ms. Bronson's e-mail, refer to Exhibit 6.

III. FEC History:

12. Respondent has previously appeared before the members of the Florida Elections Commission. At its August 27, 2015 meeting, the members of the Commission issued an order of no probable cause to charge Respondent with violating Section 106.07(7), Florida Statutes. To review the order of no probable cause in FEC 14-497, refer to Exhibit 7.

13. In addition, at its November 17, 2015 meeting, the members of the Commission issued an order of probable cause in FEC 15-261 and FEC 15-329 to charge Respondent with violating the election laws. In FEC 15-261, Respondent was charged with two counts of violating Section 106.07(2)(b)1, Florida Statutes, on two occasions and Section 106.19(1)(c), Florida Statutes, on one occasion. In FEC 15-329, Respondent was charged with two counts of violating Section 106.07(2)(b)1, Florida Statutes, on two occasions. To review the order of probable cause in FEC 15-261 and FEC 15-329, refer to Exhibit 8.

14. Furthermore, Respondent agreed to a consent order in FEC 14-299 and FEC 15-397. Respondent violated Section 106.07(2)(b)1, Florida Statutes, as well as Section 106.07(7), Florida Statutes. To review the consent order in FEC 14-299 and FEC 15-397, refer to Exhibit 9.

Conclusion:

15. On June 23, 2016, the Commission sent Respondent a letter via certified mail informing him that it received a referral from the Division alleging violations of Florida's election laws. The letter advised Respondent that if he wanted to file a response to the complaint he had 14 days to respond to the allegations in the complaint and was delivered to Respondent's address on June 27, 2016. Respondent did not provide a response to the referral. To view a copy of the Commission's June 23, 2016 letter, please refer to Exhibit 10.

16. On August 10, 2016, the Commission sent Respondent a letter informing him that the Division's referral was found to be legally sufficient and the Commission would be investigating Respondent's alleged failure to timely amend his 2016 M1 and 2016 M2 reports. The letter advised Respondent he could file a notarized statement providing any information regarding the facts surrounding the allegation. Respondent did not provide a notarized statement. To view a copy of the Commission's August 10, 2016 letter, please refer to Exhibit 11.

17. On September 15, 2016 and October 17, 2016, I left voice-mail messages asking Respondent to return my calls to discuss the allegations in the Division's referral. In addition, a questionnaire-affidavit was mailed to Respondent on September 15, 2016. As of the date of this report, Respondent has not returned my calls or the questionnaire-affidavit.

18. Respondent signed a Statement of Candidate form indicating that he had been provided access to read and understand the requirements of Chapter 106, Florida Statutes; the form is dated as having been signed on September 20, 2014. To review the Statement of Candidate form, refer to Exhibit 12.

19. In a previous case, Respondent acknowledged that he does possess and has read Chapter 106, Florida Statutes, as well as the *Candidate and Campaign Treasurer Handbook*. Respondent was a 2014 candidate for the office of Governor and was a candidate for the Florida House of Representatives in 1996. To review relevant pages relative to a previous case involving Respondent, refer to Exhibit 13.

Respectfully submitted on October 24, 2016.



Keith Smith
Investigation Specialist

Current address of Respondent

Kyle Chaderwick Gibson
1418 NE 157th Court
Fort Lauderdale, Florida 33334-6118

Current address of Complainant

Division of Elections
500 South Bronough Street – Suite 316
Tallahassee, Florida 32399

Name and Address of Filing Officer:

Kristi Reid-Bronson, Chief
Bureau of Election Records
500 South Bronough Street – Suite 316
Tallahassee, Florida 32399

Copy furnished to: David Flagg, Investigations Manager

FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Kyle Chaderwick Gibson -- FEC 16-157

LIST OF EXHIBITS	
Exhibits #s	Description of Exhibits
Exhibit 1	DS-DE 9 form
Exhibit 2	Acknowledgment letter
Exhibit 3	03/11/16 ltr to R
Exhibit 4	03/24/16 ltr to R
Exhibit 5	04/07/16 ltr/error report/delivery confirmation
Exhibit 6	E-mail from Kristi Reid-Bronson
Exhibit 7	ONPC – FEC 14-497
Exhibit 8	OPC – FEC 15-261 & FEC 15-329
Exhibit 9	C/O – FEC 14-299 & FEC 15-397
Exhibit 10	06/23/16 FEC ltr to R
Exhibit 11	08/10/16 FEC ltr to R
Exhibit 12	Statement of Candidate
Exhibit 13	Relevant pages from previous case

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

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

(PLEASE PRINT OR TYPE)

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

RECEIVED
DEPARTMENT OF STATE

2014 SEP 25 AM 9:59

DIVISION OF ELECTIONS
TALLAHASSEE, FL

OFFICE USE ONLY

1. CHECK APPROPRIATE BOX(ES):

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

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

3. Address (include post office box or street, city, state, zip code)
P.O Box 590581 Tamarac, Fl 33359-0581

4. Telephone
(850) 322-8815

5. E-mail address
KCIN2018@gmail.com

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

7. If a candidate for a nonpartisan office, check if applicable:
 My intent is to run as a Write-In candidate.

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

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

10. Name of Treasurer or Deputy Treasurer
Kyle C. Gibson

11. Mailing Address
P.O. Box 590581

12. Telephone
()

13. City
Tamarac

14. County
Broward

15. State
Florida

16. Zip Code
33359-0581

17. E-mail address
KCIN2018@gmail.com

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

19. Name of Bank
Wells Fargo

20. Address
1700 West Commercial Blvd

21. City
Ft. Lauderdale

22. County
Broward

23. State
Florida

24. Zip Code
33309

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
September 20, 2014

26. Signature of Candidate
 Kyle C. Gibson

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

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

designated above as: Campaign Treasurer Deputy Treasurer.

EXHIBIT 1

Sept 20, 2014 Date *Kyle C. Gibson* Signature of Campaign Treasurer or Deputy Treasurer



FLORIDA DEPARTMENT OF STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

September 26, 2014

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

Dear Mr. Gibson:

This will acknowledge receipt of the Appointment of Campaign Treasurer and Designation of Campaign Depository for the office of Governor, which was placed on file in our office on September 25, 2014. Your name has been placed on the 2018 active candidate list.

Campaign Treasurer's Reports

Your first campaign treasurer's report will be due on **October 10, 2014**. The report will cover the period of September 1-30, 2014 (M9). All candidates who file reports with the Division of Elections are required to file by means of the Division's Electronic Filing System (EFS).

Credentials and Sign-ons

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

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

Identification Number: 64360



EXHIBIT 2 ~~Division of Elections~~

R.A. Gray Building, Suite 316 • 500 South Bronough Street • Tallahassee, Florida 32399

850.245.6200 • 850.245.6217 (Fax) election.dos.state.fl.us

Promoting Florida's History and Culture VivaFlorida.org

FLORIDA
DIVISION OF
ELECTIONS

Kyle Chaderwick Gibson
September 26, 2014
Page Two

Pin Numbers

Pin numbers are confidential secure credentials that allow you to submit reports and update personal information. The enclosed sealed envelope contains your confidential pin numbers.

