

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: Ryan Lee Fleming**

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**Case No.: FEC 16-155**

**TO:** Ryan Lee Fleming  
6213 Luana Court  
Boynton Beach, FL 33437

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, **February 28, 2017 at 11:00 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  
February 13, 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.

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STATE OF FLORIDA  
ELECTIONS COMMISSION

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,  
Petitioner,**

**Case No.: FEC 16-155**

v.

**Ryan Lee Fleming,  
Respondent.**

\_\_\_\_\_ /

**ORDER OF PROBABLE CAUSE**

**THIS MATTER** was heard by the Florida Elections Commission (Commission) at its regularly scheduled meeting on November 16, 2016, in Tallahassee, Florida.

On October 3, 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 March 10, 2016, Ryan Lee Fleming violated Section 106.07(7), Florida Statutes, when he failed to notify the filing officer in writing on the prescribed reporting date that he would not be filing his 2016 M2 Report.

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

**DONE AND ORDERED** by the Florida Elections Commission on November 16, 2016.



M. Scott Thomas, Chairman  
Florida Elections Commission

Copies furnished to:  
Stephanie J. Cunningham, Assistant General Counsel  
Ryan Lee Fleming, 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: Ryan Lee Fleming /

Case No.: FEC 16-155

**STAFF RECOMMENDATION FOLLOWING INVESTIGATION**

Pursuant to Section 106.25(4)(c), Florida Statutes, undersigned staff counsel files this written recommendation for disposition of the referral in this case recommending that there is **probable cause** to charge Respondent with violating **Section 106.07(7), Florida Statutes**, and that there is **no probable cause** to charge Respondent with violating **Section 106.19(1)(c), Florida Statutes**. Based upon a thorough review of the Report of Investigation submitted on September 19, 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 Department of State, Division of Elections (“Division”), alleging that Ryan Lee Fleming (“Respondent”) violated Chapter 106, Florida Statutes.

2. Respondent was a 2016 candidate for State Representative, District 91. (ROI Exhibit 10)<sup>1</sup> Respondent withdrew from the race on June 6, 2016.

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

**Section 106.07(7), Florida Statutes:** As alleged in the complaint, Respondent may have failed to notify the filing officer on the prescribed reporting date that no report would be filed on that date because it had not received funds, made contributions, or expended reportable funds during the following reporting period:

- 2016 M2

**Section 106.19(1)(c), Florida Statutes:** As alleged in the complaint, Respondent may have falsely reported or deliberately failed to include information required by Chapter 106, Florida Statutes, when it failed to file a report on the prescribed reporting date for the following reporting period:

- 2016 M2

4. By letter dated June 2, 2015, Kristi Reid Bronson, Chief, Bureau of Election Records, sent Respondent a letter acknowledging that the Division had received his Appointment

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

of Campaign Treasurer and Designation of Campaign Depository for Candidates form and that his name was placed on the 2016 active candidate list. (ROI Exhibit 2, page 1)

5. The acknowledgment letter advised Respondent that all candidates filing reports with the Division are required to use the electronic filing system (“EFS”), and provided Respondent with a user identification number and initial password to grant access to the EFS. (ROI Exhibit 2, page 1) The letter further advised Respondent that all of the Division’s publications and reporting forms were available on its website and directed Respondent to print out the *Calendar of Reporting Dates* as well as other relevant documents. (ROI Exhibit 2, page 3)

6. Respondent’s 2016 M2 Report was due to be filed by March 10, 2016; however, Respondent failed to timely file the report or notify the filing officer that no report would be filed. (ROI Exhibit 9, page 1) By letters dated March 11, 2016, April 8, 2016, and May 11, 2016, the Division notified Respondent that his 2016 M2 Report had not been received. The letters also notified Respondent that he was still required to notify the Division if he had no reportable financial activity. (ROI Exhibits 4-6) The May 11, 2016 letter was confirmed delivered. (ROI Exhibit 6, page 2)

7. A subpoena was issued to Respondent’s designated campaign depository to ascertain whether any financial activity occurred during the relevant reporting period, i.e., February 1, 2016 – February 29, 2016. The financial institution had no record of an account in Respondent’s name. (ROI Exhibit 7)

8. Respondent was given multiple opportunities to respond to Commission staff’s investigation, but failed to do so. (Attachment A)

9. As it appears that Respondent had no financial activity, Respondent was required to notify the filing officer in writing that he would not be filing his 2016 M2 Report on the prescribed reporting date, but failed to do so. Therewith, it does not appear that Respondent falsely reported or deliberately failed to include information in his 2016 M2 Report as the report was waived due to a lack of reportable financial activity.

10. As of September 16, 2016, Respondent had not filed his 2016 M2 Report or notified the filing officer that no report would be filed. Further, the Division’s Filing History shows that Respondent had knowledge of how to file reports and notify the Division of a lack of reportable financial activity, but failed to do so for the 2016 M2 reporting period. (ROI Exhibit 9)

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

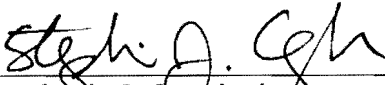
12. The facts set forth above show that Respondent was a 2016 candidate for State Representative, District 91. Respondent failed to timely file his 2016 M2 Report or notify the filing officer that no report would be filed. It appears that Respondent had no financial activity during the relevant reporting period, and therefore was required to notify the filing officer in writing that he would not be filing his 2016 M2 Report on the prescribed reporting date, but failed to do so. Therewith, it does not appear that Respondent falsely reported or deliberately failed to include information in his 2016 M2 Report as the report was waived due to a lack of reportable financial activity.

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

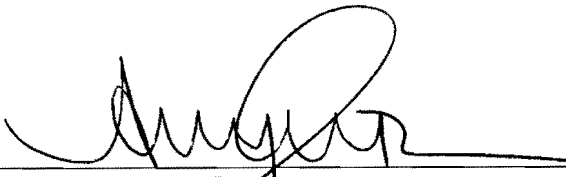
**Count 1:**

On or about March 10, 2016, Ryan Lee Fleming violated Section 106.07(7), Florida Statutes, when he failed to notify the filing officer in writing on the prescribed reporting date that he would not be filing his 2016 M2 Report.

