

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: Ryan Lee Fleming**

---

**Case No.: FEC 16-611**

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

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, **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.

FILED

17 MAY 31 AM 11:25

STATE OF FLORIDA  
ELECTIONS COMMISSION

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,  
Petitioner,**

**Case No.: FEC 16-611**

**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 May 17, 2017, in Tallahassee, Florida.

On March 21, 2017, Staff recommended to the Commission that there was probable cause to believe that the Florida Election Code was violated. The facts articulated in Staff's Recommendation are adopted by reference and incorporated herein. Based on the Complaint, Report of Investigation, Staff's Recommendation, and oral statements (if any) made at the probable cause hearing, the Commission finds that there is **probable cause** to charge Respondent with the following violation(s):

**Count 1:**

On or about September 4, 2016, Ryan Lee Fleming violated Section 106.141(1), Florida Statutes, when he failed to file the campaign's 2016 Termination Report reflecting the disposition of all remaining campaign funds within 90 days after withdrawing his candidacy.

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 May 17, 2017.



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 16-611**

---

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

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

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

A hearing will be held in this case before the Florida Elections Commission on, **May 17, 2017 at 10:30 am, or as soon thereafter as the parties can be heard**, at the following location: **Augustus B. Turnbull Conference Center, 555 West Pensacola Street, Room 214, Tallahassee, Florida 32301**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: Ryan Lee Fleming**

**Case No.: FEC 16-611**

**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 **Sections 106.141(1), and 106.19(1)(c), Florida Statutes**. Based upon a thorough review of the Report of Investigation submitted on March 6, 2017, the following facts and law support this staff recommendation:

1. On October 21, 2016, the Florida Elections Commission (“Commission”) received a referral from the Department of State, Division of Elections (“Division” or “Complainant”), alleging that Ryan Lee Fleming (“Respondent”) violated Chapter 106, Florida Statutes.

2. Respondent was a 2016 candidate for State Representative, District 91. (ROI Exhibit 7)<sup>1</sup>

3. By letter dated January 27, 2017, the Executive Director notified Respondent that Commission staff would investigate the following statutory provisions:

**Section 106.141(1), Florida Statutes:** As alleged in the complaint, Respondent, a 2016 candidate for State Representative, failed to timely file his 2016 Termination Report reflecting the disposition of all remaining campaign funds.

**Section 106.19(1)(c), Florida Statutes:** As alleged in the complaint, Respondent, a 2016 candidate for State Representative, may have falsely reported or deliberately failed to include information in his 2016 Termination Report, as required by Chapter 106.

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 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

---

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



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)

**Alleged Violation: Section 106.141(1), Florida Statutes**

6. Complainant alleged that Respondent violated Florida's election laws by failing to file the campaign's 2016 Termination Report.

7. On June 6, 2016, Respondent withdrew his candidacy. Respondent was required to file the campaign's 2016 Termination Report reflecting the disposition of all remaining campaign funds within 90 days after withdrawing his candidacy.

8. On June 7, 2016, the Division mailed a letter to Respondent notifying him of the designated due date for the campaign's 2016 Termination Report, i.e., September 4, 2016. (Attachment A) Respondent failed to file the report on the designated due date.

9. On September 14, 2016, and October 3, 2016, the Division sent letters notifying Respondent that the report had not been received. (ROI Exhibits 4 & 5)

10. Respondent was given multiple opportunities to respond to Commission staff's investigation, but failed to do so. (Attachment B)

11. Based upon a review of Respondent's campaign finance activity, the campaign reported having a surplus of funds in the amount of \$50 prior to Respondent's failure to file reports or submit notices of no activity during five of the six reporting periods before the 2016 Termination Report was due. (ROI Exhibit 6, page 1) Therefore, Respondent was required to file the campaign's 2016 Termination Report reflecting the disposition of all remaining campaign funds within 90 days after withdrawing his candidacy, but failed to do so.