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

Timely Filing

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

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

Electronic Receipts

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

EXHIBIT 2 (2 of 3)

Kyle Chaderwick Gibson
September 26, 2014
Page Three

Instructions and Assistance

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

All of the Division's publications and reporting forms are available on the Division of Elections' website at <http://elections.myflorida.com>. It is your responsibility to read, understand, and follow the requirements of Florida's election laws. Therefore, please print a copy of the following documents: Chapters 104 and 106, Florida Statutes, 2014 Candidate and Campaign Treasurer Handbook, 2014 Calendar of Reporting Dates, and Rule 1S-2.017, Florida Administrative Code.

Please let me know if you need additional information.

Sincerely,



Kristi Reid Bronson, Chief
Bureau of Election Records

KRB/ljr

Enclosures

EXHIBIT 2 (3 of 3)



FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

March 11, 2016

Kyle Chaderwick Gibson
Post Office Box 590581
Tamarac, FL 33359-0581

Re: CAN 64360

Dear Mr. Gibson:

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

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

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

Sincerely,

Kristi Reid Bronson
Chief, Bureau of Election Records

Attachment

EXHIBIT

3



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

Second Notice

March 24, 2016

Kyle Chaderwick Gibson
Post Office Box 590581
Tamarac, FL 33359-0581

Re: CAN 64360

Dear Mr. Gibson:

On March 11, 2016, you were advised that one or more of your campaign treasurer's reports were incomplete and that you had 7 days to provide the requested information.

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

Sincerely,

Kristi Reid Bronson, Chief
Bureau of Election Records

Attachment

EXHIBIT 4



FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

FINAL NOTICE

Delivery Confirmation:

USPS TRACKING #
& CUSTOMER
RECEIPT

9114 9014 9645 0382 4876 36
For Tracking or Inquiries go to USPS.com
or call 1-800-222-1811

April 7, 2016

Kyle Chaderwick Gibson
Post Office Box 590581
Tamarac, FL 33359-0581

Re: CAN 64360

Dear Mr. Gibson:

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

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

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

Sincerely,

Kristi Reid Bronson
Chief, Bureau of Election Records

Attachment

EXHIBIT

5 (124)

Error Report

Candidate: Kyle Chaderwick Gibson

Office: GOV

Report: 2016 M1 (17) Covering Period: 1/1/16 - 1/31/16

Account: 64360

Contributions

Expenditures

<u>Seq</u>	<u>Date</u>	<u>Name</u>	<u>Address</u>	<u>City/State/Zip</u>	<u>Type</u>	<u>Expenditure Purpose</u>	<u>Amount</u>	<u>Amend</u>
12	01/13/16		EAST COMMERCIAL BLVD	OAKLAND PARK, FL	MON		\$19.00	ADD
		*No Value Provided For Last Name Field						
		*Missing Expenditure Purpose						
13	01/13/16	FEDEX	S FEDERAL HWY/BROWARD BLVD	FT. LAUDERDALE, FL	X	USE OF COMPUTER	\$2.46	ADD
		*Invalid Expenditure Type						

Fund Transfer

Other Distributions

EXHIBIT 5 (2 of 4)

Error Report

Candidate: Kyle Chaderwick Gibson

Office: GOV

Report: 2016 M2 (18) Covering Period: 2/1/16 - 2/29/16

Account: 64360

Contributions

Contributor				Contribution						
Seg	Date	Name	Address	City/State/Zip	Type	Occupation	Type	Amount	InKind Descrip	Amend
3	02/16/16	HARLEY RAFIEL	PO BOX 552230	MIAMI GARDENS, FL	I	20 18	CAS	\$0.00		

*Amount is Zero

*Cash Contributions May Not Exceed \$50 - Written Explanation Required

Expenditures

Seg	Date	Name	Address	City/State/Zip	Type	Expenditure Purpose	Amount	Amend
2	03/02/16	SPEEDWAY GAS	COMMERCIAL AND DIXIE HWY	FT LAUDERDALE, FL	MON	GAS	\$25.70	

*The Transaction Date Is Either Before Or After The Report Coverage Period

5

X

\$0.00

*The Transaction Date Is Either Before Or After The Report Coverage Period

*Invalid Expenditure Type

*Amount is Zero

*No Value Provided For Last Name Field

*No Address Was Provided

*No City Was Provided In The Address

*No State Was Provided In The Address

*Missing Expenditure Purpose

EXHIBIT 5 (304)

and Transfers

Other Distributions

English

Customer Service

USPS Mobile

Register / Sign In



USPS Tracking®



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



Get Easy Tracking Updates >
Sign up for My USPS.

Tracking Number: 9114901496450382487636

Updated Delivery Day: Saturday, April 9, 2016

Product & Tracking Information

Available Actions

Postal Product:

Features:
USPS Tracking®

DATE & TIME	STATUS OF ITEM	LOCATION
April 9, 2016 , 11:36 am	Delivered, PO Box	FORT LAUDERDALE, FL 33359

Your item has been delivered and is available at a PO Box at 11:36 am on April 9, 2016 in FORT LAUDERDALE, FL 33359.

April 9, 2016 , 5:57 am	Arrived at Post Office	FORT LAUDERDALE, FL 33319
April 8, 2016 , 6:28 pm	Arrived at USPS Facility	OPA LOCKA, FL 33054
April 7, 2016 , 8:51 pm	Departed USPS Facility	TALLAHASSEE, FL 32301
April 7, 2016 , 8:51 pm	Arrived at USPS Facility	TALLAHASSEE, FL 32301

Track Another Package

Tracking (or receipt) number

Track It

Manage Incoming Packages

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

Sign up for My USPS >



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Postal Inspectors
Inspector General
Postal Explorer
National Postal Museum
Resources for Developers

LEGAL INFORMATION

Privacy Policy
Terms of Use
FOIA
No FEAR Act EEO Data

Copyright © 2016 USPS. All Rights Reserved.

EXHIBIT

5 (444)



RE: Referral
 Bronson, Kristi R.
 to:
 Keith Smith
 10/17/2016 11:09 AM
 Hide Details
 From: "Bronson, Kristi R." <Kristi.Bronson@DOS.MyFlorida.com>
 To: Keith Smith <Keith.Smith@myfloridalegal.com>

Not a one!!!

Regards,

*Kristi Reid Bronson, Chief
 Division of Elections,
 Bureau of Election Records
 (850) 245-6240*

This response is provided for reference only and does not constitute legal advice or representation. As applied to a particular set of facts or circumstances, interested parties should refer to the Florida Statutes and applicable case law, and/or consult a private attorney before drawing any legal conclusions or relying upon the information provided.
 Please note: Florida has a very broad public records law. Written communications to or from state officials regarding state business constitute public records and are available to the public and media upon request unless the information is subject to a specific statutory exemption. Therefore, your e-mail message may be subject to public disclosure.

From: Keith Smith [<mailto:Keith.Smith@myfloridalegal.com>]
Sent: Monday, October 17, 2016 9:08 AM
To: Bronson, Kristi R.
Subject: Referral

Ms. Bronson:

Has Kyle C. Gibson, a 2018 candidate for Governor (ID# 64360), made any amendments to his 2016 M1 and 2016 M2 reports?

