

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: Kionne McGhee**

**Case No.: FEC 17-138**

---

**TO:** Benedict P. Kuehne  
Kuehne Davis Law PA  
100 SE 2nd Street, Room 3550  
Miami, FL 33131-2154

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

**NOTICE OF HEARING (OTHER MOTIONS)**

A hearing will be held in this case before the Florida Elections Commission on, **August 16, 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.

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  
August 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.



**FLORIDA ELECTIONS COMMISSION**

**107 W. Gaines Street, Suite 224**

**Collins Building**

**Tallahassee, Florida 32399-1050**

**(850) 922-4539**

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

May 1, 2017

**VIA EMAIL: [ben.kuehne@kuehnelaw.com](mailto:ben.kuehne@kuehnelaw.com)**

Benedict P. Kuehne  
Kuehne Davis Law PA  
100 SE 2<sup>nd</sup> Street, Room 3550  
Miami, FL 33131-2154

**RE: Case No.: FEC 17-138; Respondent: Kionne L. McGhee; Campaign Treasurer's Report due 10/11/16 – M9**

Dear Mr. Kuehne:

I am in receipt of your April 19, 2017 correspondence requesting reconsideration of the agency's rejection of your client's auto-fine appeal as untimely.

Please be advised that your request for reconsideration will be placed on the agenda for the August 16-17, 2017 meeting and will be presented to the Commission for consideration at that time.

Sincerely,

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

Amy McKeever Toman  
Executive Director

/dam

cc: Division of Elections, Filing Officer w/enclosure



RE: FED17-138 - Reconsideration of Late Appeal Determination

Benedict P. Kuehne

to:

Florida Elections Commission

04/19/2017 05:02 PM

Hide Details

From: "Benedict P. Kuehne" <ben.kuehne@kuehnelaw.com>

To: Florida Elections Commission <fec@myfloridalegal.com>

1 Attachment



BPK Letter to FEC Objecting to Determination of Late Appeal.4-19-2017.pdf

Apologies. Corrected Letter attached. Please disregard prior version with typographical error.

Benedict P. Kuehne  
Kuehne Davis Law, P.A.  
100 S.E. 2d Street, Suite 3550  
Miami, FL 33131-2154  
305.789.5989 x7 Tel  
305.789.5987 Fax  
[ben.kuehne@kuehnelaw.com](mailto:ben.kuehne@kuehnelaw.com)  
[bkuehne@bellsouth.net](mailto:bkuehne@bellsouth.net)  
[www.kuehnelaw.com](http://www.kuehnelaw.com)

**From:** Benedict P. Kuehne  
**Sent:** Wednesday, April 19, 2017 3:13 PM  
**To:** Florida Elections Commission <fec@myfloridalegal.com>  
**Subject:** FED17-138 - Reconsideration of Late Appeal Determination

Attached letter seeking reconsideration of late-filed determination.

Benedict P. Kuehne  
Kuehne Davis Law, P.A.  
100 S.E. 2d Street, Suite 3550  
Miami, FL 33131-2154  
305.789.5989 x7 Tel  
305.789.5987 Fax  
[ben.kuehne@kuehnelaw.com](mailto:ben.kuehne@kuehnelaw.com)  
[bkuehne@bellsouth.net](mailto:bkuehne@bellsouth.net)  
[www.kuehnelaw.com](http://www.kuehnelaw.com)

KUEHNE DAVIS LAW  
PROFESSIONAL ASSOCIATION

BENEDICT P. KUEHNE\*  
SUSAN DMITROVSKY  
MICHAEL T. DAVIS

\*Board Certified  
Appellate Practice and  
Criminal Trial Practice

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ben.kuehne@kuehnelaw.com  
susand@kuehnelaw.com  
mdavis@kuehnelaw.com

FORT LAUDERDALE OFFICE  
1 W. Las Olas Blvd., Suite 500  
Ft. Lauderdale, FL 33301

REPLY TO: Miami

April 19, 2017

Amy McKeever Toman, Executive Director  
Florida Elections Commission  
107 West Gaines Street, Suite 224  
Tallahassee, FL 32399-1050  
fec@myfloridalegal.com

Re: FEC17-138  
*McGhee, Kionne L.*  
Campaign Treasurer's Report Due 10/11/16 - M9  
Objection to Determination of Late Notice of Appeal

Dear Executive Director Toman:

I am receipt of the FEC letter dated April 6, 2017, determining the appeal of Rep. McGhee's assessment was late filed. I respectfully object and request a reconsideration.