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

12. Complainant alleged that Respondent violated Florida's election laws by falsely reporting or deliberately failing to include information required by Chapter 106, Florida Statutes.

13. Based on the above analysis, Respondent had at least \$50 in surplus campaign funds when he withdrew his candidacy. Therefore, Respondent was required to disclose the disposition of his surplus campaign funds in the campaign's 2016 Termination Report. As of March 3, 2017, Respondent had not disclosed the expenditures necessary to exhaust his campaign account. (ROI Exhibit 6, page 2) Respondent deliberately failed to include information required by Chapter 106, Florida Statutes, on the campaign's 2016 Termination Report.

14. "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).

15. The facts set forth above show that Respondent was a 2016 candidate for State Representative, District 91. Respondent failed to file the campaign's 2016 Termination Report within 90 days after withdrawing his candidacy. Respondent deliberately failed to include information required by Chapter 106, Florida Statutes, on the campaign's 2016 Termination Report.

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

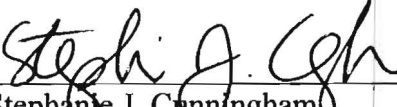
**Count 1:**

On or about September 4, 2016, Ryan Lee Fleming violated Section 106.141(1), Florida Statutes, when he failed to file the campaign's 2016 Termination Report reflecting the disposition of all remaining campaign funds within 90 days after withdrawing his candidacy.

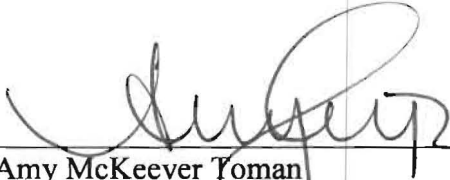
**Count 2:**

On or around September 4, 2016, Ryan Lee Fleming violated Section 106.19(1)(c), Florida Statutes, when he deliberately failed to include information required by Chapter 106, Florida Statutes, on the campaign's 2016 Termination Report.

Respectfully submitted on March 21, 2017.

  
Stephanie J. Cunningham  
Assistant General Counsel

I reviewed this Staff Recommendation this 21<sup>st</sup> day of March 2017.



---

Amy McKeever Toman  
Executive Director



## FLORIDA DEPARTMENT OF STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

June 7, 2016

Ryan Lee Fleming (64740)  
6213 Luana Court  
Boynton Beach, Florida 33437

Dear Mr. Fleming:

This will acknowledge receipt of the letter informing us of your withdrawal as a 2016 candidate for the office of State Representative. This information was placed on file in our office on June 6, 2016.

Pursuant to Section 106.141, Florida Statutes, all candidates must, within 90 days of withdrawing their candidacy, dispose of all funds on deposit in the campaign account. You are required to file a 90-day termination report no later than **September 4, 2016**. You are not required to close the campaign prior to the due date; however, you must have written checks disposing of all surplus funds by this date.

You may file your report in the Electronic Filing System (EFS) at any time prior to the deadline once you have disposed of all funds. In order to file your termination report prior to the due date, you will need to change the cover period, which has been defaulted to an ending period of September 4, 2016, in the EFS (see attached example).

If you have any questions, please contact this office at (850) 245-6280.

Sincerely,

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

Kristi Reid Bronson, Chief  
Bureau of Election Records

KRB/zjs

Attachment



**If you file your Termination Report PRIOR to September 4, 2016, change the cover period end date in the EFS system to the date you are filing your report.**

Use this form to submit an original report. To submit an amendment to a previously filed report, first select the report from the 'Filed Reports' listing and then choose the 'Amend Report' option from the 'Filings' menu item.

