

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Valion Joyce

Case No.: FEC 18-314

TO: Valion Joyce
228 Dixie Drive, Apt. # 1702
Tallahassee, FL 32304

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 13, 2019 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**. Due to heightened security access requirements, please bring only essential items into the building and plan to arrive early to allow for delays coming through security.

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.

Tim Vaccaro

Executive Director
Florida Elections Commission
July 29, 2019

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

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STATE OF FLORIDA
ELECTIONS COMMISSION

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,
Petitioner,**

Case No.: FEC 18-314

v.

**Valion Joyce,
Respondent.**

ORDER OF PROBABLE CAUSE

THIS MATTER was heard by the Florida Elections Commission (Commission) at its regularly scheduled meeting on May 14, 2019, in Tallahassee, Florida.

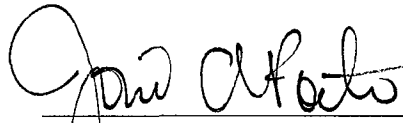
On March 21, 2019, Staff recommended to the Commission that there was probable cause to believe that the Florida Election Code was violated. The facts articulated in Staff's Recommendation are adopted by reference and incorporated herein. Based on the Complaint, Report of Investigation, Staff's Recommendation, 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):

[THIS SPACE INTENTIONALLY LEFT BLANK]

Count 1:

On or about June 29, 2018, Respondent violated Section 106.07(7), Florida Statutes, when he failed to notify the filing officer in writing on the prescribed reporting date that he would not be filing a 2018 P1 Report.

DONE AND ORDERED by the Florida Elections Commission on May 14, 2019.



Joni Alexis Poitier, Vice Chair
Florida Elections Commission

Copies furnished to:
Wilson Brantley, Florida Elections Commission
Valion Joyce, 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: Valion Joyce

Case No.: FEC 18-314

TO: Valion Joyce
228 Dixie Drive, Apt. # 1702
Tallahassee, FL 33304

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 14, 2019 at 9:30 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**. Due to heightened security access requirements, please bring only essential items into the building and plan to arrive early to allow for delays coming through security.

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See further instructions on the reverse side.

Tim Vaccaro

Executive Director
Florida Elections Commission
April 30, 2019

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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.

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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: Valion Joyce

Case No.: FEC 18-314

STAFF RECOMMENDATION FOLLOWING INVESTIGATION

Pursuant to Section 106.25(4)(c), Florida Statutes, undersigned staff counsel files this written recommendation for disposition of the referral in this case recommending that there is **probable cause** to charge Respondent with violating **Section 106.07(7), Florida Statutes**. Based upon a thorough review of the Report of Investigation submitted on March 14, 2019, the following facts and law support this staff recommendation:

1. On September 27, 2018, the Florida Elections Commission (“Commission”) received a referral from the Department of State, Division of Elections (“Division”), alleging that Valion Joyce (“Respondent”) violated Chapter 106, Florida Statutes.

2. Respondent was a 2018 candidate for the Florida House of Representatives. (ROI Exhibit 1)¹

3. By letter dated January 15, 2019, the Executive Director notified Respondent that Commission staff would investigate the following statutory provision:

Section 106.07(7), Florida Statutes: As alleged in the complaint, Respondent, a 2018 candidate for the Florida House of Representatives, failed to notify the filing officer on the prescribed reporting date that no report would be filed on that date because she had not received funds, made contributions, or expended reportable funds during the following reporting period:

- 2018 P1

4. By letter dated June 6, 2018, 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 2018 active candidate list. (ROI Exhibit 2, page 1)

¹ The Report of Investigation is referred to herein as “ROI.”
Staff Recommendation FEC 18-314

5. The acknowledgment letter advised Respondent that all candidates filing reports with the Division are required to use the electronic filing system (“EFS”) and provided Respondent with a user identification number and initial password to grant access to the EFS. (ROI Exhibit 2, page 1) The letter further advised Respondent that all of the Division’s publications and reporting forms were available on its website and directed Respondent to print out Chapter 106 of the Florida Statutes, the *Candidate and Campaign Treasurer Handbook*, the *Calendar of Reporting Dates* as well as other relevant documents. (ROI Exhibit 2, page 2)

6. Pursuant to Section 106.07(7), Florida Statutes, in any reporting period during which a candidate has not received funds, made any contributions, or expended any reportable funds, the filing of the required report for that period is waived. However, the candidate is required to notify the filing officer in writing on the prescribed reporting date that no report is being filed on that date.

