

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Scott Boyes

Case No.: FEC 20-197

TO: Scott Boyes
2211 50th Street West
Bradenton, FL 34209

Manatee County SOE
600 301 Blvd. West, Suite 108
Bradenton, FL 34205

NOTICE OF VIRTUAL HEARING (AUTOMATIC FINE)

A hearing will be held in this case before the Florida Elections Commission **on February 23, 2021 at 8:30 am, EST**, or as soon thereafter as the parties can be heard.

Please note that because of COVID-19, this will be a virtual meeting conducted by remote video or teleconference. Enclosed you will find additional details on joining the video conference via GoToWebinar, 9-Digit Webinar ID 627-359-707, or via teleconference by dialing (877) 309-2071 and entering the meeting access code 324-720-215, when prompted. If you wish to speak before the Commission, you will need to appear by webcam and will be sworn in remotely. Please be advised that the Commission will consider multiple cases, so you will need to wait until your case is considered. If you have any questions, please contact Commission staff at (850) 922-4539.

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 motions to dismiss 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 motions to dismiss 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. As an Appellant, Respondent or Complainant in one case, you will *not* be permitted to attend the hearings on other confidential cases.

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

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

See further instructions on the reverse side.

Tim Vaccaro

Executive Director
Florida Elections Commission
February 2, 2021

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

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

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



Florida Elections Commission

107 West Gaines Street, Suite 224 Tallahassee, Florida 32399-6596
Telephone: (850) 922-4539 · Facsimile: (850) 921-0783
FEC@myfloridalegal.com · www.fec.state.fl.us



Commission Meeting February 23, 2021 at 8:30AM via GoToWebinar and OpenVoice

In order to participate in the public portion of the February 23, 2021, Florida Elections Commission meeting, please follow the instructions below:

- A. GoToWebinar – Remote Video Conferencing
 1. Open your web browser and search GoToWebinar or enter www.gotowebinar.com
 2. Select Join A Webinar in the upper right corner of the website
 3. Enter the 9-digit Webinar ID: 627-359-707
And your email address
 4. Register your name and email address
 5. You will automatically join to the meeting as an attendee. Attendees are muted and can choose to their webcam.

- B. OpenVoice - Teleconference
 1. Call 1-877-309-2071
 2. Enter Audio Access Code 324-720-215
 3. You will automatically join the meeting as an attendee. Attendees are muted.

While this is a public meeting and advanced registration is not mandatory, we ask that if you plan to attend via Video Conference or Teleconference, that you notify our office in advance. This will give the Commission the opportunity to organize the agenda as efficiently as possible. It will be the goal of the Commission to hear cases in which parties are present, first, in order to reduce the standby time of the parties in attendance.

You can call or email our office of your intent to participate or of any questions you may have regarding this meeting. Please provide the case number(s) of interest, when contacting our office.

Thank you,

Commission Staff

FLORIDA ELECTIONS COMMISSION
CASE REPORT
Case Number: FEC-20-197

NAME: SCOTT BOYES

DATE APPEAL RECEIVED: 07/17/2020

DATE REPORT DUE: 06/19/2020 (2020 P1)

DATE OF ELECTRONIC RECEIPT: 06/23/2020

DATE FILING OFFICER RECEIVED REPORT: 06/23/2020

NUMBER OF DAYS LATE: 4

AMOUNT OF FINE: \$650.00

FINE BASED ON: (X)NUMBER OF DAYS (..) 25% OF RECEIPTS (..) 25% OF EXPENDITURES

TOTAL RECEIPTS FOR REPORTING PERIOD: \$2,750.00

TOTAL EXPENDITURES FOR REPORTING PERIOD: \$2,751.20

DATE OF FIRST NOTIFICATION: 06/22/2020 (Failure to File email)

SUMMARY: Scott Boyes was a candidate for Manatee County School Board, District 3 in the 2020 elections. Stephen D. Boyes was his treasurer.

Scott Boyes is appealing the fine claiming that this is his first campaign and he was unaware that the report was due earlier than usual. According to Mr. Boyes, reports were always due on the following 10th of the month. He states that his report was filed by "8:30am the morning of the fourth day, before the opening of business hours" and asks that the fine be reduced by the "fourth day amount of \$500.00". Mr. Boyes notes that all other reports were filed ahead of time and states that he was unaware that the penalty accrued on weekends.

- The 2020 P1 Original Report covers the period from 06/01/20-06/12/20; it was due on 06/19/20.
- The 2020 P1 Original Report shows that it was filed on 06/23/20.
- Scott Boyes reported receiving 2 contributions, while making 3 expenditures.
- The Manatee County Supervisor of Elections office does not have notes that pertain to Scott Boyes's 2020 P1 report.

PRIOR CASES: None.