The appeal was tendered via email on April 2, 2017, during a time in which the Florida Legislature was in Session. As a result, Rep. McGhee is entitled to the mandatory statutory continuance of all deadlines pursuant to §11.11, Florida Statutes (2016). That mandatory requirement, quoted in full below, applies to Rep. McGhee, who is an elected member of the Florida House of Representatives, District 117. Because Rep. McGhee is and was in Session during the entirety of the period for submission of an appeal from the assessment, all applicable time requirements are tolled and continued as a matter of law.

The applicable statute provides in full:

**11.111 Continuance of certain causes for term of  
Legislature and period of time prior and subsequent**

**thereto and committee workdays.**—Any proceeding before any court, municipality, or agency of government of this state shall stand continued, without the continuance being charged against any party, during any session of the Legislature and for a period of time 15 days prior to any session of the Legislature and 15 days subsequent to the conclusion of any session of the Legislature, and during any period of required committee work and for a period of time 1 day prior and 1 day subsequent thereto, when either attorney representing the litigants is a legislator or when a member of the Legislature is a party or witness or is scheduled to appear before any municipal government, administrative board, or agency, when notice to that effect is given to the convening authority by such member. The time period for determining the right to a speedy trial shall be tolled during the period of the continuance, but the providing of such a continuance shall not act as a waiver to the right to a speedy trial. The immunity herein granted shall, upon the filing of a notice by the witness, extend to any member not an attorney who is engaged in any proceeding before any court or any state, county, or municipal agency or board in a representative capacity for any individual or group or as a witness in any proceeding. After said notice has been filed by a member of the Legislature called as a witness, the proceeding may proceed notwithstanding such notice if the party calling such member as a witness shall agree.

As applied to Rep. McGhee, who was in the midst of the Session when the proceeding for commencement of his assessment appeal was due, the time period is tolled as a matter of law.

Additionally, Rep. McGhee's appeal submission was timely filed. As you described in your letter, the receipt by Rep. McGhee occurred on March 11, 2017, a Saturday during the Legislative Session. Since that day is not counted for purposes of computing time periods, and the next day fell on a Sunday, the first day for the response period was Monday, March 13. The expiration of the twenty (20) days occurred on Monday, April 3. Therefore, the April 2 email submission was timely.

Amy McKeever Toman, Executive Director  
April 19, 2017  
Page 3 of 3

Respectfully submitted,

A handwritten signature in cursive script that reads "Benedict P. Kuehne".

**BENEDICT P. KUEHNE**

Copy:

Rep. Kionne McGhee



**FLORIDA ELECTIONS COMMISSION**

107 W. Gaines Street, Suite 224

Collins Building

Tallahassee, Florida 32399-1050

(850) 922-4539

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

April 6, 2017

**VIA EMAIL:** [ben.kuehne@kuehnelaw.com](mailto:ben.kuehne@kuehnelaw.com)

Benedict P. Kuehne  
Kuehne Davis Law PA  
100 SE 2<sup>nd</sup> Street, Room 3550  
Miami, FL 33131-2154

**RE: Case No.: FEC 17-138; Respondent: Kionne L. McGhee; Campaign Treasurer's Report due 10/11/16 – M9**

Dear Mr. Kuehne:

The Florida Elections Commission received your email dated April 2, 2017 appealing the fine assessed against your client for failing to timely file a required report. Section 106.07(8)(c), Florida Statutes, provides that the candidate may appeal a fine assessed by a filing officer for the late filing of a campaign treasurer's report *within 20 days* of the receipt of the fine notice.

It appears your client received notification of the fine on March 11, 2017; the deadline for appealing the fine was March 31, 2017. Unfortunately, your appeal notice was not timely filed, as it was delivered to this office on Sunday, **April 2, 2017 via email**. Therefore, we are unable to accept your appeal for this late report.

Please have your client remit his payment to his filing officer **no later than April 20, 2017** to avoid entry of a default final order. I urge your immediate attention to this matter.