Please let know if you need any additional information from me.

Thank you for your cooperation in this matter.

Keith Smith

Investigator - Florida Elections Commission
 107 West Gaines Street - Suite 224
 Tallahassee, FL 32399-1050
 (850) 922-4539 (phone)
 (850) 921-0783 (fax)

The Department of State is committed to excellence.
 Please take our Customer Satisfaction Survey.

EXHIBIT 6

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Kyle C. Gibson

Case No.: FEC 14-497

ORDER OF NO PROBABLE CAUSE

THIS MATTER was heard by the Florida Elections Commission (Commission) at its regularly scheduled meeting on August 27, 2015, in Tallahassee, Florida.

Based on the Complaint, Report of Investigation, Staff's Recommendation, and oral statements made at the probable cause hearing, the Commission finds that there is **no probable cause** to charge the Respondent with the following violations:

Count 1

On or about February 10, 2014, Respondent violated Section 106.07(7), Florida Statutes, when he failed to notify the filing officer on the prescribed reporting date that no report would be filed on that date because he had not received funds, made contributions, or expended reportable funds during the 2014 M1 Report.

Count 2

On or about July 4, 2014, Respondent violated Section 106.07(7), Florida Statutes, when he failed to notify the filing officer on the prescribed reporting date that no report would be filed on that date because he had not received funds, made contributions, or expended reportable funds during the 2014 P1A Report.

THIS SPACE INTENTIONALLY LEFT BLANK

EXHIBIT 7 (1 of 2)

Count 3

On or about July 18, 2014, Respondent violated Section 106.07(7), Florida Statutes, when he failed to notify the filing officer on the prescribed reporting date that no report would be filed on that date because he had not received funds, made contributions, or expended reportable funds during the 2014 P2A Report.

Count 4

On or about July 25, 2014, Respondent violated Section 106.07(7), Florida Statutes, when he failed to notify the filing officer on the prescribed reporting date that no report would be filed on that date because he had not received funds, made contributions, or expended reportable funds during the 2014 P3 Report.

Count 5

On or about September 5, 2014, Respondent violated Section 106.07(7), Florida Statutes, when he failed to notify the filing officer on the prescribed reporting date that no report would be filed on that date because he had not received funds, made contributions, or expended reportable funds during the 2014 G1 Report.

Therefore, it is **ORDERED** this case is **DISMISSED**.

DONE AND ORDERED by the Florida Elections Commission on August 27, 2015.

M. Scott Thomas, Chairman
Florida Elections Commission

Copies furnished to:
Jaakan A. Williams, Assistant General Counsel
Kyle C. Gibson, Respondent
Division of Elections, Complainant

EXHIBIT 7 (2 of 2)

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,
Petitioner,**

Case No.: FEC 15-261

v.

**Kyle C. Gibson,
Respondent.**

_____ /

ORDER OF PROBABLE CAUSE

THIS MATTER was heard by the Florida Elections Commission (Commission) at its regularly scheduled meeting on November 17, 2015, in Tallahassee, Florida.

Based on the Complaint, Report of Investigation, Staff's Recommendation, and oral statements 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 March 2, 2015, Respondent violated Section 106.07(2)(b)1., Florida Statutes, when he failed to timely make necessary amendments to the campaign's 2014 M4 Report.

Count 2

On or about March 2, 2015, Respondent violated Section 106.07(2)(b)1., Florida Statutes, when he failed to timely make necessary amendments to the campaign's 2014 Termination Report.

EXHIBIT

8 (1 of 6)

Count 3

On or about December 4, 2014, Respondent violated Section 106.19(1)(c), Florida Statutes, when he falsely reported a \$125 campaign expenditure on his 2014 Termination Report that occurred almost 30 days after the campaign depository was closed.

DONE AND ORDERED by the Florida Elections Commission on November 17, 2015.

M. Scott Thomas, Chairman
Florida Elections Commission

Copies furnished to:
Jaakan A. Williams, Assistant General Counsel
Kyle C. Gibson, Respondent
Division of Elections, Complainant

NOTICE OF RIGHT TO A HEARING

As the Respondent, you may elect to resolve this case in several ways. First, you may elect to resolve this case by consent order where you and Commission staff agree to resolve the violation(s) and agree to the amount of the fine. The consent order is then presented to the Commission for its approval. To discuss a consent order, contact the FEC attorney identified in the Order of Probable Cause.

Second, you may request an informal hearing held before the Commission, if you do not dispute any material fact in the Staff Recommendation. You have 30 days from the date the Order of Probable Cause is filed with the Commission to request such a hearing. The date this order was filed appears in the upper right-hand corner of the first page of the order. At the hearing, you will have the right to make written or oral arguments to the Commission concerning the legal issues related to the violation(s) and the potential fine. At the request of Respondent, the Commission will consider and determine willfulness at an informal hearing. Otherwise, live witness testimony is unnecessary.

Third, you may request a formal hearing held before an administrative law judge in the Division of Administrative Hearings (DOAH), if you dispute any material fact in the Staff Recommendation. You have 30 days from the date the Order of Probable Cause is filed with the Commission to request such a hearing. The date this order was filed appears in the upper right-hand corner of the first page of the order. At the hearing, you will have the right to present evidence relevant to the violation(s) listed in this order, to cross-examine opposing witnesses, to impeach any witness, and to rebut the evidence presented against you.

If you do not elect to resolve the case by consent order or request a formal hearing at the DOAH or an informal hearing before the Commission within 30 days of the date this Order of Probable Cause is filed with the Commission, the case will be sent to the Commission for a formal or informal hearing, depending on whether the facts are in dispute. The date this order was filed appears in the upper right-hand corner of the first page of the order.

To request a hearing, please send a written request to the Commission Clerk, Donna Ann Malphurs. The address of the Commission Clerk is 107 W. Gaines Street, Collins Building, Suite 224, Tallahassee, Florida 32399-1050. The telephone number is (850) 922-4539. The Clerk will provide you with a copy of Chapter 28-106, *Florida Administrative Code*, and other applicable rules upon request. No mediation is available.

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,
Petitioner,**

Case No.: FEC 15-329

v.

**Kyle Chaderwick Gibson,
Respondent.**

_____ /

ORDER OF PROBABLE CAUSE

THIS MATTER was heard by the Florida Elections Commission (Commission) at its regularly scheduled meeting on November 17, 2015, in Tallahassee, Florida.

Based on the Complaint, Report of Investigation, Staff's Recommendation, and oral statements 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 March 16, 2015, Respondent violated Section 106.07(2)(b)1., Florida Statutes, when he failed to timely make necessary amendments to the campaign's 2014 M10 Report.

Count 2

On or about April 14, 2015, Respondent violated Section 106.07(2)(b)1., Florida Statutes, when he failed to timely make necessary amendments to the campaign's 2015 M2 Report.

DONE AND ORDERED by the Florida Elections Commission on November 17, 2015.