CANDIDATE [X]	STATE []
PC []	DISTRICT []
CCE []	COUNTY [X]
POLITICAL PARTY []	CITY []

MICHAEL BENNETT • SUPERVISOR OF ELECTIONS • MANATEE COUNTY

600 301 Boulevard West, Suite 108, Bradenton, Florida 34205-7946
P O Box 1000, Bradenton, Florida 34206-1000



Phone: 941-741-3823 • Fax: 941-741-3820 • VoteManatee.com • Info@VoteManatee.com

July 1, 2020

Scott Boyes
2211 50th St W
Bradenton FL 34209

Dear Mr. Boyes,

Your campaign treasurer's report, which was due on Friday, June 19, 2020 was received on Tuesday, June 23, 2020.

Section 106.07(2)(8), Florida Statutes (see enclosed), requires that the filing officer notify you of your failure to file said report and that a fine be assessed for each day late. As you see from the statutes, any candidate failing to file a report on the designated date shall be subject to a fine of \$50 per day for the first 3 days late and, thereafter, \$500 per day for each day late, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. The fine must be paid from the candidate's **personal funds** – not campaign funds.

- Report 4 days late
- Calculation of fine using daily method = 3 days x \$50 per day = \$150.00 + 1 day x \$500 per day = \$650.00
- Calculation of fine using percentage method = \$2750.00 contributions x 25% = \$687.50
\$2751.20 expenditures x 25% = \$687.80
- Fine to be imposed = \$650.00

A check in the amount of \$650.00 should be made out to the Manatee County Supervisor of Elections.

Any candidate may appeal or dispute the fine, based upon, but not limited to, unusual circumstances surrounding the failure to file on the designated due date, and may request a hearing before the Florida Elections Commission – (850) 922-4539. Any such request shall be made within 20 days after receipt of the notice of payment due. If filing an appeal, notify the filing officer in writing of your intention to bring the matter before the commission.

If you have any questions about this matter, please come to our office or call 741-3823 and speak to Sharon.

Sincerely,

Michael Bennett
Supervisor of Elections

/sas

Sharon Stief

From: Sharon Stief
Sent: Monday, June 22, 2020 1:53 PM
To: Sharon Stief
Subject: P1 Campaign Report was Due on Friday, June 19, 2020

Your P1 campaign treasurer's report, was due on Friday, June 19, 2020. Section 106.07(2)(8), Florida Statutes (see enclosed), requires that the filing officer immediately notify you of your failure to file said report and that a fine be assessed for each day late. As per the statutes, any candidate failing to file a report on the designated date shall be subject to a fine of \$50 per day for the first 3 days late and, thereafter, \$500 per day for each day late, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. The fine must be paid from the candidate's **personal funds** – not campaign funds. Please submit your report as soon as possible.

Any candidate may appeal or dispute the fine, based upon, but not limited to, unusual circumstances surrounding the failure to file on the designated due date, and may request a hearing before the Florida Elections Commission – (850) 922-4539. Any such request shall be made within 20 days after receipt of the notice of payment due. If filing an appeal, notify the filing officer in writing of your intention to bring the matter before the commission.

If you have any questions, please give me a call at (941) 741-3823 ext. 6437 or email Sharon@VoteManatee.com

Thank you

Sharon Stief

Sharon Stief, MFCEP
Chief Deputy
Manatee County Elections
(941) 741-3823 ext. #6437
(941) 741-3820 fax
sharon@votemanatee.com



CAMPAIGN TREASURER'S REPORT SUMMARY

(1) Scott G Boyes
 Name
 (2) 2211 50th St W
 Address (number and street)
Bradenton, FL 34209
 City, State, Zip Code

OFFICE USE ONLY
ONLINE SUBMISSION
 [1212761]

Submitted on:
 6/23/2020 08:08:53 (eastern)

Check here if address has changed

(3) ID Number: 1845

(4) Check appropriate box(es):

- Candidate Office Sought: MANATEE COUNTY SCHOOL BOARD DIST. 3
- Political Committee (PC)
- Electioneering Communications Org. (ECO) Check here if PC or ECO has disbanded
- Party Executive Committee (PTY) Check here if PTY has disbanded
- Independent Expenditure (IE) (also covers an individual making electioneering communications) Check here if no other IE or EC reports will be filed

(5) Report Identifiers

Cover Period: From 6 / 1 / 2020 To 6 / 12 / 2020 Report Type: P1

Original Amendment Special Election Report

(6) Contributions This Report

Cash & Checks \$, , 750 . 00

Loans \$, 2 , 000 . 00

Total Monetary \$, 2 , 750 . 00

In-Kind \$, , 0 . 00

(7) Expenditures This Report

Monetary Expenditures \$, 2 , 751 . 20

Transfers to Office Account \$, , 0 . 00

Total Monetary \$, 2 , 751 . 20

(8) Other Distributions

\$, , 0 . 00

(9) TOTAL Monetary Contributions To Date

\$, 4 , 010 . 00

(10) TOTAL Monetary Expenditures To Date

\$, 2 , 995 . 70

(11) Certification

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

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

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

X _____
 Signature

(Type name) _____
 Candidate Chairperson (only for PC and PTY)