Sincerely,

*Donna Ann Malphurs*

Agency Clerk

/dam

cc: Division of Elections, Filing Officer w/enclosure





McGhee, Kionne, Notice of Appeal of Fine Imposed by Filing Officer

Benedict P. Kuehne

to:

fec@myfloridalegal.com

04/02/2017 11:10 PM

Cc:

"ElecRecords@dos.myflorida.com"

Hide Details

From: "Benedict P. Kuehne" <ben.kuehne@kuehnelaw.com>

To: "fec@myfloridalegal.com" <fec@myfloridalegal.com>

Cc: "ElecRecords@dos.myflorida.com" <ElecRecords@dos.myflorida.com>

1 Attachment



image001.wmz Notice.Appeal of Fine Imposed by Filing Officer.4-2-2017.pdf

Amy McKeever Toman, Executive Director

Florida Elections Commission

107 West Gaines Street, Suite 224

Tallahassee, FL 32399-1050

fec@myfloridalegal.com

Re: CAN69427

*McGhee, Kionne*

Notice of Appeal of Fine Imposed by Filing Officer

Dear Executive Director Toman:

Pursuant to the provisions of Florida Administrative Code, Rule 2B-1.005, Rep. Kionne McGhee appeals the fine imposed by the Florida Division of Elections, setting forth the following required information:

1. Kionne McGhee, C/O Benedict P. Kuehne of Kuehne Davis Law, P.A., 100 SE 2 Street, Suite 3550, Miami, FL 33131-2154. Tel: 305.789.5989; Fax: 305.789.5897. Ben.kuehne@kuehnelaw.com and efiling@kuehnelaw.com.

2. Letter notice of imposition of fine dated March 8, 2017, attached.

3. Kionne McGhee, a member of the Florida House of representatives, timely requests a hearing with a personal appearance by submitting this Notice of Appeal within 20 days of his receipt of the notice of the imposition of the fine.

4. Kionne McGhee intends to demonstrate that the subject report was not untimely and that there were unusual or other circumstances

beyond the control of the candidate that caused the report to be filed out of time, as authorized by Florida Administrative Code, Rule 2B-1.0055.

5. Pursuant to the mandatory requirement of §11.111, Florida Statutes (2016), Rep. McGhee invokes the statutory continuance for submission of documents supporting this appeal. Consequently, Rep. McGhee is not required to submit supporting documents until the allowable period following the conclusion of the legislative session.

Respectfully submitted,

**BENEDICT P. KUEHNE**

Copy:  
Rep. Kionne McGhee

Kristi Reid Bronson, Chief  
Bureau of Election Records  
Florida Division of Elections  
R.A. Gray Building, Rm 316  
500 S Bronough Street  
Tallahassee, FL 32399-0250  
ElecRecords@dos.myflorida.com

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Kuehne Davis Law, P.A.  
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Miami, FL 33131-2154  
305.789.5989 x7 Tel  
305.789.5987 Fax  
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\*Board Certified  
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ben.kuehne@kuehnelaw.com  
susand@kuehnelaw.com  
mdavis@kuehnelaw.com

FORT LAUDERDALE OFFICE

1 W. Las Olas Blvd., Suite 500  
Ft. Lauderdale, FL 33301

REPLY TO: Miami

April 2, 2017

Amy McKeever Toman, Executive Director  
Florida Elections Commission  
107 West Gaines Street, Suite 224  
Tallahassee, FL 32399-1050  
fec@myfloridalegal.com

Re: CAN69427  
*McGhee, Kionne*  
Notice of Appeal of Fine Imposed by Filing Officer

Dear Executive Director Toman:

Pursuant to the provisions of Florida Administrative Code, Rule 2B-1.005, Rep. Kionne McGhee appeals the fine imposed by the Florida Division of Elections, setting forth the following required information:

1. Kionne McGhee, C/O Benedict P. Kuehne of Kuehne Davis Law, P.A., 100 SE 2 Street, Suite 3550, Miami, FL 33131-2154. Tel: 305.789.5989; Fax: 305.789.5897. Ben.kuehne@kuehnelaw.com and efilings@kuehnelaw.com.

2. Letter notice of imposition of fine dated March 8, 2017, attached.

3. Kionne McGhee, a member of the Florida House of representatives, timely requests a hearing with a personal appearance by submitting this Notice of Appeal within 20 days of his receipt of the notice of the imposition of the fine.