Respectfully submitted on October 3, 2016.

  
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Stephanie J. Cunningham  
Assistant General Counsel

I reviewed this Staff Recommendation this 3rd day of October 2016.

  
\_\_\_\_\_  
Amy McKeever Toman  
Executive Director



**FLORIDA ELECTIONS COMMISSION  
PHONE LOG  
Case No.: FEC 16-155**

**Respondent: Ryan Lee Fleming**

**Complainant: Division of Elections**

1. **Date and time:** August 30, 2016 @ 11:10 am  
**Name:** Respondent  
**Phone #:** (561) 385-7183  
**Summary:** I attempted telephone contact to make initial contact. I left a message to return my call.  
**Memo to File?** No  
**Entered by:** CKO
2. **Date and time:** September 12, 2016 @ 4:06 pm  
**Name:** Mr. Robertson—Bank rep  
**Phone #:** Voice Message  
**Summary:** I had voice message requesting that I return his call regarding subpoena ref #16845995.  
**Memo to File?** No  
**Entered by:** CKO
3. **Date and time:** September 12, 2016 @ 4:15 pm  
**Name:** Mr. Robertson—Bank rep  
**Phone #:** (704) 590-9824  
**Summary:** I attempted telephone contact to return Mr. Robertson's call. I left a message to return my call.  
**Memo to File?** No  
**Entered by:** CKO
4. **Date and time:** September 13, 2016 @ 10:20 am  
**Name:** Mr. Robertson—Bank rep  
**Phone #:** (704) 590-9824  
**Summary:** I attempted telephone contact to return Mr. Robertson's call about needing more information to locate Respondent. I left a message to return my call.  
**Memo to File?** No  
**Entered by:** CKO
5. **Date and time:** September 13, 2016 @ 10:40 am  
**Name:** Mr. Robertson—Bank rep  
**Phone #:** (704) 590-9824  
**Summary:** I had telephone contact in response to the message left on his behalf. Mr. Robertson inquired if I had a tax id number for Respondent or any other identifying information. I disclosed all of the identifying information that I had on Respondent. Mr. Robertson explained that he hadn't been able to locate any information on Respondent thus far but he would continue researching. If no information found, he would email a letter

informing me of the results of the search by COB today. I gave him my email address and thanked him for his assistance with this matter.

**Memo to File?** No

**Entered by:** CKO

6. **Date and time:** September 13, 2016 @ 2:50 pm  
**Name:** Respondent  
**Phone #:** (561) 385-7183  
**Summary:** I attempted telephone contact to complete final interview. I left a message to return my call.  
**Memo to File?** No  
**Entered by:** CKO
7. **Date and time:** September 14, 2016 @ 12:30 pm  
**Name:** Mr. Robertson—Bank rep  
**Phone #:** (704) 590-9824  
**Summary:** I attempted telephone contact to get an update on the status of the subpoena results. I left a message to return my call.  
**Memo to File?** No  
**Entered by:** CKO
8. **Date and time:** September 15, 2016 @ 11:40 am  
**Name:** Mr. Robertson—Bank rep  
**Phone #:** (704) 590-9824  
**Summary:** I had telephone contact to inquire about the status of the subpoena. Mr. Robertson states that he will send me the document stating that no information was found via email today. I inquired as to when. Mr. Robertson told me that he is in the process of sending it to me now. I thanked him for his assistance with this matter.  
**Memo to File?** No  
**Entered by:** CKO
9. **Date and time:** September 16, 2016 @ 2:50 pm  
**Name:** Mr. Robertson—Bank rep  
**Phone #:** (704) 590-9824  
**Summary:** I attempted telephone contact to check on the status of the subpoena results that were promised by COB on September 13, 2016. I left a message to return my call.  
**Memo to File?** No  
**Entered by:** CKO

**FLORIDA ELECTIONS COMMISSION**  
**REPORT OF INVESTIGATION**  
**Case No.: FEC 16-155**

**Respondent: Ryan Lee Fleming**

Counsel for Respondent: n/a

**Complainant: Division of Elections**

Counsel for Complainant: n/a

On June 16, 2016, the Florida Elections Commission (“Commission”) received a referral from the Division of Elections alleging that Respondent violated Chapter 106, Florida Statutes. Commission staff investigated whether Respondent violated the following statutes:

Section 106.07(7), Florida Statutes, failure of a candidate who did not receive any contributions or make any expenditures during a reporting period to notify timely the filing officer, in writing, that no report is being filed; 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 was a candidate for the office of State Representative, District 91 in the 2016 election. Respondent withdrew his candidacy on June 6, 2016.

2. Complainant is the Division of Elections.

3. Respondent’s filing officer is Kristi Reid-Bronson, Chief, Bureau of Election Records.

4. On June 1, 2015, Respondent filed his original Appointment of Campaign Treasurer and Designation of Campaign Depository (DS-DE 9) with his filing officer<sup>1</sup>. Respondent appointed himself as his own campaign treasurer. To view a copy of Respondent’s June 1, 2015 DS-DE 9 form, refer to exhibit 1.

5. On June 2, 2015, Ms. Bronson sent Respondent a letter acknowledging he had been placed on the active candidate list. The letter advised Respondent that all candidates filing reports with the Division are required to use the electronic filing system (EFS). Respondent was provided with a user identification number and initial password allowing him access to the EFS. To review a copy of the June 2, 2015 acknowledgement letter, refer to exhibit 2.

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<sup>1</sup> On June 29, 2015, Respondent filed a second DS-DE 9 form with his filing officer that changed depositories from Sun Trust Bank to Wells Fargo N.A.

6. On June 16, 2016, a DOE staff representative, Kristi Reid-Bronson, submitted a sworn affidavit alleging that Respondent failed to report campaign activity, or in the alternative failed to notify the filing officer that no report would be filed, for the 2016 M2 reporting period. To review a copy of the June 16, 2016 sworn affidavit from Complainant, refer to exhibit 3.

7. On March 11, 2016, Complainant mailed Respondent a failure-to-file letter informing him that the 2016 M2 Report had not been filed. This letter was sent to the address Respondent provided on his DS-DE 9 form (Exhibit 1). To review a copy of the March 11, 2016 failure-to-file letter, refer to exhibit 4.