X _____
 Signature

CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

(1) Name Scott G Boyes (2) I.D. Number 1845

6/1/2020 6/12/2020

(3) Cover Period 6/1/2020 / 6/12/2020 through 6/12/2020 (4) Page 1 of 1

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor		(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
(6) Sequence Number		Type	Occupation				
6/10/2020 / /	Boyes, Scott G 2211 50th Street West Bradenton, FL 34209	S	retired	LO			\$2,000.00
1							
6/2/2020 / /	Smilde, John 9108 17th Drive NW Bradenton, FL 34209	I	retired	CH			\$750.00
2							
/ /							
/ /							
/ /							
/ /							
/ /							
/ /							
/ /							

CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES

(1) Name Scott G Boyes

(2) I.D. Number 1845

6/1/2020 through 6/12/2020

(3) Cover Period / / through / /

(4) Page 1 of 1

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
6/11/2020 / /	PC Signs, 2534 Commerce Blvd Cincinnati, OH 45241	yard signs	MO		\$1,194.60
1					
6/2/2020 / /	Raise the Money Inc., PO Box 26466 Little Rock , AR 72221	fee for recieving contributions	MO		\$37.00
2					
6/12/2020 / /	Mike Bennett Supervisor of Ele, 600 301 Blvd W Unit 108 Bradenton, FL 34205	qualifying payment	MO		\$1,519.60
3					
/ /					
/ /					
/ /					
/ /					
/ /					

MICHAEL BENNETT • SUPERVISOR OF ELECTIONS • MANATEE COUNTY

600 301 Boulevard West, Suite 108, Bradenton, Florida 34205-7946
P O Box 1000, Bradenton, Florida 34206-1000



Phone: 941-741-3823 • Fax: 941-741-3820 • VoteManatee.com • Info@VoteManatee.com

Scott Boyes Campaign Reports Filing History

Report Type	Reporting Period	Report Due Date	Date Report Filed to SOE
2020 – M2	February 1, 2020 – February 29, 2020	March 10, 2020	March 4, 2020
2020 – M3	March 1, 2020 – March 31, 2020	April 10, 2020	April 7, 2020
2020 – M4	April 1, 2020 – April 30, 2020	May 11, 2020	May 7, 2020
2020 – M5	May 1, 2020 – May 31, 2020	June 10, 2020	June 8, 2020
2020 – P1	June 1, 2020 – June 12, 2020	June 19, 2020	June 23, 2020 *Fine \$650.00
2020 – P2	June 13, 2020 – June 26, 2020	July 3, 2020	July 1, 2020
2020 – P3	June 27, 2020 – July 10, 2020	July 17, 2020	July 14, 2020
2020 – P4	July 11, 2020 – July 17, 2020	July 24, 2020	July 21, 2020

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

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

(PLEASE PRINT OR TYPE)

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

RECEIVED

2020 FEB 11 PM 4 31

MANATEE COUNTY
SUPERVISOR ELECTIONS

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)

Scott Gregory Boyes

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

2211 50th Street W
Bradenton, FL 34209

4. Telephone

(941) 650-9153

5. E-mail address

Scott777Boyes@gmail.com

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

School Board - District 3

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

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

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

Write-In No Party Affiliation _____ Party candidate.

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

10. Name of Treasurer or Deputy Treasurer

Stephen D. Boyes

11. Mailing Address

1014 12th Avenue W

12. Telephone

(941) 545-9992

13. City

Bradenton

14. County

Manatee

15. State

FL

16. Zip Code

34205

17. E-mail address

Stephen.David.Boyes@gmail.com

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

19. Name of Bank

Suncoast Credit Union

20. Address

6367 Manatee Avenue W.

21. City

Bradenton

22. County

Manatee

23. State

FL

24. Zip Code

34209

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

2/11/2020

26. Signature of Candidate

X 

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

I, Stephen D. Boyes, do hereby accept the appointment
(Please Print or Type Name)

designated above as: Campaign Treasurer Deputy Treasurer.

2/11/2020
Date

X 

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

2020 JUN 10 PM 12:00

MANATEE COUNTY
SUPERVISOR OF ELECTIONS

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)

Scott Boyes

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

2211 50TH ST. W
Bradenton, FL 34209

4. Telephone

()

5. E-mail address

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

School Board District 3

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

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

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

Write-In No Party Affiliation _____ Party candidate.

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

10. Name of Treasurer or Deputy Treasurer

Scott Boyes

11. Mailing Address

2211 50TH ST. W

12. Telephone

()

13. City

Bradenton

14. County

Manatee

15. State

FL

16. Zip Code

34209

17. E-mail address

Scottboyes4district3@gmail.com

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

19. Name of Bank

Bank OZK

20. Address

~~3705~~ 1901 Manatee Ave W

21. City

Bradenton

22. County

Manatee

23. State

FL

24. Zip Code

34205

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

6/10/2020

26. Signature of Candidate

X 

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

I, Scott Boyes (Please Print or Type Name), do hereby accept the appointment

designated above as: Campaign Treasurer Deputy Treasurer.

6/10/2020
Date

X 
Signature of Campaign Treasurer or Deputy Treasurer