**Coverage Periods**  
Campaign finance reports itemize financial activity occurring during a specific reporting period. The reporting period is declared by first selecting the election cycle then the report type & year. The filing due date of the report are automatically associated with the selected

**CHANGE THE END DATE HERE TO THE DATE YOU ARE FILING YOUR TR REPORT**

Election Cycle: 2012 General Election  
Report Type & Year: TR 2012  
Coverage Period: 11/2/2012 2/4/2013 Due Date: 02/04/2013  
 Special Election Report  Waiver

**FLORIDA ELECTIONS COMMISSION  
PHONE LOG**

**Case No.: FEC 16-611**

**Respondent:** Ryan Lee Fleming

**Complainant:** Division of Elections

1. **Date and time:** February 14, 2017 @ 2:10 pm  
**Name:** Respondent  
**Phone #:** (561) 385-7183  
**Summary:** I attempted telephone contact. The message said that the voice message has not been set up yet. I was unable to leave a message.  
**Memo to File?** No  
**Entered by:** CKO
  
2. **Date and time:** February 21, 2017 @ 11:00 am  
**Name:** Respondent  
**Phone #:** (561) 385-7183  
**Summary:** I attempted telephone contact to complete final interview. The message still said that the voice message has not been set up yet. I was unable to leave a message.  
**Memo to File?** No  
**Entered by:** CKO

**FLORIDA ELECTIONS COMMISSION**  
**REPORT OF INVESTIGATION**  
**Case No.: FEC 16-611**

**Respondent: Ryan Lee Fleming**

Counsel for Respondent: n/a

**Complainant: Division of Elections**

Counsel for Complainant: n/a

On October 21, 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 106.141(1), Florida Statutes, failure of a candidate to file a termination report reflecting the disposition of all remaining funds in his campaign account within 90 days after he withdrew, became unopposed, was eliminated, or elected; 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.

---

<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 October 20, 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 Termination Report (TR) reporting period. To review a copy of the October 20, 2016 sworn affidavit from Complainant, refer to exhibit 3.

7. On September 14, 2016, Complainant mailed Respondent a failure-to-file letter informing him that his 2016 TR Report has not been received. This letter was sent to the address Respondent provided on his DS-DE 9 forms (Exhibit 1). To review a copy of the September 14, 2016 failure-to-file letter, refer to exhibit 4.

8. On October 3, 2016, Complainant sent Respondent a certified letter titled "Final Notice" regarding the 2016 TR Report that still had not been received. Complainant included a delivery confirmation receipt. This letter also included copies of the failure-to-file letters that had been previously sent to Respondent. This letter was also sent to the address Respondent provided on his DS-DE 9 forms (Exhibit 1). To review a copy of the October 3, 2016 Final Notice, refer to exhibit 5.

9. 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 TR reporting period will be discussed in the following paragraphs.

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

10. 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 TR reporting period, on the prescribed reporting date.

11. I have reviewed records from Respondent's filing history with the Division of Elections (DOE). These records reflect that Respondent filed a 2015 M6 Report on July 6, 2015. This report reflects a \$50.00 contribution was made during this reporting period. There was no evidence found that this \$50.00 contribution was ever disposed of at any point during this election campaign. Respondent has filed notices of no activity for all of the reporting periods with the exception of the initial reporting period. To review a copy of Respondent's filing history, refer to exhibit 6.

12. Based upon a review of Respondent's campaign account records, it appears that Respondent was required to file a 2016 TR Report, which would disclose a \$50.00 expenditure being made to dispose of funds in the campaign depository. As of the date of this report of investigation, Respondent has not filed a 2016 TR Report with his Filing Officer. To review a copy of Respondent's filing history, refer to exhibit 6.

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



### **III. Alleged Violation of Section 106.141(1), Florida Statutes:**

14. I investigated whether Respondent violated this section of the election laws by not filing his 2016 TR, due by September 4, 2016.

15. To review the circumstances regarding Respondent's campaign activity, refer to paragraphs 10 through 12 of this report.