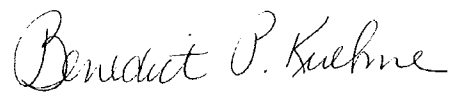
4. Kionne McGhee intends to demonstrate that the subject report was not untimely and that there were unusual or other circumstances

Amy McKeever Toman, Executive Director  
April 2, 2017  
Page 2 of 2

beyond the control of the candidate that caused the report to be filed out of time, as authorized by Florida Administrative Code, Rule 2B-1.0055.

5. Pursuant to the mandatory requirement of §11.111, Florida Statutes (2016), Rep. McGhee invokes the statutory continuance for submission of documents supporting this appeal. Consequently, Rep. McGhee is not required to submit supporting documents until the allowable period following the conclusion of the legislative session.

Respectfully submitted,



**BENEDICT P. KUEHNE**

Copy:  
Rep. Kionne McGhee

Kristi Reid Bronson, Chief  
Bureau of Election Records  
Florida Division of Elections  
R.A. Gray Building, Rm 316  
500 S Bronough Street  
Tallahassee, FL 32399-0250  
ElecRecords@dos.myflorida.com



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

Final Notice  
Delivery Confirmation:

USPS TRACKING # **9114 9014 9645 0834 6225 30**  
& CUSTOMER  
RECEIPT For Tracking or inquiries go to USPS.com  
or call 1-800-222-1811.

March 8, 2017

Kionne L. McGhee  
Candidate for State Representative, District 117  
Post Office Box 700388  
Miami, FL 33170-3170

CAN 69427

Dear Representative McGhee:

The campaign treasurer's report that was due on October 11, 2016, was filed on November 17, 2016. By law, you are automatically assessed a late fine of \$3,750.00.

**You have 20 days from the receipt of this notice to either:**

1. Pay the fine to the Florida Division of Elections (For a candidate only, a fine is not an allowable campaign expenditure and must be paid from personal funds) at:

*Florida Division of Elections  
R.A. Gray Building, Room. 316  
500 South Bronough Street  
Tallahassee, Florida 32399-025011*

2. Appeal the fine to the Florida Elections Commission (See Rules 2B-1.005 and 2B-1.0055, Florida Administrative Code) at:

*Florida Elections Commission  
107 West Gaines Street, Ste. 224  
Tallahassee, Florida 32399-0150*

If you appeal, please send a copy also to the Florida Division of Elections so that you will not receive further notices from the Division about this matter.

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

Sincerely,

Kristi Reid Bronson, Chief  
Bureau of Election Records



McGhee, Kionne, Letter of Representation and Notice of Statutory Continuance

Benedict P. Kuehne

to:

fec@myfloridalegal.com

04/02/2017 06:57 PM

Hide Details

From: "Benedict P. Kuehne" <ben.kuehne@kuehnelaw.com>

To: "fec@myfloridalegal.com" <fec@myfloridalegal.com>

2 Attachments



image001.wmz BPK Letter to FEC.Letter of Representation.4-2-2017.pdf



Notice of Statutory Continuance.4-2-2017.pdf

Amy McKeever Toman, Executive Director  
Florida Elections Commission  
107 West Gaines Street, Suite 224  
Tallahassee, FL 32399-1050  
fec@myfloridalegal.com

Re: CAN69427  
McGhee, Kionne  
Letter of Representation

Dear Executive Director Toman:

My law firm is providing representation to Kionne McGhee, a Florida Representative for House District 117, in these matters. Please direct all communications concerning these cases to my attention.

Respectfully submitted,

BENEDICT P. KUEHNE

Amy McKeever Toman, Executive Director  
Florida Elections Commission  
107 West Gaines Street, Suite 224  
Tallahassee, FL 32399-1050  
fec@myfloridalegal.com

Re: CAN69427  
*McGhee, Kionne*  
Notice of Statutory Continuance for  
Invocation of Administrative Remedies

Dear Executive Director Toman:

Pursuant to the mandatory requirement of §11.111, Florida Statutes (2016), Rep. McGhee invokes the statutory continuance for invoking the administrative remedies pursuant to the Division of Elections letter dated March 8, 2017, and attached to this notice. Consequently, Rep. McGhee is not required to invoke his administrative remedies until the allowable period following the conclusion of the legislative session. Thank you for your assistance.