7. The *Candidate and Campaign Treasurer Handbook* references the statutory requirement regarding written notification if there is no financial activity to report and directs candidates to notify the Division by way of the Division’s EFS. (ROI Exhibit 3) The *Candidate EFS User’s Guide* shows the process through which to notify the Division. The user’s guide instructs candidates to select the relevant reporting period and place a checkmark in a box titled “Waiver” to indicate the lack of reportable financial activity. (ROI Exhibits 3 and 4)

8. Respondent was required to file a notice that there was no financial activity during the 2018 P1 reporting period by June 29, 2018. (Attachment A) Respondent did not file a notification until October 30, 2018, 123 days after it was due. (ROI Exhibit 5, page 1; Attachment A)

9. The Respondent was given the opportunity to respond to the investigation but failed to do so as of March 14, 2019. (ROI page 2, ¶ 9)

10. “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).

11. The facts set forth above show that Respondent was a 2018 candidate for the Florida House of Representatives. Respondent failed to notify the filing officer on the prescribed reporting date that no report would be filed for the 2018 P1 reporting period because he had not received funds, made contributions, or expended reportable funds during the reporting period.

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 June 29, 2018, Respondent violated Section 106.07(7), Florida Statutes, when he failed to notify the filing officer in writing on the prescribed reporting date that he would not be filing a 2018 P1 Report.

Respectfully submitted on March 21, 2019.



Wilson Brantley, J.D.

I reviewed this Staff Recommendation this 21st day of March 2019.



Eric M. Lipman
General Counsel

I reviewed this Staff Recommendation this 21st day of March 2019.



Tim Vaccaro
Executive Director

**Calendar of Reporting Dates
for 2018 Candidates (other than statewide candidates)
registered with the Division of Elections**

<u>Cover Period</u>	<u>Report Code</u>	<u>Due Date</u>
12/1/17 - 12/31/17	2017 M12	1/10/2018
1/1/18 - 1/31/18	2018 M1	2/12/2018
2/1/18 - 2/28/18	2018 M2	3/12/2018
3/1/18 - 3/31/18	2018 M3	4/10/2018
4/1/18 - 4/30/18	2018 M4	5/10/2018
5/1/18 - 5/31/18	2018 M5	6/11/2018

6/1/18 - 6/22/18	2018 P1	6/29/2018
6/23/18 - 7/6/18	2018 P2	7/13/2018
7/7/18 - 7/20/18	2018 P3	7/27/2018
7/21/18 - 7/27/18	2018 P4	8/3/2018
7/28/18 - 8/3/18	2018 P5	8/10/2018
8/4/18 - 8/10/18	2018 P6	8/17/2018
8/11/18 - 8/23/18	2018 P7	8/24/2018

8/24/18 - 8/31/18	2018 G1	9/7/2018
9/1/18 - 9/14/18	2018 G2	9/21/2018
9/15/18 - 9/28/18	2018 G3	10/5/2018
9/29/18 - 10/5/18	2018 G4	10/12/2018
10/6/18 - 10/12/18	2018 G5	10/19/2018
10/13/18 - 10/19/18	2018 G6	10/26/2018
10/20/18 - 11/1/18	2018 G7	11/2/2018

Termination Reports

<u>Cover Period</u>	<u>Report Code</u>	<u>Due Date</u>
After April-May Qualifying	TR	8/2/2018
After June Qualifying	TR	9/20/2018
Primary Election	TR	11/26/2018
General Election	TR	2/4/2019