M. Scott Thomas, Chairman
Florida Elections Commission

Copies furnished to:
Jaakan A. Williams, Assistant General Counsel
Kyle Chaderwick Gibson, Respondent
Division of Elections, Complainant

NOTICE OF RIGHT TO A HEARING

As the Respondent, you may elect to resolve this case in several ways. First, you may elect to resolve this case by consent order where you and Commission staff agree to resolve the violation(s) and agree to the amount of the fine. The consent order is then presented to the Commission for its approval. To discuss a consent order, contact the FEC attorney identified in the Order of Probable Cause.

Second, you may request an informal hearing held before the Commission, if you do not dispute any material fact in the Staff Recommendation. You have 30 days from the date the Order of Probable Cause is filed with the Commission to request such a hearing. The date this order was filed appears in the upper right-hand corner of the first page of the order. At the hearing, you will have the right to make written or oral arguments to the Commission concerning the legal issues related to the violation(s) and the potential fine. At the request of Respondent, the Commission will consider and determine willfulness at an informal hearing. Otherwise, live witness testimony is unnecessary.

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If you do not elect to resolve the case by consent order or request a formal hearing at the DOAH or an informal hearing before the Commission within 30 days of the date this Order of Probable Cause is filed with the Commission, the case will be sent to the Commission for a formal or informal hearing, depending on whether the facts are in dispute. The date this order was filed appears in the upper right-hand corner of the first page of the order.

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**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Kyle Chaderwick Gibson

**Case Nos.: FEC 15-397, 14-299
F.O. No.: FO FEC**

CONSENT FINAL ORDER

Respondent, Kyle Chaderwick Gibson, and the Florida Elections Commission (Commission) agree that this Consent Order resolves all of the issues between the parties in this case. The parties jointly stipulate to the following facts, conclusions of law, and order:

FINDINGS OF FACT

1. On September 11, 2014, and August 24, 2015, complaints were filed with the Commission alleging that Respondent violated Chapter 106, Florida Statutes.
2. Respondent expressed a desire to enter into negotiations directed toward reaching a consent agreement.
3. Respondent and the staff stipulate to the following facts:
 - a. Respondent was a 2014 candidate for the office of Governor, and he designated himself as campaign treasurer.
 - b. During the 2014 election cycle, Respondent failed to notify the filing officer on the prescribed reporting date that no report would be filed on that date because he had not received funds, made contributions, or expended reportable funds during the 2014 M9 Report, 2014 M12 Report, 2015 M3 Report, and the 2015 M7 Report.
 - c. On October 16, 2014, Mr. Gibson filed a waiver-of-report for the 2014 M9 Report, on January 21, 2015, Mr. Gibson filed a waiver-of-report for the 2014 M12 Report, on April 15, 2015, Mr. Gibson filed a waiver-of-report for the 2015 M3 Report, and on August 11, 2015, Mr. Gibson filed a

EXHIBIT 9 (loc 4)

waiver-of-report for the 2015 M7 Report.

- d. Respondent failed to timely make necessary amendments to the campaign's 2011 Q4, 2012 Q1, 2013 M10, and the 2014 P1 Reports after receiving multiple written notices from the Division that the reports were incomplete.

CONCLUSIONS OF LAW

4. The Commission has jurisdiction over the parties to and subject matter of this cause, pursuant to Section 106.26, Florida Statutes.

5. Section 106.25(4)(i)3., Florida Statutes, allows the Commission to approve a consent agreement with a Respondent prior to the Commission finding probable cause that a violation of the election laws occurred. The consent agreement has the same force and effect as a consent agreement reached after the Commission finds probable cause.

6. The Commission staff and Respondent stipulate that staff can prove the facts in paragraph three above and to the Commission's ability to impose a civil penalty against Respondent in this case.

ORDER

7. The Respondent and the staff of the Commission have entered into this Consent Order voluntarily and upon advice of counsel.

8. The parties shall each bear its own attorney's fees and costs that are in any way associated with this case.

9. The Commission will consider the Consent Order at its next available meeting.

10. The Respondent voluntarily waives the right to any further proceedings under Chapters 104, 106, and 120, Florida Statutes, and the right to appeal the Consent Order.

11. This Consent Order is enforceable under Sections 106.265 and 120.69, Florida Statutes. Respondent expressly waives any venue privileges and agrees that if enforcement of this Consent Order is necessary, venue shall be in Leon County, Florida, and Respondent shall be

EXHIBIT 9 (2 of 4)

responsible for all fees and costs associated with enforcement.

12. If the Commission does not receive the signed Consent Order and payment of the civil penalty by the close of business on January 19, 2016, the staff withdraws this offer of settlement and will proceed with the case.

13. Payment of the civil penalty by cashier's check, money order, and good for at least 120 days, or attorney trust account check is a condition precedent to the Commission's consideration of the Consent Order.

PENALTY

WHEREFORE, based upon the foregoing facts and conclusions of law, the Commission finds that the Respondent has violated the following provision of Chapter 106, Florida Statutes, and imposes the following fine:

A. Respondent has violated Section 106.07(7), Florida Statutes, when Kyle Chaderwick Gibson, acting as his own campaign treasurer, failed to notify the filing officer on the prescribed reporting date that no report would be filed for the 2014 P2 Report, 2014 M9, 2014 M12, 2015 M3, and the 2015 M7 Reports. Respondent is fined \$200.00 for the violations.

B. Respondent has violated Section 106.07(2)(b)1., Florida Statutes, when he failed to timely make necessary amendments to the campaign's 2011 Q4, 2012 Q1, 2013 M10, and the 2014 P1 Reports. Respondent is fined \$200.00 for the violations.

Therefore it is

ORDERED that the Respondent shall remit to the Commission a civil penalty in the amount of 400.00, inclusive of fees and costs. The civil penalty shall be paid by cashier's check, money order, good for at least 120 days, or attorney trust account check. The civil penalty should

EXHIBIT 9 (3 of 4)

be made payable to the Florida Elections Commission and sent to 107 West Gaines Street, Collins Building, Suite 224, Tallahassee, Florida, 32399-1050.

Respondent hereby agrees and consents to the terms of this Order on

_____, 2016.

Kyle Chaderwick Gibson
P.O. Box 590581
Tamarac, FL 33359-0581

Commission staff hereby agrees and consents to the terms of this Consent Order on

_____, 2016.

Jaakan A. Williams
Assistant General Counsel
Florida Elections Commission
107 West Gaines Street
Collins Building, Suite 224
Tallahassee, FL 32399-1050

Approved by the Florida Elections Commission at its regularly scheduled meeting held on February 17 -18, 2016 in Tallahassee, Florida.

M. Scott Thomas, Chairman
Florida Elections Commission

Copies furnished to:
Jaakan A. Williams, Assistant General Counsel
Kyle Chaderwick Gibson, Respondent
Division of Elections, Complainant

EXHIBIT 9 (4 of 4)



FLORIDA ELECTIONS COMMISSION

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

June 23, 2016

CERTIFIED MAIL 9214 8969 0099 9790 1608 8667 50

Kyle Chaderwick Gibson
1418 NE 57th Court
Ft. Lauderdale, FL 33334-6118

RE: Case No.: FEC 16-157; Respondent: Kyle Chaderwick Gibson

Dear Mr. Gibson:

On June 16, 2016, the Florida Elections Commission received the enclosed complaint alleging that you violated Florida's election laws. Section 106.25(2), Florida Statutes states:

The respondent shall have 14 days *after receipt* of the complaint to file an initial response, and the executive director may not determine the legal sufficiency of the complaint during that time period.