8. On April 8, 2016, Complainant mailed Respondent a second failure-to-file letter informing him that the 2016 M2 Report still had not been filed. This letter was also sent to the address Respondent provided on his DS-DE 9 form (Exhibit 1). To review a copy of the April 8, 2016 failure-to-file letter, refer to exhibit 5.

9. On May 11, 2016, Complainant mailed Respondent a failure-to-file letter via certified mail, informing him that the 2016 M2 Report had not been filed. This letter was sent to the address Respondent provided on his DS-DE 9 form (Exhibit 1). To view a copy of the May 11, 2016 failure-to-file letter with delivery confirmation receipt, refer to exhibit 6.

10. The allegations that Respondent failed to report campaign activity, or in the alternative, failed to notify the filing officer in writing, that no report would be filed for the 2016 M2 reporting period will be discussed in the following paragraphs.

## **II. Alleged Violation of Section 106.19(1)(c), Florida Statutes:**

11. I investigated whether Respondent violated this section of the election laws by falsely reporting or deliberately failing to include information required by Chapter 106, Florida Statutes, when he failed to file a treasurer's report, or written notice to the filing officer that no report would be filed due to lack of reportable activity during the 2016 M2 reporting period, on the prescribed reporting date.

12. On August 30, 2016, I subpoenaed Respondent's campaign account records from Wells Fargo, the campaign depository listed on Respondent's current DS-DE 9 form (Exhibit 1). In a Business Records Declaration dated September 13, 2016, Ms. Dawn Ward, Subpoena Operations Manager, stated that she was unable to locate any information on Respondent. To review a copy of the "business records declaration" from Respondent's depository, refer to exhibit 7.

13. Based upon Wells Fargo's declaration in response to the Commission's subpoena, it appears that Respondent did not have any contributions or expenditures during the 2016 M2 reporting period<sup>2</sup>. Therefore, it appears there was no campaign activity for Respondent to disclose during this period.

14. There is a record that Respondent has previously been investigated for violating

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<sup>2</sup> The 2016 M2 reporting period covers the time period of February 1, 2015 through February 29, 2016.

this section of the election laws.

### **III. Alleged Violation of Section 106.07(7), Florida Statutes:**

15. I investigated whether Respondent violated this section of the election laws by failing to timely notify the filing officer, in writing, that no report would be filed due to not receiving any contributions or making any expenditures during the 2016 M2 reporting period.

16. To review the circumstances regarding Respondent's campaign activity, refer to paragraphs 12 and 13 of this report.

17. Section 106.07(7), Florida Statutes, states in part:

“Notwithstanding any other provisions of this chapter, in any reporting period during which a candidate or political committee has not received funds, made any contributions, or expended any reportable funds, the filing of the required report for that period is waived...any candidate or political committee not reporting by virtue of this subsection on dates prescribed elsewhere in this chapter shall notify the filing officer in writing on the prescribed reporting date that no report is being filed on that date.”

18. In an e-mail dated April 2, 2014, Ms. Bronson was asked to clarify the procedure regarding how to notify the Division in writing on the prescribed reporting date that no report would be filed. In her response, Ms. Bronson stated, “The notice that no report will be filed is the waiver, which must be filed in the EFS. We do not require anything separate in writing.” To review a copy of Ms. Bronson's e-mail, please refer to exhibit 8.

19. Based upon Wells Fargo's declaration and Ms. Bronson's email, because Respondent did not have any contributions or expenditures during the 2016 M2 reporting period, it appears Respondent was required to notify the Division in writing on the prescribed reporting date that no report would be filed. As of the date of this report, there is no record that Respondent has filed a 2016 M2 Report, nor advised in writing of no reportable activity to disclose. To review a copy of Respondent's filing history, refer to exhibit 9.

20. There is a record that Respondent has previously been investigated for violating this section of the election laws.

### **IV. FEC History:**

21. Respondent has been involved in two prior investigations. FEC 16-005; the Commission found PC for a violation of 106.07(7). In FEC 16-069; staff recommended PC for 106.07(7), but NPC for a violation of 106.19(1)(c); this case will be heard during the November 2016 Commission meeting.

### **Conclusion:**

22. Respondent was offered several opportunities to make comments regarding the findings of this investigation. Respondent has not responded to any of these attempts to discuss this matter.

23. In the June 2, 2015 acknowledgement letter, Respondent was informed that all of the Division's publications are available online at the DOE's website. In the letter, Respondent was admonished as follows: **It is your responsibility to read, understand, and follow the requirements of Florida's election laws. Therefore, please print a copy of the following documents: Chapters 104 and 106, Florida Statutes, Candidate and Campaign Treasurer Handbook, Calendar of Reporting Dates, and Rule 1S-2.017, Florida Administrative Code**". To review a copy of the June 2, 2015 acknowledgement letter, refer to exhibit 2.

24. On June 1, 2015, Respondent filed his Statement of Candidate for State Representative, District 91 acknowledging that he had been provided access to read and understand the requirements of Chapter 106, Florida Statutes. To review a copy of the Statement of Candidate, refer to exhibit 10.

Respectfully submitted on September 19, 2016.



Cedric Oliver  
Investigation Specialist

**Current address of Respondent**

Mr. Ryan Lee Fleming  
6213 Luana Ct.  
Boynton Beach, Fl 33437

**Current address of Complainant**

Division of Elections  
500 South Bronough Street, Room #316  
Tallahassee, Fl 32399

**Name and Address of Filing Officer:**

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

Copy furnished to: Mr. David Flagg, Investigations Manager

**FLORIDA ELECTIONS COMMISSION**  
**REPORT OF INVESTIGATION**  
**Ryan Lee Fleming -- FEC 16-155**

<b>LIST OF EXHIBITS</b>	
<b>Exhibits #s</b>	<b>Description of Exhibits</b>
Exhibit 1	Respondent's DS-DE 9 form
Exhibit 2	Acknowledgement Letter
Exhibit 3	Sworn affidavit from Kristi Reid-Bronson
Exhibit 4	March 11, 2016 failure-to-file letter
Exhibit 5	April 8, 2016 failure-to-file letter
Exhibit 6	May 11, 2016 failure-to-file letter
Exhibit 7	Business Records Declaration from Wells Fargo
Exhibit 8	April 2, 2014 email from Kristi Reid-Bronson
Exhibit 9	Respondent's filing history
Exhibit 10	Statement of Candidate

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

(PLEASE PRINT OR TYPE)

RECEIVED  
15 JUN 29 AM 10:56  
DIVISION OF ELECTIONS  
SECRETARY OF STATE

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)

Ryan Lee Fleming

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

6213 Luana ct. Boynton Beach Florida

4. Telephone

( ) 3857183

5. E-mail address

RyanFleming432@gmail.com

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

District 91 Florida Representative

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  Republican Party candidate.