ATTACHMENT **A**

FLORIDA ELECTIONS COMMISSION

Report of Investigation for Failure to Notify Filing Officer

Case Number: FEC 18-314

Section 106.07(7), Florida Statutes, failure of a candidate who did not receive any contributions or make any expenditures during a reporting period to notify timely the filing officer, in writing, that no report is being filed

Respondent: Valion Joyce

Complainant: Division of Elections

Respondent Type:

- Candidate
 Political Committee

I. Preliminary Information:

1. An appointment of Campaign Treasurer and Designation of Campaign Depository (DS-DE 9) was filed on June 5, 2018. (Ex. 1)

2. An acknowledgement letter was mailed to the address provided on Respondent's DS-DE 9 on June 6, 2018 advising Respondent that all of the Division's publications and reporting forms are available on their website, including Chapter 106, Florida Statutes, the *Candidate and Campaign Treasurer Handbook*, and the Calendar of Reporting Dates. (Ex. 2)

3. The acknowledgement letter also states, "An online instruction guide is available to you on the EFS to assist with navigation, data entry, and submission of reports" and provides the telephone number for the Division's EFS Help Desk.

4. The *Candidate and Campaign Treasurer Handbook*, discusses filing a notice-of-no-activity when there is no activity to disclose on page 47. (Ex. 3)

5. Pages 12, 13, 45, and 46 of the *Candidate EFS User's Guide* discuss how to notify the Division on the prescribed reporting date that no report will be filed using the EFS. Specifically, page 13 instructs the user to click the box next to "waiver" if there is no activity to disclose. (Ex. 4)

6. In a telephone interview on April 2, 2014, Kristi Reid-Bronson clarified that once the waiver box is chosen and a new report is opened as shown on page 12, the only available option on the report summary screen will be "Go To File Report" as shown on page 12. Choosing "Go To File Report" will take the user directly to the screens where the candidate/treasurer PINS are entered as shown on pages 45 and 46.

II. Alleged Violation of Section 106.07(7), Florida Statutes:

7. Respondent's filing history reflects the untimely filed notification summarized below. (Ex. 5)

Report	Report Cover Period	Date Notification Due	Date Notification Filed	No. of Days Late
2018 P1	06/05 – 06/22/2018	06/29/2018	10/30/2018	123

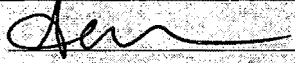
III. FEC History:

8. Respondent has not had any prior cases before the Commission.

Conclusion:

9. I attempted to contact Respondent on 1 occasion to give him an opportunity to discuss the allegations in the referral. Additionally, an affidavit was mailed to Respondent on February 20, 2019. As of the date of this report, Respondent has not returned my call, nor has he returned an affidavit.

10. Because Respondent has not contacted the Commission or returned an affidavit, I am unable to ascertain whether Respondent has read Chapter 106, Florida Statutes and/or the *Candidate and Campaign Treasurer Handbook*. Respondent signed his Statement of Candidate form on June 4, 2018. (Ex. 6)

SIGNATURE OF INVESTIGATOR:  Date: 03/14/19

FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Valion Joyce -- FEC 18-314

LIST OF EXHIBITS	
Exhibits #s	Description of Exhibits
Exhibit 1	June 5, 2018 DS-DE 9 Form
Exhibit 2	June 6, 2018 Acknowledgment Letter
Exhibit 3	Page 47 of the <i>Candidate and Campaign Treasurer Handbook</i>
Exhibit 4	Pages 12, 13, 45, and 46 of the <i>Candidate EFS User's Guide</i>
Exhibit 5	Respondent's Filing History
Exhibit 6	June 4, 2018 Statement of Candidate Form

HAND DELIVERED

RECEIVED
DEPARTMENT OF STATE
2018 JUN -5 AM 11:13

DIVISION OF ELECTIONS

**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.

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)