Respectfully submitted,

**BENEDICT P. KUEHNE**

Copy:

Rep. Kionne McGhee

Copy:

Rep. Kionne McGhee

Benedict P. Kuehne  
Kuehne Davis Law, P.A.  
100 S.E. 2d Street, Suite 3550  
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305.789.5987 Fax  
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[bkuehne@bellsouth.net](mailto:bkuehne@bellsouth.net)  
[www.kuehnelaw.com](http://www.kuehnelaw.com)



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PROFESSIONAL ASSOCIATION

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susand@kuehnelaw.com  
mdavis@kuehnelaw.com

FORT LAUDERDALE OFFICE  
1 W. Las Olas Blvd., Suite 500  
Ft. Lauderdale, FL 33301

REPLY TO: Miami

April 2, 2017

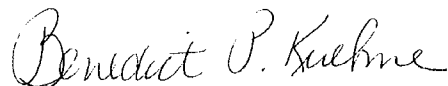
Amy McKeever Toman, Executive Director  
Florida Elections Commission  
107 West Gaines Street, Suite 224  
Tallahassee, FL 32399-1050  
fec@myfloridalegal.com

Re: CAN69427  
*McGhee, Kionne*  
Letter of Representation

Dear Executive Director Toman:

My law firm is providing representation to Kionne McGhee, a Florida Representative for House District 117, in these matters. Please direct all communications concerning these cases to my attention.

Respectfully submitted,



BENEDICT P. KUEHNE

Copy:  
Rep. Kionne McGhee

KUEHNE DAVIS LAW  
PROFESSIONAL ASSOCIATION

BENEDICT P. KUEHNE\*  
SUSAN DMITROVSKY  
MICHAEL T. DAVIS

\*Board Certified  
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100 S.E. 2<sup>nd</sup> Street  
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susand@kuehnelaw.com  
mdavis@kuehnelaw.com

FORT LAUDERDALE OFFICE  
1 W. Las Olas Blvd., Suite 500  
Ft. Lauderdale, FL 33301

REPLY TO: Miami

April 2, 2017

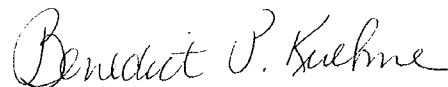
Amy McKeever Toman, Executive Director  
Florida Elections Commission  
107 West Gaines Street, Suite 224  
Tallahassee, FL 32399-1050  
fec@myfloridalegal.com

Re: CAN69427  
*McGhee, Kionne*  
Notice of Statutory Continuance for  
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Respectfully submitted,



**BENEDICT P. KUEHNE**

Copy:  
Rep. Kionne McGhee



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

Final Notice  
Delivery Confirmation:

USPS TRACKING # **9114 9014 9645 0834 6225 30**  
& CUSTOMER  
RECEIPT For Tracking or inquiries go to [USPS.com](http://USPS.com)  
or call 1-800-222-1811.

March 8, 2017

Kionne L. McGhee  
Candidate for State Representative, District 117  
Post Office Box 700388  
Miami, FL 33170-3170

CAN 69427

Dear Representative McGhee:

The campaign treasurer's report that was due on October 11, 2016, was filed on November 17, 2016. By law, you are automatically assessed a late fine of \$3,750.00.

**You have 20 days from the receipt of this notice to either:**

1. Pay the fine to the Florida Division of Elections (For a candidate only, a fine is not an allowable campaign expenditure and must be paid from personal funds) at:

*Florida Division of Elections  
R.A. Gray Building, Room. 316  
500 South Bronough Street  
Tallahassee, Florida 32399-025011*

2. Appeal the fine to the Florida Elections Commission (See Rules 2B-1.005 and 2B-1.0055, Florida Administrative Code) at:

*Florida Elections Commission  
107 West Gaines Street, Ste. 224  
Tallahassee, Florida 32399-0150*

If you appeal, please send a copy also to the Florida Division of Elections so that you will not receive further notices from the Division about this matter.