16. There is no record that Respondent has previously been investigated for violating this section of the election laws.

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

17. Respondent has been involved in four prior investigations. FEC 16-005; the Commission found Probable Cause for a violation of 106.07(7). In FEC 16-069 and 16-155; staff recommended Probable Cause for alleged violations of 106.07(7), but No Probable Cause for alleged violations of 106.19(1)(c); both cases were voted to be willful violations during the February 2017 Commission meeting with both receiving \$1,000.00 fines as a result. FEC 16-270; this case will be heard during the May 2017 Commission meeting.

### **Conclusion:**

18. 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.

19. 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.

20. 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 7.

Respectfully submitted on March 6, 2017.



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 16-611**

<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	September 14, 2016 failure-to-file letter
Exhibit 5	October 3, 2016 Final Notice
Exhibit 6	Respondent's filing history
Exhibit 7	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 -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 trail

**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 **EXHIBIT 1 (of 2)** *X Ryan Lee Fleming* 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 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**

X 

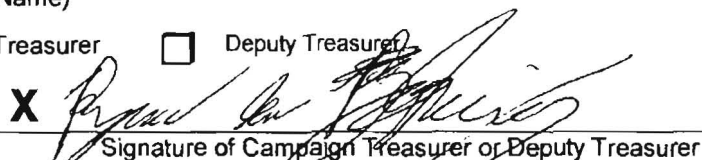
**27. Treasurer's Acceptance of Appointment** (fill in the blanks and check the appropriate block)

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

X   
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

EXHIBIT

2(1 of 3)



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

FLORIDA  
DIVISION OF  
ELECTION

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

EXHIBIT 2(3 of 3)

## AFFIDAVIT

STATE OF FLORIDA

County of Leon

**Kristi Reid Bronson, being duly sworn, says:**

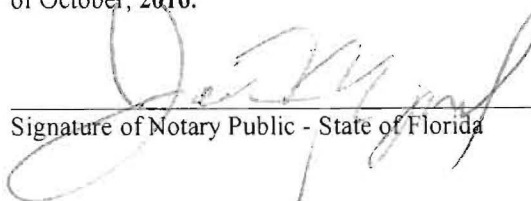
1. I am the Chief of the Bureau of Election Records of the Division of Elections (Division). In that capacity, I oversee the Division's duties related to the filing of campaign finance reports.
2. This affidavit is made upon my personal knowledge, including information obtained from review of the attached 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) was 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 TR campaign treasurer's report was due on September 4, 2016. On September 14, 2016, the Division mailed Mr. Fleming notification that the 2016 TR treasurer's report had not been filed. (See attached letter.)
7. On October 3, 2016, the Division mailed Mr. Fleming final notification with delivery confirmation that the 2016 TR treasurer's report had not been filed. (See attached letter with delivery confirmation.)
8. Mr. Fleming did not notify the Division of Elections prior to or on the prescribed reporting date for the 2016 TR report that no report was to be filed.

9. As of October 20, 2016, Mr. Fleming has not filed the 2016 TR 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 20<sup>th</sup> day of October, 2016.

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

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known \_\_\_\_\_

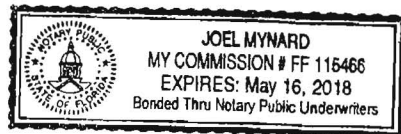


EXHIBIT 3 (data)



FLORIDA DEPARTMENT OF STATE

**Ken Detzner**  
Secretary of State

DIVISION OF ELECTIONS

September 14, 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 termination report or notification that no reportable activity occurred, whichever is applicable. The filing date was September 4, 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 \$50 per day until you file your report. 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

EXHIBIT 4



FLORIDA DEPARTMENT OF STATE

**Ken Detzner**  
Secretary of State

DIVISION OF ELECTIONS

**Final Notice**  
**Delivery Confirmation:**

USPS TRACKING # **9114 9014 9645 0630 6773 52**  
& CUSTOMER RECEIPT For Tracking or Inquiries go to USPS.com  
or call 1-800-222-1811.

October 3, 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 your termination report or the required notification that no reportable activity occurred, whichever is applicable.