Valion D Joyce

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

4704 East Sligh Ave
Tampa Florida
33610

4. Telephone

(813) 703-5632

5. E-mail address

Joycevalion60@gmail.com

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

House of Representatives District 61

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

Valion Joyce

11. Mailing Address

4704 East Sligh Ave.

12. Telephone

(813) 703-5632

13. City

Tampa

14. County

Hillsborough

15. State

FL

16. Zip Code

33610

17. E-mail address

Joycevalion60@gmail.com

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

19. Name of Bank

~~AT&T~~ BANK OF AMERICA

20. Address

9385 N 56th St

21. City

Temple Terrace
Tampa

22. County

Hillsborough

23. State

Florida

24. Zip Code

33617

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

06/04/18

26. Signature of Candidate

X

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

I, Valion Joyce, do hereby accept the appointment
(Please Print or Type Name)

designated above as: Campaign Treasurer Deputy Treasurer.

06/05/18
Date

X
Signature of Campaign Treasurer or Deputy Treasurer



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

June 6, 2018

Valion D. Joyce
4704 East Sligh Avenue
Tampa, Florida 33610

Dear Mr. Joyce:

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 5, 2018. Your name has been placed on the 2018 active candidate list.

Campaign Treasurer's Reports

Your first campaign treasurer's report will be due on **June 29, 2018**. The report will cover the period of June 1-22, 2018 (2018 P1). All candidates who file reports with the Division of Elections are required to file by means of the Division's Electronic Filing System (EFS).

EFS Access

Below is the web address to access the EFS and your user identification number. The enclosed sealed envelope contains your filing credentials.

EFS Website Address: <https://efs.dos.state.fl.us>
Identification Number: 71589

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

Division of Elections
R.A. Gray Building, Suite 316 • 500 South Bronough Street • Tallahassee, Florida 32399
850.245.6240 • 850.245.6260 (Fax) dos.myflorida.com/elections/

FLORIDA
DIVISION OF
ELECTIONS

EXHIBIT 2 page 1 of 2

Valion Joyce
June 6, 2018
Page Two

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.

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://dos.myflorida.com/elections/>. 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 Willis, Chief
Bureau of Election Records

KRW/jcs

Enclosures

EXHIBIT 2 page 2 of 2

An individual seeking a publicly elected position on a political party executive committee who receives a contribution or makes an expenditure must file a single report of all contributions and expenditures on the 4th day immediately preceding the primary election. (*See Chapter 18, Reporting for Individuals Seeking a Publicly Elected Position on a Party Executive Committee.*)

Unless the electronic filing requirements of Section 106.0705, Florida Statutes, apply, reports shall be filed no later than 5 p.m. of the day designated. A report postmarked by the U.S. Postal Service no later than midnight of the day designated is deemed timely filed. A report received by the filing officer within 5 days after the designated due date that was delivered by the U.S. Postal Service is deemed timely filed unless it has a postmark indicating the report was mailed after the designated due date. A certificate of mailing obtained from and dated by the U.S. Postal Service at the time of mailing or a receipt from an established courier company, which bears a date on or before the date on which the report is due, is proof of mailing in a timely manner. Reports filed with the Division through the Electronic Filing System (EFS) are due no later than midnight, Eastern Time, of the due date.

(Sections 106.07, 106.0705
and 106.141, F.S.)

Penalty for Late Filing

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 three days late and, thereafter, \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is

greater, for the period covered by the late report. However, for the reports immediately preceding the primary and general election, the fine shall be \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. For a candidate's termination report, the fine shall be \$50 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater for the period covered by the late report. All fines must be paid from the candidate's **personal funds** – not campaign funds.

(Section 106.07(2) and (8), F.S.)

Notice of No Activity

In any reporting period during which a candidate has not received funds or made any expenditures, the filing of the required report for that period is waived. **However, the candidate must notify the filing officer in writing on or before the prescribed reporting date that no report is being filed on that date.** (A notice of no activity filed with the Division must be filed electronically using the EFS.) The next report filed must specify that the report covers the entire period between the last submitted report and the report being filed.