If you choose to file a response to the complaint, please send it to my attention at the address listed above. To ensure that I receive your response in a timely manner, you may also want to send it via e-mail to my attention, at fec@myfloridalegal.com. You will be notified by letter whether the complaint is determined legally sufficient.

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

Under section 106.25, Florida Statutes, complaints, Commission investigations, investigative reports, and other documents relating to an alleged violation of Chapters 104 and 106, Florida Statutes, are confidential until the Commission finds probable cause or no probable cause. The confidentiality provision does not apply to the person filing the complaint. However, it does apply to you, the Respondent, unless you waive confidentiality in writing.

EXHIBIT 10 (1 of 2)

The confidentiality provision does not preclude you from seeking legal counsel. However, if you retain counsel, your attorney must file a notice of appearance with the Commission before any member of the Commission staff can discuss this case with him or her.

Sincerely,
Erin Riley
Deputy Agency Clerk

ip/enr
Enclosure: Complaint w/attachments

EXHIBIT 10 (2 of 2)



FLORIDA ELECTIONS COMMISSION

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

August 10, 2016

Kyle Chaderwick Gibson
1418 NE 157th Court
Ft. Lauderdale, FL 33334-6118

RE: Case No.: FEC 16-157; Respondent: Kyle Chaderwick Gibson

Dear Mr. Gibson:

On June 16, 2016, the Florida Elections Commission received a complaint alleging that you violated Florida's election laws. I have reviewed the complaint and find that it contains one or more legally sufficient allegations. The Commission staff will investigate the following alleged violations:

Section 106.07(2)(b)1., Florida Statutes: Respondent, a 2018 candidate for Florida Governor, acting as his own treasurer, failed to timely make necessary amendments to the campaign's 2016 M1 and 2016 M2 campaign treasurer reports, as alleged in the complaint.

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

When we conclude the investigation, a copy of the Report of Investigation will be mailed to you at the above address. You may file a response to the report within 14 days from the date the report is mailed to you. Based on the results of the investigation, legal staff will make a written recommendation to the Commission on whether there is probable cause to believe you have violated Chapter 104 or 106, Florida Statutes. A copy of the Staff Recommendation will be mailed to you and you may file a response within 14 days from the date the recommendation is mailed to you. Your timely filed response(s) will be considered by the Commission when determining probable cause.

The Commission will then hold a hearing to determine whether there is probable cause to believe you have violated Chapters 104 or 106, Florida Statutes. You and the complainant will receive a notice of hearing at least 14 days before the hearing. The notice of hearing will indicate the location, date, and time of your hearing. You will have the opportunity to make a brief oral

EXHIBIT 11 (1 of 2)

statement to the Commission, but you will not be permitted to testify or call others to testify, or introduce any documentary or other evidence.

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

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

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

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

Sincerely,



Amy McKeever Toman
Executive Director

AMT/enr

EXHIBIT 11 (2 of 2)

**STATEMENT OF
CANDIDATE**

(Section 106.023, F.S.)

(Please print or type)

RECEIVED
DEPARTMENT OF STATE
OFFICE USE ONLY
2014 SEP 25 AM 10:00
DIVISION OF ELECTIONS
TALLAHASSEE, FL

I, Kyle KC Gibson,

candidate for the office of Governor of Florida;

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

X *Kyle C. Gibson*
Signature of Candidate

Sept 20, 2014
Date

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

EXHIBIT 12

FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Case No.: FEC 15-261

Respondent: Kyle Chaderwick Gibson

Complainant: Division of Elections

Pursuant to Section 106.25, Florida Statutes, on March 9, 2015, the Florida Elections Commission received information from the Division of Elections alleging that Respondent violated Chapter 106, Florida Statutes. The Division's referral was mandated pursuant to Section 106.07(8)(d), Florida Statutes. Commission staff, therefore, investigated whether Respondent violated the following statutes:

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

Section 106.141(1), Florida Statutes, failure of a candidate to dispose of funds remaining in his campaign account within 90 days after he withdrew, became unopposed, was eliminated, or elected and to file a report reflecting the disposition of all remaining funds; and

Section 106.19(1)(c), Florida Statutes, prohibiting a person or organization from falsely reporting or deliberately failing to report information required by Chapter 106, Florida Statutes.

I. Preliminary Information:

1. Respondent, Kyle Chaderwick Gibson, was a 2014 write-in candidate for the office of Governor. According to the Division of Elections (Division), Respondent filed to run on January 4, 2011 and he qualified on June 19, 2014.

2. On September 5, 2014, the Division mailed Respondent a letter notifying him that pursuant to Section 99.063(5), Florida Statutes, he forfeited ballot position for the 2014 general election. Respondent had failed to designate a Lieutenant Governor candidate by 5:00 p.m. on September 4, 2014. To review the letter from the Division to Respondent relative to removing his name from the ballot, refer to Exhibit 1.

3. On January 4, 2011, Respondent's "APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY FOR CANDIDATES" form (DS-DE 9) was filed with the Division. Respondent appointed himself to serve as

EXHIBIT 13 (1 of 2)

all of the Division's publications are available on their website and that it was his responsibility to read, understand and follow the requirements of Florida's election laws.

32. In an affidavit, Respondent attested that he does possess and has read Chapter 106, Florida Statutes as well as the *Candidate and Campaign Treasurer Handbook*. When asked what action had he taken to determine his responsibilities under Florida's election laws, he stated, "Continue to familiarize myself by re-reading the law." Respondent attested that in 1996 he was a candidate for the House of Representatives and in 2006 he ran for the Indian River School Board, but later withdrew. To review Respondent's response to the questionnaire-affidavit, refer to Exhibit 7.

33. Respondent executed a "Statement of Candidate" form indicating that he received, read and understand the requirements of Chapter 106, Florida Statutes; the form is dated as having been signed on January 4, 2011. To review the form, refer to Exhibit 9.

Respectfully submitted on August 28, 2015.

Keith Smith
Investigation Specialist

Current address of Respondent

Kyle Chaderwick Gibson
1418 NE 57th Court
Fort Lauderdale, Florida 33334-6118

Current address of Complainant

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

Name and Address of Filing Officer:

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

Copy furnished to: David Flagg, Investigations Manager

EXHIBIT 13 (2 of 2)



FLORIDA ELECTIONS COMMISSION

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

August 10, 2016

Kyle Chaderwick Gibson
1418 NE 157th Court
Ft. Lauderdale, FL 33334-6118

RE: Case No.: FEC 16-157; Respondent: Kyle Chaderwick Gibson

Dear Mr. Gibson:

On June 16, 2016, the Florida Elections Commission received a complaint alleging that you violated Florida's election laws. I have reviewed the complaint and find that it contains one or more legally sufficient allegations. The Commission staff will investigate the following alleged violations:

Section 106.07(2)(b)1., Florida Statutes: Respondent, a 2018 candidate for Florida Governor, acting as his own treasurer, failed to timely make necessary amendments to the campaign's 2016 M1 and 2016 M2 campaign treasurer reports, as alleged in the complaint.