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

10. Name of Treasurer or Deputy Treasurer

Ryan Lee Fleming

11. Mailing Address

6213 Luana Ct.

12. Telephone

( 561 ) 385-7183

13. City

Boynton Beach

14. County

palm beach

15. State

florida

16. Zip Code

33437

17. E-mail address

ryanfleming432@gmail.com

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

19. Name of Bank

WellsFargo

20. Address

10845 Jog Road

21. City

Boynton Beach

22. County

Palm Beach

23. State

Florida

24. Zip Code

33437

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

06/26/15

26. Signature of Candidate



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

I, Ryan Lee Fleming, do hereby accept the appointment

(Please Print or Type Name)

designated above as:  Campaign Treasurer  Deputy Treasurer

6/26/15

Date

  
Signature of Campaign Treasurer or Deputy Treasurer



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

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

(PLEASE PRINT OR TYPE)

RECEIVED

15 JUN -1 AM 9: 53

DIVISION OF ELECTIONS  
SECRETARY OF STATE

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)

Ryan Lee Fleming

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

6213 Luana ct. , Boynton Beach, Florida, 33437

4. Telephone

(561 ) 3857183

5. E-mail address

ryanfleming432

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

District 91 house representative

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     Republican    Party candidate.

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

10. Name of Treasurer or Deputy Treasurer

Ryan Lee Fleming

11. Mailing Address

6213 luana ct.

12. Telephone

( 561 ) 3857183

13. City

Boynton Beach

14. County

Palm Beach

15. State

Florida

16. Zip Code

33437

17. E-mail address

ryanfleming432@gmail.com

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

19. Name of Bank

Sun Trust

20. Address

9879 south military trial

21. City

boynton beach

22. County

palm beach

23. State

florida

24. Zip Code

33437

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

25. Date

5/27/15

26. Signature of Candidate

X *Ryan Lee Fleming*

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

I, Ryan Lee Fleming, do hereby accept the appointment

(Please Print or Type Name)

designated above as:  Campaign Treasurer     Deputy Treasurer.

5/27/15

Date

X *Ryan Lee Fleming*  
Signature of Campaign Treasurer or Deputy Treasurer



## FLORIDA DEPARTMENT of STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

June 2, 2015

Ryan Lee Fleming  
6213 Luana Court  
Boynton Beach , Florida 33437

Dear Mr. Fleming:

This will acknowledge receipt of the Appointment of Campaign Treasurer and Designation of Campaign Depository for the office of State Representative, which was placed on file in our office on June 1, 2015. Your name has been placed on the 2016 active candidate list.

### Campaign Treasurer's Reports

Your first campaign treasurer's report will be due on **July 10, 2015**. The report will cover the period of June 1-30, 2015 (M6). 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:** 64740



Division of Elections  
R.A. Gray Building, Suite 316 • 500 South Bronough Street • Tallahassee, Florida 32399  
850.245.6240 • 850.245.6260 (Fax) [election.dos.state.fl.us](http://election.dos.state.fl.us)  
Promoting Florida's History and Culture [VivaFlorida.org](http://VivaFlorida.org)



EXHIBIT

2 (1 of 3)

Ryan Lee Fleming  
June 2, 2015  
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.

Ryan Lee Fleming  
June 2, 2015  
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, *Candidate and Campaign Treasurer Handbook*, *Calendar of Reporting Dates*, and Rule 1S-2.017, Florida Administrative Code.**

Please let me know if you need additional information.

Sincerely,



*f* Kristi Reid Bronson, Chief  
Bureau of Election Records

KRB/js

Enclosures

EXHIBIT 2(3 of 3)

**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. Ryan Lee Fleming (64740) is a 2016 candidate for the office of State Representative.
5. On June 1, 2015, Mr. Fleming 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. The 2016 M2 campaign treasurer's report was due on March 10, 2016. On March 11, 2016, the Division mailed Mr. Fleming notification that the 2016 M2 treasurer's report had not been filed. (See attached letter.)
7. On April 8, 2016, the Division mailed Mr. Fleming notification that the 2016 M2 treasurer's report had not been filed. (See attached letter.)
8. On May 11, 2016, the Division mailed Mr. Fleming final notification with delivery confirmation that the 2016 M2 treasurer's report had not been filed. (See attached letter with delivery confirmation.)
9. Mr. Fleming did not notify the Division of Elections prior to or on the prescribed reporting date for the 2016 M2 report that no report was to be filed.

**EXHIBIT** 3(10/2)

10. As of June 3, 2016, Mr. Fleming has failed to file the 2016 M2 report.

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

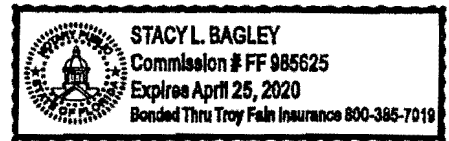
  
\_\_\_\_\_  
Signature of Affiant

Sworn to (or affirmed) and subscribed before me this 3<sup>rd</sup> day of June 2016. .

  
\_\_\_\_\_  
Signature of Notary Public - State of Florida

**Print, Type, or Stamp Commissioned Name of Notary Public**

Personally Known





FLORIDA DEPARTMENT OF STATE

**Ken Detzner**  
Secretary of State

DIVISION OF ELECTIONS

March 11, 2016

Ryan Lee Fleming  
6213 Luana Court  
Boynton Beach, FL 33437-3437

CAN 64740

Dear Mr. Fleming:

Our records indicate that you have not filed either your campaign treasurer's report or notification that no reportable activity occurred, whichever is applicable. The filing date was March 10, 2016.