The Division has previously notified you of the unfiled report or notification. Please file your report or notification. If the report or notification 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 5(1 of 2)



English

Customer Service

USPS Mobile

Register / Sign In



# USPS Tracking®

Still Have Questions?  
Browse our FAQs



Tracking Number: 9114901496450630677352

Updated Delivery Day: Wednesday, October 5, 2016

## Product & Tracking Information

Available

Postal Product:

Features:

USPS Tracking®

Text Updates

DATE & TIME

STATUS OF ITEM

LOCATION

Email Update:

October 5, 2016 , 12:28 pm

Delivered, Left with Individual

BOYNTON  
BEACH, FL 33437

Your item was delivered to an individual at the address at 12:28 pm on October 5, 2016 in BOYNTON BEACH, FL 33437.

October 5, 2016 , 11:31 am

Out for Delivery

BOYNTON  
BEACH, FL 33437

October 5, 2016 , 5:18 am

Arrived at Post Office

BOYNTON  
BEACH, FL 33437

October 5, 2016 , 3:55 am

Departed USPS Facility

WEST PALM  
BEACH, FL 33416

October 4, 2016 , 4:15 pm

Arrived at USPS Facility

WEST PALM  
BEACH, FL 33416

October 4, 2016 , 4:17 am

Arrived at USPS Facility

VALDOSTA, GA 31601

October 4, 2016 , 2:21 am

Departed USPS Facility

TALLAHASSEE, FL 32301

October 3, 2016 , 7:52 pm

Arrived at USPS Facility

TALLAHASSEE, FL 32301

**EXHIBIT** 5 (2 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: <sup>(E)</sup> 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

Contributions ▼

Select Sort Order

Date(Ascending) ▼

Select Output Type

Display On Screen ▼

Submit Query Now

Query the Campaign Finance Data Base

[Department of State] [Division of Elections] [Candidates and Races] [Campaign Finance Information]

**EXHIBIT** 6 (10-f2)



[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		FEC	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 6(2012)

**STATEMENT OF  
CANDIDATE**

(Section 106.023, F.S.)

(Please print or type)

OFFICE USE ONLY  
RECEIVED

15 JUN -1 AM 9: 53

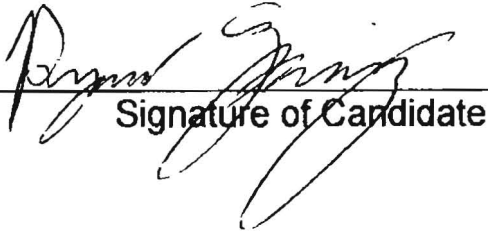
DIVISION OF ELECTIONS  
SECRETARY OF STATE

I, Ryan Fleming

candidate for the office of District 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 ELECTIONS COMMISSION

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

January 27, 2017

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

**RE: Case No.: FEC 16-611; Respondent: Ryan Lee Fleming**

Dear Mr. Fleming:

On October 21, 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 106.141(1), Florida Statutes:** As alleged in the complaint, Respondent, a 2016 candidate for State Representative, failed to timely file his 2016 Termination Report reflecting the disposition of all remaining campaign funds.

**Section 106.19(1)(c), Florida Statutes:** As alleged in the complaint, Respondent, a 2016 candidate for State Representative, may have falsely reported or deliberately failed to include information in his 2016 Termination Report, as required by Chapter 106.

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

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

The Commission will then hold a hearing to determine whether there is probable cause to believe you have violated Chapters 104 or 106, Florida Statutes. You and the complainant will receive a notice of hearing at least 14 days before the hearing. The notice of hearing will indicate the location, date, and time of your hearing. You will have the opportunity to make a brief oral statement to the Commission, but you will not be permitted to testify or call others to testify, or introduce any documentary or other evidence.