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

Sincerely,

Kristi Reid Bronson, Chief  
Bureau of Election Records



FW: Kionne McGhee  
 Brown, Donna S.  
 to:  
 Erin.Riley@myfloridalegal.com  
 04/03/2017 09:51 AM  
 Cc:  
 Donna Malphurs, "Bronson, Kristi R."  
 Hide Details  
 From: "Brown, Donna S." <Donna.Brown@dos.myflorida.com>  
 To: "Erin.Riley@myfloridalegal.com" <Erin.Riley@myfloridalegal.com>  
 Cc: Donna Malphurs <Donna.Malphurs@myfloridalegal.com>, "Bronson, Kristi R." <Kristi.Bronson@DOS.MyFlorida.com>

See information below regarding fine appeal for Representative McGhee.

**Donna S. Brown**

Senior Management Analyst  
 Bureau of Election Records  
 Florida Department of State  
 R.A. Gray Building  
 500 S. Bronough Street  
 Tallahassee, FL 32399  
 (850) 245-6280

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.

@ItsWorkingFL



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

**From:** Bronson, Kristi R.  
**Sent:** Monday, April 03, 2017 9:29 AM  
**To:** Brown, Donna S.  
**Subject:** FW: Kionne McGhee

Also Send this email to FEC.

**From:** Bronson, Kristi R.  
**Sent:** Tuesday, March 28, 2017 5:24 PM  
**To:** [kionnemcghee117@gmail.com](mailto:kionnemcghee117@gmail.com)  
**Subject:** RE: Kionne McGhee

Dear Representative McGhee –

The Division does not have authority to extend the time to respond to the fine letter. However, our records indicate that the letter was delivered to your address of record on March 11, 2017. Thus, you have until **March 31, 2017**, to appeal or pay the fine. The letter advises you of how to appeal the fine should you so choose.

I trust this is responsive to your inquiry. Please let me know if you need additional information.

*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:** DivElections  
**Sent:** Tuesday, March 28, 2017 5:10 PM  
**To:** Bronson, Kristi R.  
**Subject:** FW: Kionne McGhee

**From:** Kionne McGhee [<mailto:kionnemcghee117@gmail.com>]  
**Sent:** Tuesday, March 28, 2017 5:07 PM  
**To:** DivElections <[DivElections@DOS.MyFlorida.com](mailto:DivElections@DOS.MyFlorida.com)>; Kionne McGhee <[kionnemcghee@gmail.com](mailto:kionnemcghee@gmail.com)>  
**Subject:** Kionne McGhee

Kionne L. McGhee, Esq.

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Kionne L. McGhee (69427) - Fine Appeal

Brown, Donna S.

to:

Erin.Riley@myfloridalegal.com

04/03/2017 10:02 AM

Cc:

Donna Malphurs, "Bronson, Kristi R."

Hide Details

From: "Brown, Donna S." <Donna.Brown@dos.myflorida.com>

To: "Erin.Riley@myfloridalegal.com" <Erin.Riley@myfloridalegal.com>

Cc: Donna Malphurs <Donna.Malphurs@myfloridalegal.com>, "Bronson, Kristi R." <Kristi.Bronson@DOS.MyFlorida.com>

History: This message has been replied to.

## 2 Attachments



Kionne McGhee Appeal.pdf Kionne McGhee Final Notice Documents.pdf

Good morning Erin.

The Division is in receipt of an appeal letter from Representative McGhee's attorney this morning.

The Final Notice was mailed March 8, 2017, and received by the candidate one March 11, 2017. On March 29, 2017, Rep. McGhee faxed a letter requesting an extension of time to respond to the fine letter. I called and spoke with his assistant on March 30, 2017, advising that the division could not extend the time period and explained his options, including faxing a letter of appeal to the FEC no later than March 31, 2017. (See attached Final Notice, delivery confirmation, letter from Rep. McGhee and history notes.)

If you have any questions, please feel free to call me at (850) 245-6243.