The law (s. 106.07(8)(b), Fla. Stat.) requires the filing officer to immediately notify you about the missed filing date and the automatic fines that will be assessed for late filing of a report, if a report was due.

- If reportable activity occurred and you have not filed a report, statutory fines are automatically assessed as follows until you file your report:
  - \$50 for the first 3 days late
  - \$500 per day for each day after the 3rd day late
  - If the required report immediately precedes a primary and general election, the automatic fine is \$500 for each late day.

The total fine for the untimely report cannot exceed 25% of the total receipts or expenditures, whichever is greater, for the cover period. Even if you end up filing your report late, we cannot waive the statutory fines. We will notify you of the specific amount of fines owed once you file your report. You have 20 days from the day you receive the notice to pay the fine or to appeal the fine to the Florida Elections Commission.

- If no reportable activity occurred for the report date(s), you are still required to notify us in writing, via the Division's Electronic Filing System, that no reportable activity occurred. No automatic fines are statutorily assessed.

However, in all cases, failure to file and/or untimely filing of a report of reportable activity, or if applicable, a notice that no reportable activity occurred, may constitute an apparent violation of chapter 106, Fla. Stat. If we refer such matter to the Florida Elections Commission, the Commission may subsequently impose a civil penalty for each violation under chapter 106.265(1), Fla. Stat.

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

Sincerely,

Kristi Reid Bronson, Chief  
Bureau of Election Records



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

**Second Notice**

April 8, 2016

Ryan Lee Fleming  
6213 Luana Court  
Boynton Beach, FL 33437-3437

CAN 64740

Dear Mr. Fleming:

Our records indicate that you have not filed either your campaign treasurer's report or notification that no reportable activity occurred, whichever is applicable. The filing date was March 10, 2016.

We mailed, via regular mail, the first notice of the failure to file the above-mentioned report or notification to the address on file with our office on March 11, 2016.

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

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

Sincerely,

Kristi Reid Bronson, Chief  
Bureau of Election Records

EXHIBIT

5





FLORIDA DEPARTMENT OF STATE

Ken Detzner  
Secretary of State

DIVISION OF ELECTIONS

Final Notice

Delivery Confirmation:

USPS TRACKING # 9114 9999 4431 3834 3650 52  
& CUSTOMER RECEIPT For Tracking or inquiries go to USPS.com  
or call 1-800-222-1811.

May 11, 2016

Ryan Lee Fleming  
6213 Luana Court  
Boynton Beach, FL 33437-3437

CAN 64740

Dear Mr. Fleming:

A recent review of the Division's records show that the Division has not yet received the below-referenced campaign treasurer's report or the required notification that no reportable activity occurred, whichever is applicable, during the following cover period:

<u>Year</u>	<u>Report</u>	<u>Cover Period</u>
2016	M2	2/1/16 - 2/29/16

The Division has previously notified you of the unfiled report or notification. Please file your report or notification. If the report is not filed within 7 days of receipt of this letter, the Division will refer this matter to the Florida Elections Commission, which may impose civil penalties of up to \$1000 per violation, apart from that automatic fine provisions of s. 106.07(8)(b), Fla. Stat.) that are applicable only to campaign finance reports.

As we stated in the prior notices, even if you now file the report or notification, the untimely filing of a report of reportable activity, or if applicable, a notice that no reportable activity occurred, may constitute an apparent violation of chapter 106, Fla. Stat. If we refer such matter to the Florida Elections Commission, the Commission may subsequently impose a civil penalty for each violation under chapter 106.265(1), Fla. Stat.

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

Sincerely,

Kristi Reid Bronson, Chief  
Bureau of Election Records

EXHIBIT 6(10+2)

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: 9114999944313834365052

Updated Delivery Day: Saturday, May 14, 2016

## Product & Tracking Information

Postal Product:

Features:  
USPS Tracking®

DATE & TIME

STATUS OF ITEM

LOCATION

May 14, 2016 , 11:32 am

Delivered, In/At Mailbox

BOYNTON  
BEACH, FL 33437

Your item was delivered in or at the mailbox at 11:32 am on May 14, 2016 in BOYNTON BEACH, FL 33437.

May 14, 2016 , 4:33 am

Arrived at Post Office

BOYNTON  
BEACH, FL 33437

May 14, 2016 , 2:07 am

Departed USPS Facility

WEST PALM  
BEACH, FL 33416

May 13, 2016 , 9:52 pm

Arrived at USPS Facility

WEST PALM  
BEACH, FL 33416

## Available Actions

Text Updates

Email Updates

## 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 ›

### HELPFUL LINKS

- Contact Us
- Site Index
- FAQs

### ON ABOUT USPS.COM

- About USPS Home
- Newsroom
- USPS Service Updates
- Forms & Publications
- Government Services
- Careers

### OTHER USPS SITES

- Business Customer Gateway
- 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

EXHIBIT b(20f2)

**WELLS  
FARGO**

Summons and Subpoenas Department  
PO Box 1415 MAC #D1111-016  
Charlotte, NC 28201  
Voice: (480) 724-2000

September 13, 2016

Florida Elections Commission  
Amy McKeever Toman  
107 West Gaines Street  
Suite 224  
Tallahassee, FL 32399

Subject: Wells Fargo Response to your legal order

Case name: Florida Election Commission vs Ryan Lee Fleming  
Agency reference number: FEC16155  
Bank reference number: 16845995

Dear Amy McKeever Toman

We have completed our research for this legal order, and want to let you know we are not able to provide the requested information because:

Unable to locate any records for Ryan Lee Fleming.

If you have questions, or if you have additional information you'd like us to consider, please call us at (480) 724-2000 Monday – Friday, 8:00 a.m. to 8:00 p.m. Eastern Time

Thank you.

Sincerely,

*Dawn Ward*

Dawn Ward  
Operations Manager  
Summons and Subpoenas Department

EXHIBIT 7



RE: Referrals  
Bronson, Kristi R.  
to:  
Tracie Aulet  
04/02/2014 02:49 PM  
Show Details

Security:

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

The notice that no report will be filed is the waiver, which must be filed in the EFS. We do not require anything separate in writing.