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

When we conclude the investigation, a copy of the Report of Investigation will be mailed to you at the above address. You may file a response to the report within 14 days from the date the report is mailed to you. Based on the results of the investigation, legal staff will make a written recommendation to the Commission on whether there is probable cause to believe you have violated Chapter 104 or 106, Florida Statutes. A copy of the Staff Recommendation will be mailed to you and you may file a response within 14 days from the date the recommendation is mailed to you. Your timely filed response(s) will be considered by the Commission when determining probable cause.

The Commission will then hold a hearing to determine whether there is probable cause to believe you have violated Chapters 104 or 106, Florida Statutes. You and the complainant will receive a notice of hearing at least 14 days before the hearing. The notice of hearing will indicate the location, date, and time of your hearing. You will have the opportunity to make a brief oral

statement to the Commission, but you will not be permitted to testify or call others to testify, or introduce any documentary or other evidence.

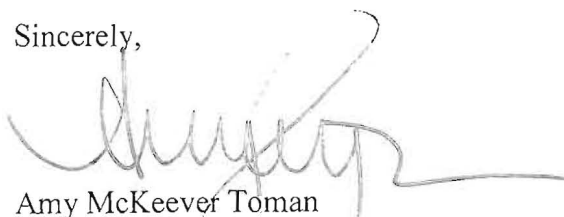
At any time before a probable cause finding, you may notify us in writing that you want to enter into negotiations directed towards reaching a settlement via consent agreement.

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Amy McKeever Toman', with a long horizontal flourish extending to the right.

Amy McKeever Toman
Executive Director

AMT/enr

**DIVISION OF ELECTIONS
FEC NOTICE FORM**

To FEC from Division of Elections

2016 JUN 16 P 4:02

Name: Kyle Chaderwick Gibson
Account Number: 64360
Candidate: Kyle Chaderwick Gibson
Treasurer: Kyle Chaderwick Gibson
Person Named/Notified: Kyle Chaderwick Gibson

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

2016 M1

2016 M2

Sent By: Kristi Reid Bronson

Date: June 2, 2016

KRB

ejr

AFFIDAVIT

STATE OF FLORIDA

County of Leon

Kristi Reid Bronson, being duly sworn, says:

1. I am the Chief of the Bureau of Election Records of the Division of Elections (Division). In that capacity, I oversee the Division's duties related to the filing of campaign finance reports.
2. This affidavit is made upon my personal knowledge, including information obtained from review of the attached records, of which I am the custodian.
3. I am of legal age and competent to testify to the matters stated herein.
4. **Kyle Chaderwick Gibson (64360)** is a 2018 candidate for the office of **Governor**.
5. On September 25, 2014, Mr. Gibson filed the Appointment of Campaign Treasurer and Designation of Campaign Depository with the Division. He appointed himself as treasurer. (See attached documents and acknowledgment letter.)
6. On March 11, 2016, the Division mailed Mr. Gibson notification that the 2016 M1 and 2016 M2 campaign treasurer's reports were incomplete. (See attached letter.)
7. On March 24, 2016, the Division mailed Mr. Gibson notification that the 2016 M1 and 2016 M2 campaign treasurer's reports were incomplete. (See attached letter.)
8. On April 7, 2016, the Division mailed Mr. Gibson final notification with delivery confirmation that the 2016 M1 and 2016 M2 campaign treasurer's reports were incomplete. (See attached letter and delivery confirmation.)

9. As of June 2, 2016, the 2016 M1 and 2016 M2 campaign treasurer's reports remain incomplete.

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

Kristin B

Signature of Affiant

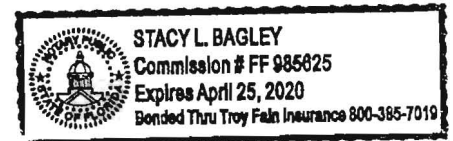
Sworn to (or affirmed) and subscribed before me this 2nd day of June, 2016.

Stacy L Bagley

Signature of Notary Public - State of Florida

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known



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

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

(PLEASE PRINT OR TYPE)

RECEIVED
DEPARTMENT OF STATE

2014 SEP 25 AM 9:59

DIVISION OF ELECTIONS
TALLAHASSEE, FL

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

OFFICE USE ONLY

1. CHECK APPROPRIATE BOX(ES):

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

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

Kyle Chaderwick Gibson

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

P.O Box 590581 Tamarac, FL 33359-0581

4. Telephone

(850) 322-8815

5. E-mail address

KCIN2018@gmail.com

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

Governor of Florida

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

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

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

Write-In No Party Affiliation _____ Party candidate.

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

10. Name of Treasurer or Deputy Treasurer

Kyle C. Gibson

11. Mailing Address

P.O. Box 590581

12. Telephone

()

13. City

Tamarac

14. County

Broward

15. State

Florida

16. Zip Code

33359-0581

17. E-mail address

KCIN2018@gmail.com

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

19. Name of Bank

Wells Fargo

20. Address

1700 West Commercial Blvd

21. City

Ft. Lauderdale

22. County

Broward

23. State

Florida

24. Zip Code

33309

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

September 20, 2014

26. Signature of Candidate

X *Kyle C. Gibson*

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

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

designated above as: Campaign Treasurer Deputy Treasurer.

Sept 20, 2014

Date

X *Kyle C. Gibson*

Signature of Campaign Treasurer or Deputy Treasurer

**STATEMENT OF
CANDIDATE**

(Section 106.023, F.S.)

(Please print or type)

RECEIVED
DEPARTMENT OF STATE
OFFICE USE ONLY
2014 SEP 25 AM 10:00
DIVISION OF ELECTIONS
TALLAHASSEE, FL

I, Kyle KC Gibson _____,

candidate for the office of Governor of Florida _____;

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

X *Kyle C. Gibson*
Signature of Candidate

Sept 20, 2014
Date

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



FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

September 26, 2014

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

Dear Mr. Gibson:

This will acknowledge receipt of the Appointment of Campaign Treasurer and Designation of Campaign Depository for the office of Governor, which was placed on file in our office on September 25, 2014. Your name has been placed on the 2018 active candidate list.

Campaign Treasurer's Reports

Your first campaign treasurer's report will be due on **October 10, 2014**. The report will cover the period of September 1-30, 2014 (M9). All candidates who file reports with the Division of Elections are required to file by means of the Division's Electronic Filing System (EFS).

Credentials and Sign-ons

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

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

Identification Number: 64360



Kyle Chaderwick Gibson
September 26, 2014
Page Two

Pin Numbers

Pin numbers are confidential secure credentials that allow you to submit reports and update personal information. The enclosed sealed envelope contains your confidential pin numbers.

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

Timely Filing

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

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

Electronic Receipts

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

Kyle Chaderwick Gibson
September 26, 2014
Page Three

Instructions and Assistance

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

All of the Division's publications and reporting forms are available on the Division of Elections' website at <http://elections.myflorida.com>. It is your responsibility to read, understand, and follow the requirements of Florida's election laws. Therefore, please print a copy of the following documents: Chapters 104 and 106, Florida Statutes, *2014 Candidate and Campaign Treasurer Handbook*, *2014 Calendar of Reporting Dates*, and Rule 1S-2.017, Florida Administrative Code.