*Best regards,*

### **Donna S. Brown**

Senior Management Analyst

Bureau of Election Records

Florida Department of State

R.A. Gray Building

500 S. Bronough Street

Tallahassee, FL 32399

(850) 245-6280

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@ItsWorkingFL



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KUEHNE DAVIS LAW  
PROFESSIONAL ASSOCIATION

BENEDICT P. KUEHNE\*  
SUSAN DMITROVSKY  
MICHAEL T. DAVIS

\*Board Certified  
Appellate Practice and  
Criminal Trial Practice

MIAMI TOWER, SUITE 3550  
100 S.E. 2<sup>nd</sup> Street  
MIAMI, FLORIDA 33131-2154  
Telephone: 305.789.5989  
Facsimile: 305.789.5987  
ben.kuehne@kuehnelaw.com  
susand@kuehnelaw.com  
mdavis@kuehnelaw.com

17 APR -3 AM 8:15  
SECRET  
FORT LAUDERDALE OFFICE  
1 W. Las Olas Blvd, Suite 500  
FL, Lauderdale FL 33301

REPLY TO: Miami

April 2, 2017

Amy McKeever Toman, Executive Director  
Florida Elections Commission  
107 West Gaines Street, Suite 224  
Tallahassee, FL 32399-1050  
fec@myfloridalegal.com

Re: CAN69427  
*McGhee, Kionne*  
Notice of Appeal of Fine Imposed by Filing Officer

Dear Executive Director Toman:

Pursuant to the provisions of Florida Administrative Code, Rule 2B-1.005, Rep. Kionne McGhee appeals the fine imposed by the Florida Division of Elections, setting forth the following required information:

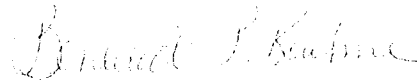
1. Kionne McGhee, C/O Benedict P. Kuehne of Kuehne Davis Law, P.A., 100 SE 2 Street, Suite 3550, Miami, FL 33131-2154. Tel: 305.789.5989; Fax: 305.789.5897. Ben.kuehne@kuehnelaw.com and efilings@kuehnelaw.com.
2. Letter notice of imposition of fine dated March 8, 2017, attached.
3. Kionne McGhee, a member of the Florida House of representatives, timely requests a hearing with a personal appearance by submitting this Notice of Appeal within 20 days of his receipt of the notice of the imposition of the fine.
4. Kionne McGhee intends to demonstrate that the subject report was not untimely and that there were unusual or other circumstances

Amy McKeever Toman, Executive Director  
April 2, 2017  
Page 2 of 2

beyond the control of the candidate that caused the report to be filed out of time, as authorized by Florida Administrative Code, Rule 2B-1.0055.

5. Pursuant to the mandatory requirement of §11.111, Florida Statutes (2016), Rep. McGhee invokes the statutory continuance for submission of documents supporting this appeal. Consequently, Rep. McGhee is not required to submit supporting documents until the allowable period following the conclusion of the legislative session.

Respectfully submitted,



**BENEDICT P. KUEHNE**

Copy:  
Rep. Kionne McGhee

Kristi Reid Bronson, Chief  
Bureau of Election Records  
Florida Division of Elections  
R.A. Gray Building, Rm 316  
500 S Bronough Street  
Tallahassee, FL 32399-0250  
ElecRecords@dos.myflorida.com





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

17 APR -3 AM 8:15  
 DIVISION OF ELECTIONS  
 SECRETARY OF STATE

Final Notice  
 Delivery Confirmation:

USPS TRACKING # **9114 9014 9645 0834 6225 30**  
 & CUSTOMER RECEIPT For Tracking or inquiries go to USPS.com  
 or call 1-800-222-1811.

March 8, 2017

Kionne L. McGhee  
 Candidate for State Representative, District 117  
 Post Office Box 700388  
 Miami, FL 33170-3170

CAN 69427

Dear Representative McGhee:

The campaign treasurer's report that was due on October 11, 2016, was filed on November 17, 2016. By law, you are automatically assessed a late fine of \$3,750.00.

**You have 20 days from the receipt of this notice to either:**

1. Pay the fine to the Florida Division of Elections (For a candidate only, a fine is not an allowable campaign expenditure and must be paid from personal funds) at:

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 107 West Gaines Street, Ste. 224  
 Tallahassee, Florida 32399-0150*

If you appeal, please send a copy also to the Florida Division of Elections so that you will not receive further notices from the Division about this matter.