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

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

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

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

Sincerely,

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

Amy McKeever Toman  
Executive Director

AMT/dam

**DIVISION OF ELECTIONS  
FEC NOTICE FORM**

To FEC from Division of Elections

RECEIVED

2016 OCT 21 P 2:08

STATE OF FLORIDA  
ON

---

---

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

---

---

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 TR

---

**Sent By:** Kristi Reid Bronson  
**Date:** October 20, 2016

KRM

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) was 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 TR campaign treasurer's report was due on September 4, 2016. On September 14, 2016, the Division mailed Mr. Fleming notification that the 2016 TR treasurer's report had not been filed. (See attached letter.)
7. On October 3, 2016, the Division mailed Mr. Fleming final notification with delivery confirmation that the 2016 TR treasurer's report had not been filed. (See attached letter with delivery confirmation.)
8. Mr. Fleming did not notify the Division of Elections prior to or on the prescribed reporting date for the 2016 TR report that no report was to be filed.



9. As of October 20, 2016, Mr. Fleming has not filed the 2016 TR report.

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

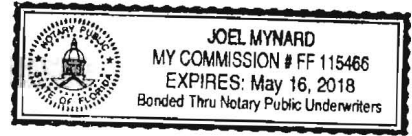
  
\_\_\_\_\_  
Signature of Affiant

Sworn to (or affirmed) and subscribed before me this 20<sup>th</sup> day of October, 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     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 trail

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

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

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

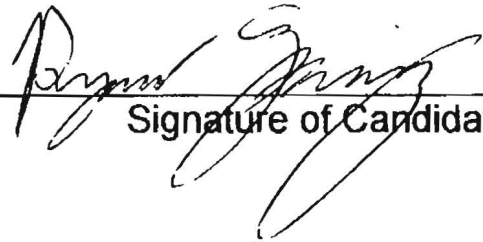
15 JUN -1 AM 9: 53

DIVISION OF ELECTIONS  
SECRETARY OF STATE

I, Ryan 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 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



FLORIDA DEPARTMENT OF STATE

**Ken Detzner**  
Secretary of State

DIVISION OF ELECTIONS

September 14, 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 termination report or notification that no reportable activity occurred, whichever is applicable. The filing date was September 4, 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 \$50 per day until you file your report. 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,

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

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 9645 0630 6773 52**  
& CUSTOMER RECEIPT For Tracking or Inquiries go to [USPS.com](http://USPS.com)  
or call 1-800-222-1811.

October 3, 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 your termination report or the required notification that no reportable activity occurred, whichever is applicable.

The Division has previously notified you of the unfiled report or notification. Please file your report or notification. If the report or notification 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





# USPS Tracking®

Still Have Qu  
Browse our F



Tracking Number: **9114901496450630677352**

Updated Delivery Day: **Wednesday, October 5, 2016**

## Product & Tracking Information

Availab

Postal Product:

Features:  
USPS Tracking®

Text Updates

DATE & TIME

STATUS OF ITEM

LOCATION

Email Update:

October 5, 2016 , 12:28 pm

Delivered, Left with Individual

BOYNTON  
BEACH, FL 33437

Your item was delivered to an individual at the address at 12:28 pm on October 5, 2016 in BOYNTON BEACH, FL 33437.

October 5, 2016 , 11:31 am

Out for Delivery

BOYNTON  
BEACH, FL 33437

October 5, 2016 , 5:18 am

Arrived at Post Office

BOYNTON  
BEACH, FL 33437

October 5, 2016 , 3:55 am

Departed USPS Facility

WEST PALM  
BEACH, FL 33416

October 4, 2016 , 4:15 pm

Arrived at USPS Facility

WEST PALM  
BEACH, FL 33416

October 4, 2016 , 4:17 am

Arrived at USPS Facility

VALDOSTA, GA 31601

October 4, 2016 , 2:21 am

Departed USPS Facility

TALLAHASSEE, FL 32301

October 3, 2016 , 7:52 pm

Arrived at USPS Facility

TALLAHASSEE, FL 32301