Please let me know if you need additional information.

Sincerely,



Kristi Reid Bronson, Chief
Bureau of Election Records

KRB/ljr

Enclosures



FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

March 11, 2016

Kyle Chaderwick Gibson
Post Office Box 590581
Tamarac, FL 33359-0581

Re: CAN 64360

Dear Mr. Gibson:

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

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

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

Sincerely,

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

Kristi Reid Bronson
Chief, Bureau of Election Records

Attachment

Error Report

Candidate: Kyle Chaderwick Gibson

Office: GOV

Report: 2016 M1 (17) Covering Period: 1/1/16 - 1/31/16

Account: 64360

Distributions

Expenditures

<u>Seq</u>	<u>Date</u>	<u>Name</u>	<u>Address</u>	<u>City/State/Zip</u>	<u>Type</u>	<u>Expenditure Purpose</u>	<u>Amount</u>	<u>Amend</u>
2	01/13/16		EAST COMMERCIAL BLVD	OAKLAND PARK FL	MON		\$19.00	ADD
		*No Value Provided For Last Name Field						
		*Missing Expenditure Purpose						
3	01/13/16	FEDEX	S FEDERAL HWY/BROWARD BLVD	FT LAUDERDALE FL	X	USE OF COMPUTER	\$2.46	ADD
		*Invalid Expenditure Type						

and Transfers

Other Distributions

Error Report

Candidate: Kyle Chaderwick Gibson

Office: GOV

Report: 2016 M2 (18) Covering Period: 2/1/16 - 2/29/16

Account: 64360

Contributions

Contributor				Contribution							
Seq	Date	Name	Address	City/State/Zip	Type	Occupation	Type	Amount	InKind	Descrip	Amend
3	02/16/16	HARLEY RAFIEL	PO BOX 552230	MIAMI GARDENS, FL	I	20 18	CAS	\$0.00			

*Amount is Zero
 *Cash Contributions May Not Exceed \$50 - Written Explanation Required

Expenditures

Seq	Date	Name	Address	City/State/Zip	Type	Expenditure Purpose	Amount	Amend
2	03/02/16	SPEEDWAY GAS	COMMERCIAL AND DIXIE HWY	FT LAUDERDALE, FL	MON	GAS	\$25.70	
5					X		\$0.00	

*The Transaction Date Is Either Before Or After The Report Coverage Period
 *Invalid Expenditure Type
 *Amount is Zero
 *No Value Provided For Last Name Field
 *No Address Was Provided
 *No City Was Provided In The Address
 *No State Was Provided In The Address
 *Missing Expenditure Purpose

nd Transfers

her Distributions



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

Second Notice

March 24, 2016

Kyle Chaderwick Gibson
Post Office Box 590581
Tamarac, FL 33359-0581

Re: CAN 64360

Dear Mr. Gibson:

On March 11, 2016, you were advised that one or more of your campaign treasurer 's reports were incomplete and that you had 7 days to provide the requested information.

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

Sincerely,

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

Kristi Reid Bronson, Chief
Bureau of Election Records

Attachment

Error Report

Candidate: Kyle Chaderwick Gibson

Office: GOV

Report: 2016 M1 (17) Covering Period: 1/1/16 - 1/31/16

Account: 64360

Contributions

Expenditures

<u>Seq</u>	<u>Date</u>	<u>Name</u>	<u>Address</u>	<u>City/State/Zip</u>	<u>Type</u>	<u>Expenditure Purpose</u>	<u>Amount</u>	<u>Amend</u>
12	01/13/16		EAST COMMERCIAL BLVD	OAKLAND PARK, FL	MON		\$19.00	ADD
		*No Value Provided For Last Name Field						
		*Missing Expenditure Purpose						
13	01/13/16	FEDEX	S FEDERAL HWY/BROWARD BLVD	FT LAUDERDALE, FL	X	USE OF COMPUTER	\$2.46	ADD
		*Invalid Expenditure Type						

Fund Transfers

Other Distributions

Error Report

Candidate: Kyle Chaderwick Gibson

Office: GOV

Report: 2016 M2 (18) Covering Period: 2/1/16 - 2/29/16

Account: 64360

Contributions

Contributor				Contribution							
Seq	Date	Name	Address	City/State/Zip	Type	Occupation	Type	Amount	InKind	Descrip	Amend
3	02/16/16	HARLEY RAFIEL	PO BOX 552230	MIAMI GARDENS FL	I	20 18	CAS	\$0.00			

*Amount is Zero
*Cash Contributions May Not Exceed \$50 - Written Explanation Required

Expenditures

Seq	Date	Name	Address	City/State/Zip	Type	Expenditure Purpose	Amount	Amend
2	03/02/16	SPEEDWAY GAS	COMMERCIAL AND DIXIE HWY	FT LAUDERDALE, FL	MON	GAS	\$25.70	

*The Transaction Date Is Either Before Or After The Report Coverage Period

5					X		\$0.00	
---	--	--	--	--	---	--	--------	--

*The Transaction Date Is Either Before Or After The Report Coverage Period
*Invalid Expenditure Type
*Amount is Zero
*No Value Provided For Last Name Field
*No Address Was Provided
*No City Was Provided In The Address
*No State Was Provided In The Address
*Missing Expenditure Purpose

Fund Transfers

Other Distributions



FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

FINAL NOTICE

Delivery Confirmation:

USPS TRACKING #
& CUSTOMER
RECEIPT

9114 9014 9645 0382 4876 36
For Tracking or Inquiries go to USPS.com
or call 1-800-222-1811

April 7, 2016

Kyle Chaderwick Gibson
Post Office Box 590581
Tamarac, FL 33359-0581

Re: CAN 64360

Dear Mr. Gibson:

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

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

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

Sincerely,

Kristi Reid Bronson
Chief, Bureau of Election Records

Attachment

Error Report

Candidate: Kyle Chaderwick Gibson

Office: GOV

Report: 2016 M1 (17) Covering Period: 1/1/16 - 1/31/16

Account: 64360

Contributions

Expenditures

<u>Seq</u>	<u>Date</u>	<u>Name</u>	<u>Address</u>	<u>City/State/Zip</u>	<u>Type</u>	<u>Expenditure Purpose</u>	<u>Amount</u>	<u>Amend</u>
12	01/13/16		EAST COMMERCIAL BLVD	OAKLAND PARK, FL	MON		\$19.00	ADD
*No Value Provided For Last Name Field								
*Missing Expenditure Purpose								
13	01/13/16	FEDEX	S FEDERAL HWY/BROWARD BLVD	FT. LAUDERDALE, FL	X	USE OF COMPUTER	\$2.46	ADD
*Invalid Expenditure Type								

Fund Transfers

Other Distributions

Error Report

Candidate: Kyle Chaderwick Gibson

Office: GOV

Report: 2016 M2 (18) Covering Period: 2/1/16 - 2/29/16

Account: 64360

Contributions

----- Contributor ----- Contribution -----

<u>Seq</u>	<u>Date</u>	<u>Name</u>	<u>Address</u>	<u>City/State/Zip</u>	<u>Type</u>	<u>Occupation</u>	<u>Type</u>	<u>Amount</u>	<u>InKind</u>	<u>Descrip</u>	<u>Amend</u>
3	02/16/16	HARLEY RAFIEL	PO BOX 552230	MIAMI GARDENS, FL	I	20 18	CAS	\$0.00			