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

Sincerely,

Kristi Reid Bronson, Chief  
 Bureau of Election Records



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

Final Notice  
Delivery Confirmation:

USPS TRACKING # **9114 9014 9845 0834 6225 30**  
& CUSTOMER RECEIPT  
For Tracking or inquiries go to USPS.com  
or call 1-800-222-1811

March 8, 2017

Kionne L. McGhee  
Candidate for State Representative, District 117  
Post Office Box 700388  
Miami, FL 33170-3170

CAN 69427

Dear Representative McGhee:

The campaign treasurer's report that was due on October 11, 2016, was filed on November 17, 2016. By law, you are automatically assessed a late fine of \$3,750.00.

**You have 20 days from the receipt of this notice to either:**

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*Florida Elections Commission  
107 West Gaines Street, Ste. 224  
Tallahassee, Florida 32399-0150*

If you appeal, please send a copy also to the Florida Division of Elections so that you will not receive further notices from the Division about this matter.

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

Sincerely,

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

Kristi Reid Bronson, Chief  
Bureau of Election Records

# USPS Tracking® Results

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

305 908 1101

[Track Another Package +](#)

[Remove X](#)

**Tracking Number:** 9114901496450834622530



**Delivered**

## Product & Tracking Information

[See Available Actions](#)

**Postal Product:**

**Features:**  
USPS Tracking®

DATE & TIME	STATUS OF ITEM	LOCATION
March 11, 2017, 11:45 am	Delivered, PO Box	MIAMI, FL 33170
<p>Your item has been delivered and is available at a PO Box at 11:45 am on March 11, 2017 in MIAMI, FL 33170.</p>		
March 11, 2017, 11:43 am	Arrived at Post Office	MIAMI, FL 33170
March 10, 2017, 6:02 pm	Arrived at USPS Facility	OPA LOCKA, FL 33054
March 9, 2017, 7:32 pm	Departed USPS Facility	TALLAHASSEE, FL 32301

[See More](#) ▾

## Available Actions

**Text Updates**



KIONNE L. MCGHEE  
PO Box 700388  
MIAMI, FLORIDA 33170

March 27, 2017

17 MAR 29 AM 8:41  
DIVISION OF ELECTIONS  
SECRETARY OF STATE

Department of State, Division of Elections  
Director's Office  
Room 316, R. A. Gray Building  
500 South Bronough Street  
Tallahassee, FL 32399

Re:64426

To Whom It May Concern:

Please be advised that I am requesting an additional 20 days to respond to the letter relating to a campaign fine for the period of 11/16/2016. Please provide me with necessary steps to complete this process.

Thank you.

*Kionne L. McGhee*

**HISTORY NOTES**  
Kionne L. McGhee - 69427

Unique ID	Date Recorded	Last Edited Date	Originally Recorded By
-----------	---------------	------------------	------------------------

53094	3/30/2017 10:29:00 AM		dsbrown
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RE: Fine Response Letter

Rep. McGhee sent a letter requesting an extension of 20 days to pay a fine. I called and spoke with his assistant. Advised her that DOE has no statutory authority to waive or extend time on fines. Rep. McGhee will either need to pay or appeal the fine within the 20 day time period, which ends tomorrow. I requested the Rep. McGhee call me direct so that I may relay to him his options. However, I did give his assistant all of the information, including the FAX number to the FEC, advising that the appeal letter must be faxed to them by tomorrow with a copy to us.

52942	3/20/2017 10:29:00 AM		iaadams
-------	-----------------------	--	---------

REF: Final Notice

I received a phone call from Mr. Kionne L. McGhee in reference to Final Notice for report due on October 11, 2016, but filed until November 17, 2016. Mr. McGhee stated he filed this report on time. I instructed him, per Fine Notice to submit a letter in writing to FEC and explained the process. Ivania. 3/20/2017.



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Florida Department of State - Division of Elections

**Florida Election System Reports**

Candidate/Committee Lookup

**Candidate Name:** Kionne L. McGhee

Name:

**Account:** [69427](#)

Election:

Acct:

Type:

Date Due	Type	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amount Paid
3/10/2017	M2	3/11/2017	PEN	1	\$25.00		\$25.00	\$0.00
2/10/2017	M1	2/10/2017						
1/10/2017	M12	1/9/2017						
12/12/2016	M11	12/12/2016						
11/10/2016	M10	11/10/2016						
10/11/2016	M9	10/17/2016	SNT	0	\$3,750.00		\$3,750.00	\$0.00
10/11/2016	M9	10/17/2016	CLO	6	\$0.00		\$0.00	\$0.00