*Regards,*

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

---

**From:** Tracie Aulet [<mailto:Tracie.Aulet@myfloridalegal.com>]  
**Sent:** Wednesday, April 02, 2014 12:56 PM  
**To:** Bronson, Kristi R.  
**Subject:** Referrals

Good Afternoon Kristi,

I am investigating a referral from DOE for failure to notify the filing officer in writing on the prescribed reporting date that no report would be filed, i.e. the untimely filing of waivers.

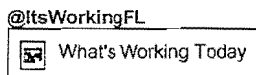
Would you please inform me as to what the procedure is for a candidate who wants to notify the Division in writing that there will be no report filed? Is it similar to the request for password in that they have to fax a signed letter to the Division? Does the Division acknowledge receipt of the notification that no report will be filed? Once the letter is received is the candidate still required to file the actual waiver of report?

Thank you for your assistance in this matter.

Sincerely,

Tracie L. Aulet  
Investigation Specialist II  
Florida Elections Commission  
The Collins Building, Suite 224  
107 West Gaines Street  
Tallahassee, FL 32399

Please note that Florida has a broad public records law, and that all correspondence to me via e-mail may be subject to disclosure.



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

**EXHIBIT** 8



[search](#) [directory](#) [contact us](#) [411](#) [subscribe](#) [tour](#) [help](#)

Florida Department of State - Division of Elections

Florida Election System Reports

Candidate/Committee Lookup

**Candidate Name:** Ryan Lee Fleming

Name

**Account:** 64740

Election

Acct

Type

Date Due	Type	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amount Paid
9/4/2016	TR		SNT	0	\$0.00		\$0.00	\$0.00
6/10/2016	M5		NEN	0	\$0.00		\$0.00	\$0.00
5/10/2016	M4		FEC	0	\$0.00		\$0.00	\$0.00
4/11/2016	M3		FEC	0	\$0.00		\$0.00	\$0.00
3/10/2016	M2		FEC	0	\$0.00		\$0.00	\$0.00
2/10/2016	M1	2/8/2016						
1/11/2016	M12		FEC	0	\$0.00		\$0.00	\$0.00
12/10/2015	M11	12/17/2015	FEC	7	\$0.00		\$0.00	\$0.00
11/10/2015	M10	11/11/2015	FEC	1	\$0.00		\$0.00	\$0.00
10/13/2015	M9	10/11/2015						
9/10/2015	M8	9/10/2015						
8/10/2015	M7	8/7/2015						
7/10/2015	M6	7/6/2015						

EXHIBIT 9(1 of 2)



**Florida Department of State  
Division of Elections**

**2016 General Election  
Ryan Lee Fleming (REP)  
State Representative**

**Campaign Finance Activity**

**Note:** The information presented below was obtained from the Committee's/Candidate's Campaign Treasurer's Report filed with the Division of Elections. About the Campaign Finance Data Base.

	Filing Period	Contributions			Expend	Other	Transfers
		Monetary	Loans	InKind			
<input type="radio"/>	06/01/2015 - 06/30/2015	50.00	0.00	0.00	0.00	0.00	0.00
<b>W</b>	07/01/2015 - 07/31/2015	0.00	0.00	0.00	0.00	0.00	0.00
<b>W</b>	08/01/2015 - 08/31/2015	0.00	0.00	0.00	0.00	0.00	0.00
<b>W</b>	09/01/2015 - 09/30/2015	0.00	0.00	0.00	0.00	0.00	0.00
<b>W</b>	10/01/2015 - 10/31/2015	0.00	0.00	0.00	0.00	0.00	0.00
<b>W</b>	11/01/2015 - 11/30/2015	0.00	0.00	0.00	0.00	0.00	0.00
<b>W</b>	01/01/2016 - 01/31/2016	0.00	0.00	0.00	0.00	0.00	0.00
<input checked="" type="radio"/>	<b>All Dates (Totals)</b>	50.00	0.00	0.00	0.00	0.00	0.00

Note: (E) indicates that report was filed electronically

**X** Indicates that detail has not been released

**W** Indicates that a waiver was filed and **L** Indicates that a loan report was filed

Select Detail Type  
 ▼

Select Sort Order  
 ▼

Select Output Type  
 ▼

[Query the Campaign Finance Data Base](#)

[\[Department of State\]](#) [\[Division of Elections\]](#) [\[Candidates and Races\]](#) [\[Campaign Finance Information\]](#)

**EXHIBIT** 9(2 of 2)

**STATEMENT OF  
CANDIDATE**

(Section 106.023, F.S.)

(Please print or type)

OFFICE USE ONLY  
RECEIVED

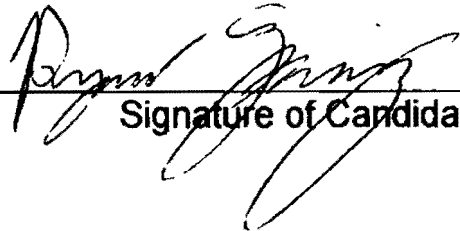
15 JUN -1 AM 9: 53

DIVISION OF ELECTIONS  
SECRETARY OF STATE

I, Ryan Fleming

candidate for the office of District 91 House representative ;

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

X   
Signature of Candidate

5/27/15  
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 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

Ryan Lee Fleming  
6213 Luana Court  
Boynton Beach, FL 33437

**RE: Case No.: FEC 16-155; Respondent: Ryan Lee Fleming**

Dear Mr. Fleming:

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(7), Florida Statutes:** As alleged in the complaint, Respondent may have failed to notify the filing officer on the prescribed reporting date that no report would be filed on that date because it had not received funds, made contributions, or expended reportable funds during the following reporting period:

- 2016 M2

**Section 106.19(1)(c), Florida Statutes:** As alleged in the complaint, Respondent may have falsely reported or deliberately failed to include information required by Chapter 106, Florida Statutes, when it failed to file a report on the prescribed reporting date for the following reporting period:

- 2016 M2

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,



Amy McKeever Toman  
Executive Director

AMT/enr

**DIVISION OF ELECTIONS  
FEC NOTICE FORM**

To FEC from Division of Elections

2016 JUN 15 P 4: 02

---

---

**Name:** Ryan Lee Fleming  
**Account Number:** 64740  
**Treasurer:** Ryan Lee Fleming

---

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The Division of Elections hereby provides this notice to the Florida Elections Commission pursuant to Sections 106.07(8)(d), 106.22(7) and 106.25, Florida Statutes. An apparent violation of Chapter 106, F.S., has occurred based upon the candidate's alleged failure to file a report after notice as required by section 106.07(8)(d), Florida Statutes, or failure to notify the filing officer on the prescribed reporting date that no report was to be filed as required by Section 106.07(7), Florida Statutes.