*Amount is Zero

*Cash Contributions May Not Exceed \$50 - Written Explanation Required

Expenditures

----- Expenditure -----

<u>Seq</u>	<u>Date</u>	<u>Name</u>	<u>Address</u>	<u>City/State/Zip</u>	<u>Type</u>	<u>Expenditure Purpose</u>	<u>Amount</u>	<u>Amend</u>
2	03/02/16	SPEEDWAY GAS	COMMERCIAL AND DIXIE HWY	FT LAUDERDALE, FL	MON	GAS	\$25.70	

*The Transaction Date Is Either Before Or After The Report Coverage Period

5					X		\$0.00	
---	--	--	--	--	---	--	--------	--

*The Transaction Date Is Either Before Or After The Report Coverage Period

*Invalid Expenditure Type

*Amount is Zero

*No Value Provided For Last Name Field

*No Address Was Provided

*No City Was Provided In The Address

*No State Was Provided In The Address

*Missing Expenditure Purpose

and Transfers

Other Distributions



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Tracking Number: 9114901496450382487636

Updated Delivery Day: Saturday, April 9, 2016

Product & Tracking Information

Postal Product:

Features:
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DATE & TIME	STATUS OF ITEM	LOCATION
April 9, 2016 , 11:36 am	Delivered, PO Box	FORT LAUDERDALE, FL 33359

Your item has been delivered and is available at a PO Box at 11:36 am on April 9, 2016 in FORT LAUDERDALE, FL 33359.

April 9, 2016 , 5:57 am	Arrived at Post Office	FORT LAUDERDALE, FL 33319
April 8, 2016 , 6:28 pm	Arrived at USPS Facility	OPA LOCKA, FL 33054
April 7, 2016 , 8:51 pm	Departed USPS Facility	TALLAHASSEE, FL 32301
April 7, 2016 , 8:51 pm	Arrived at USPS Facility	TALLAHASSEE, FL 32301

Available Actions

Track Another Package

Tracking (or receipt) number

Track It

Manage Incoming Packages

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



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LEGAL INFORMATION

Privacy Policy
Terms of Use
FOIA
No FEAR Act EEO Data

HISTORY NOTES
Kyle Chaderwick Gibson - 64360

Unique ID	Date Recorded	Last Edited Date	Originally Recorded By
47546	5/5/2016 1:18:00 PM		zjsantos
RE: Returned Mail			
I left a voicemail explaining that we have returned mail for Mr. Gibson and explained how he can update it with us.			
46984	3/23/2016 9:11:00 AM		EJRowlette
Re: Audit letter requested before referral			
Attempted to reach Mr. Gibson by phone this morning to request his letter of explanation for the \$175 used for Law School. I got his voice mail and left a message. I also emailed Mr. Gibson at the email he provided the division of elections: KCIN2018@gmail.com. See below for email. Ejr			
'KCIN2018@gmail.com'			
Attention Mr. Kyle Chaderwick Gibson, 2018 Candidate for Governor (64360).			
This email is in reference to an audit mailed out on January 14, February 2, and February 16, 2016.			
You and I spoke on March 4 in making the necessary corrections to these campaign finance reports; however, I also told you that a letter of explanation from you was necessary in detailing the expense of \$175 used for Law School but was later refunded.			
A referral to the Florida Elections Commission will be sent tomorrow, March 24, 2016, if your letter is not received by the end of this working day, March 23, 2016.			
Please email your letter to: DivElections@dos.state.fl.us			
Or fax: 850-245-6260			
If you have any questions, please contact me at 850-245-6280.			
Erika J. Rowlette			
Regulatory Specialist II			
Bureau of Election Records			
Florida Department of State			
46497	2/12/2016 9:23:00 AM		ejrowlette
Re: Returning Mr. Gibson's phone call			
I attempted to get back with Mr. Gibson, but I got a voice mail. I told him I got his message and was returning his call. I explained that the errors on his reports were still there. I told him to call back and I'd assist him in making the necessary corrections to this report and the others that are still incomplete. Ejr			
46483	2/11/2016 2:55:00 PM		ejrowlette
Re: Uncorrected audits (Phone call from Mr. Gibson)			
Mr. Gibson left a voice mail concerning one of the transactions... a \$175 transaction he was paying back to the campaign account. I will see if I can locate it.ejr			
46442	2/10/2016 11:25:00 AM		EJRowlette
Re: Uncorrected Audits			
Attempted to reach candidate by phone but got voice mail. I explained that he had several reports that needed his attention in correcting errors. I asked him to please call me back and I would assist him in making these updates. I told him that if the corrections weren't made, this matter would be referred to the Florida Election Commission. ejr			
1/8/16- No change to report. I sent him an email. See CanCom for email. Ejr			
46037	1/13/2016 8:32:00 AM		jvquinn
Re: Pin Number			
Received a call from Mr. Gibson wanting his treasurer's pin number. Mr. Gibson sent in a letter requesting this pin number, so I was able to release the information that he was requesting.			
46018	1/12/2016 11:23:00 AM		DSBrown
RE: Request for PIN			
DOE received a faxed letter from the candidate requesting his treasurer PIN. I called Mr. Gibson's phone number (as indicated on the letter) at 8:40 am; left message advising Mr. Gibson that I would be in a meeting starting at 9:00 am, but he could call Janet Quinn (gave direct number) for his treasurer PIN. At 11:20 pm, I checked to see if Mr. Gibson had left me a message or called Janet. He had not.			

HISTORY NOTES
Kyle Chaderwick Gibson - 64360

Unique ID	Date Recorded	Last Edited Date	Originally Recorded By
45972	1/11/2016 8:37:00 AM		DSBrown
Re: Request for Credentials			
Candidate faxed a letter requesting his password be reset. I called and spoke to Mr. Gibson; reset his password. After advising him of the password, he read it back to me. He said he did not need his PIN's.			
45959	1/8/2016 11:35:00 AM		EJRowlette
Re: Audit of 2015 M11- email sent to Candidate (kcin2018@gmail.com) Attention Mr. Gibson, Candidate (64360). This email is in reference to an audit mailed out on 12/11/15 and 12/30/15. I have included a copy of the audit attached to this email. Please update this report so we may close out this audit. If you have any questions, please contact me at 850-245-6280.			
Erika J. Rowlette Regulatory Specialist II Bureau of Election Records			
45634	12/9/2015 1:31:00 PM		DSBrown
RE: Credential Request Form			
Mr. Gibson hand delivered his CRF. He said he was in town and did not have his credentials with him. He wanted to file his report. He asked that the password be reset. Malcolm assisted Mr. Gibson at the front counter. The password was reset and all of the credentials were then given to Mr. Gibson.			
44494	9/1/2015 4:47:00 PM		zjsantos
RE: Undeliverable email address			
I spoke with Mr. Gibson and explained to him how he can update his email address, he implied he will as soon as he gets the chance.			