The following report or notice is outstanding after notification:

2016 M2

---

**Sent By:** Kristi Reid Bronson  
**Date:** June 3, 2016

*KRB*

ejr

## AFFIDAVIT

**STATE OF FLORIDA**

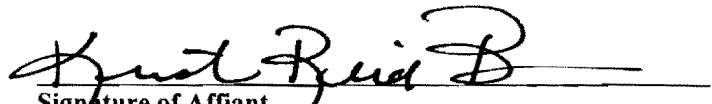
**County of Leon**

**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. Ryan Lee Fleming (64740) is a 2016 candidate for the office of State Representative.
5. On June 1, 2015, Mr. Fleming 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. The 2016 M2 campaign treasurer's report was due on March 10, 2016. On March 11, 2016, the Division mailed Mr. Fleming notification that the 2016 M2 treasurer's report had not been filed. (See attached letter.)
7. On April 8, 2016, the Division mailed Mr. Fleming notification that the 2016 M2 treasurer's report had not been filed. (See attached letter.)
8. On May 11, 2016, the Division mailed Mr. Fleming final notification with delivery confirmation that the 2016 M2 treasurer's report had not been filed. (See attached letter with delivery confirmation.)
9. Mr. Fleming did not notify the Division of Elections prior to or on the prescribed reporting date for the 2016 M2 report that no report was to be filed.

10. As of June 3, 2016, Mr. Fleming has failed to file the 2016 M2 report.

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

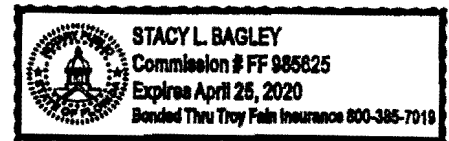
  
\_\_\_\_\_  
Signature of Affiant

Sworn to (or affirmed) and subscribed before me this 3<sup>rd</sup> day of June 2016.

  
\_\_\_\_\_  
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**  
15 JUN -1 AM 9:53

**DIVISION OF ELECTIONS  
SECRETARY OF STATE**

**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     Part

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

Ryan Lee Fleming

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

6213 Luana ct. , Boynton Beach, Florida, 33437

**4. Telephone**

(561 ) 3857183

**5. E-mail address**

ryanfleming432

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

District 91 house representative

**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     Republican Party candidate.

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

**10. Name of Treasurer or Deputy Treasurer**

Ryan Lee Fleming

**11. Mailing Address**

6213 luana ct.

**12. Telephone**

( 561 ) 3857183

**13. City**

Boynton Beach

**14. County**

Palm Beach

**15. State**

Florida

**16. Zip Code**

33437

**17. E-mail address**

ryanfleming432@gmail.com

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

**19. Name of Bank**

Sun Trust

**20. Address**

9879 south military trial

**21. City**

boynton beach

**22. County**

palm beach

**23. State**

florida

**24. Zip Code**

33437

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

**25. Date**

5/27/15

**26. Signature of Candidate**

X *Ryan Lee Fleming*

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

I, Ryan Lee Fleming, do hereby accept the appointment  
(Please Print or Type Name)

designated above as:  Campaign Treasurer     Deputy Treasurer.

5/27/15

Date

X *Ryan Lee Fleming*

Signature of Campaign Treasurer or Deputy Treasurer

**STATEMENT OF  
CANDIDATE**

(Section 106.023, F.S.)

(Please print or type)

OFFICE USE ONLY  
RECEIVED

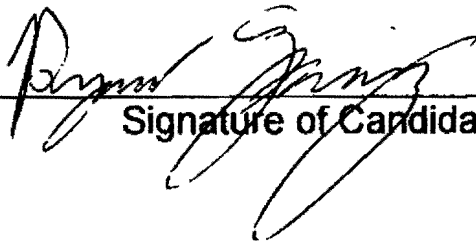
15 JUN -1 AM 9:53

DIVISION OF ELECTIONS  
SECRETARY OF STATE

I, Ryan L. Fleming

candidate for the office of District 41 House representative :

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

X   
Signature of Candidate

5/27/15  
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

June 2, 2015

Ryan Lee Fleming  
6213 Luana Court  
Boynton Beach, Florida 33437

Dear Mr. Fleming:

This will acknowledge receipt of the Appointment of Campaign Treasurer and Designation of Campaign Depository for the office of State Representative, which was placed on file in our office on June 1, 2015. Your name has been placed on the 2016 active candidate list.

### Campaign Treasurer's Reports

Your first campaign treasurer's report will be due on **July 10, 2015**. The report will cover the period of June 1-30, 2015 (M6). 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:** 64740



Division of Elections  
R.A. Gray Building, Suite 316 • 500 South Bronough Street • Tallahassee, Florida 32399  
850.245.6240 • 850.245.6260 (Fax) [election.dos.state.fl.us](http://election.dos.state.fl.us)  
*Promoting Florida's History and Culture* [VivaFlorida.org](http://VivaFlorida.org)



Ryan Lee Fleming  
June 2, 2015  
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.



Ryan Lee Fleming  
June 2, 2015  
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, *Candidate and Campaign Treasurer Handbook*, *Calendar of Reporting Dates*, and Rule 1S-2.017, Florida Administrative Code.**

Please let me know if you need additional information.

Sincerely,



 Kristi Reid Bronson, Chief  
Bureau of Election Records

KRB/js

Enclosures

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

(PLEASE PRINT OR TYPE)

RECEIVED  
15 JUN 29 AM 10:56

DIVISION OF ELECTIONS  
SECRETARY OF STATE

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)  
Ryan Lee Fleming

3. Address (include post office box or street, city, state, zip code)  
6213 Luana ct. Boynton Beach Florida

4. Telephone  
( ) 3857183

5. E-mail address  
RyanFleming432@gmail.com

6. Office sought (include district, circuit, group number)  
District 91 Florida Representative

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  Republican Party candidate.

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

10. Name of Treasurer or Deputy Treasurer  
Ryan Lee Fleming

11. Mailing Address  
6213 Luana Ct.

12. Telephone  
( 561 ) 385-7183

13. City  
Boynton Beach

14. County  
palm beach

15. State  
florida

16. Zip Code  
33437

17. E-mail address  
ryanfleming432@gmail.com

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

19. Name of Bank  
WellsFargo

20. Address  
10845 Jog Road

21. City  
Boynton Beach

22. County  
Palm Beach

23. State  
Florida

24. Zip Code  
33437

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.

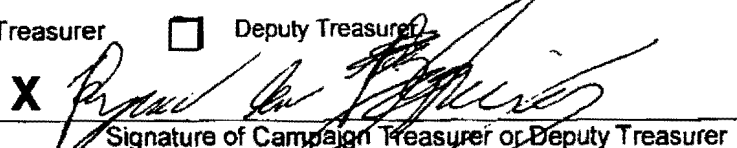
25. Date  
06/26/15

26. Signature of Candidate  
 

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

designated above as:  Campaign Treasurer  Deputy Treasurer

6/26/15  
Date

  
Signature of Campaign Treasurer or Deputy Treasurer



FLORIDA DEPARTMENT OF STATE

**Ken Detzner**  
Secretary of State

DIVISION OF ELECTIONS

March 11, 2016

Ryan Lee Fleming  
6213 Luana Court  
Boynton Beach, FL 33437-3437

CAN 64740

Dear Mr. Fleming:

Our records indicate that you have not filed either your campaign treasurer's report or notification that no reportable activity occurred, whichever is applicable. The filing date was March 10, 2016.

The law (s. 106.07(8)(b), Fla. Stat.) requires the filing officer to immediately notify you about the missed filing date and the automatic fines that will be assessed for late filing of a report, if a report was due.

- If reportable activity occurred and you have not filed a report, statutory fines are automatically assessed as follows until you file your report:
  - \$50 for the first 3 days late
  - \$500 per day for each day after the 3rd day late
  - If the required report immediately precedes a primary and general election, the automatic fine is \$500 for each late day.

The total fine for the untimely report cannot exceed 25% of the total receipts or expenditures, whichever is greater, for the cover period. Even if you end up filing your report late, we cannot waive the statutory fines. We will notify you of the specific amount of fines owed once you file your report. You have 20 days from the day you receive the notice to pay the fine or to appeal the fine to the Florida Elections Commission.

- If no reportable activity occurred for the report date(s), you are still required to notify us in writing, via the Division's Electronic Filing System, that no reportable activity occurred. No automatic fines are statutorily assessed.

However, in all cases, failure to file and/or untimely filing of a report of reportable activity, or if applicable, a notice that no reportable activity occurred, may constitute an apparent violation of chapter 106, Fla. Stat. If we refer such matter to the Florida Elections Commission, the Commission may subsequently impose a civil penalty for each violation under chapter 106.265(1), Fla. Stat.

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

Sincerely,

Kristi Reid Bronson, Chief  
Bureau of Election Records



FLORIDA DEPARTMENT OF STATE

**Ken Detzner**  
Secretary of State

DIVISION OF ELECTIONS

**Second Notice**

April 8, 2016

Ryan Lee Fleming  
6213 Luana Court  
Boynton Beach, FL 33437-3437

CAN 64740

Dear Mr. Fleming:

Our records indicate that you have not filed either your campaign treasurer's report or notification that no reportable activity occurred, whichever is applicable. The filing date was March 10, 2016.

We mailed, via regular mail, the first notice of the failure to file the above-mentioned report or notification to the address on file with our office on March 11, 2016.

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

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

Sincerely,

Kristi Reid 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 9999 4431 3834 3650 52**  
& CUSTOMER RECEIPT For Tracking or inquiries go to USPS.com  
or call 1-800-222-1811.

May 11, 2016

Ryan Lee Fleming  
6213 Luana Court  
Boynton Beach, FL 33437-3437

CAN 64740

Dear Mr. Fleming:

A recent review of the Division's records show that the Division has not yet received the below-referenced campaign treasurer's report or the required notification that no reportable activity occurred, whichever is applicable, during the following cover period:

<u>Year</u>	<u>Report</u>	<u>Cover Period</u>
2016	M2	2/1/16 - 2/29/16

The Division has previously notified you of the unfiled report or notification. Please file your report or notification. If the report is not filed within 7 days of receipt of this letter, the Division will refer this matter to the Florida Elections Commission, which may impose civil penalties of up to \$1000 per violation, apart from that automatic fine provisions of s. 106.07(8)(b), Fla. Stat.) that are applicable only to campaign finance reports.

As we stated in the prior notices, even if you now file the report or notification, the untimely filing of a report of reportable activity, or if applicable, a notice that no reportable activity occurred, may constitute an apparent violation of chapter 106, Fla. Stat. If we refer such matter to the Florida Elections Commission, the Commission may subsequently impose a civil penalty for each violation under chapter 106.265(1), Fla. Stat.

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

Sincerely,

Kristi Reid Bronson, Chief  
Bureau of Election Records

English

Customer Service

USPS Mobile

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# USPS Tracking®



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



Get Easy Tracking Updates ›  
Sign up for My USPS.

Tracking Number: 9114999944313834365052

Updated Delivery Day: Saturday, May 14, 2016

## Product & Tracking Information

Postal Product:

Features:  
USPS Tracking®

DATE & TIME

STATUS OF ITEM

LOCATION

May 14, 2016 , 11:32 am

Delivered, In/At Mailbox

BOYNTON  
BEACH, FL 33437

Your item was delivered in or at the mailbox at 11:32 am on May 14, 2016 in BOYNTON BEACH, FL 33437.

May 14, 2016 , 4:33 am

Arrived at Post Office

BOYNTON  
BEACH, FL 33437

May 14, 2016 , 2:07 am

Departed USPS Facility

WEST PALM  
BEACH, FL 33416

May 13, 2016 , 9:52 pm

Arrived at USPS Facility

WEST PALM  
BEACH, FL 33416

## Available Actions

Text Updates

Email Updates

## 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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