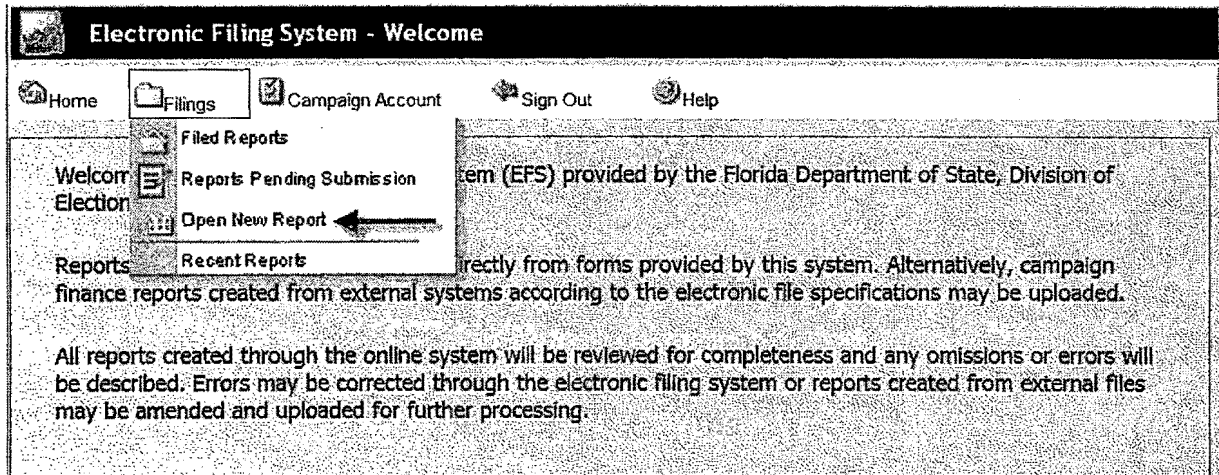
(Section 106.07, F.S.)

Incomplete Reports

If a campaign treasurer files a report that is deemed incomplete, it shall be accepted on a conditional basis. The campaign treasurer will be notified by the filing officer as to why the report is incomplete. The campaign

Create a New Report by Data Entry

From the Welcome screen, click  Filings and then  Open New 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 'Edit' 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 reporting year and then the report type. The beginning and ending coverage dates and the filing due date of the report are automatically associated with the *Reporting Year and Report Type*.


Election Cycle:


Report Type:

Coverage Period: Due Date:

Special Election Report Waiver

Uploading a Campaign Finance Report
A Campaign Finance report file meeting the department's specifications may be uploaded at the time a report is opened. Use the Browse button to locate and select the report text or zip file to be uploaded. You may upload the report file in a compressed zip. The zip file must contain only one report file.

Click  arrow next to **Election Cycle**. Scroll to the cycle associated with the report you are entering.

Click  arrow next to **Report Type** select report type corresponding to the correct cover period and due date.

The **Cover Period** dates will automatically fill in based on the **Calendar of Election and Reporting Dates**.

The Due Date will automatically fill in based on the Calendar of Election and Reporting Dates.

If this report is for a special election, click the box next to **Special Election Report**. (If no special elections are scheduled this option will not be available.)

*****NOTE*****

If this report is a waiver of report (no activity), click the box next to **Waiver**.

Election Cycle: 2010 General Election
Report Type: F2 2010
Coverage Period: 7/17/2010 7/30/2010 Due Date: 08/06/2010
 Waiver

Click at the bottom of the screen. A **Report Detail** screen (view only) will appear. This screen will not indicate any activity until individual detail data is entered, saved and a review is performed.

Report: 2010 - G4 - 27 2010 General Election Covers: 10/16/2010-10/28/2010 Due: 10/29/2010

Waiver Complete Status: Incomplete Detail Records
File Date: Review Status: Not Reviewed
Status: Data Entry Last Review:

of Transactions: 0

Contributions		Total Amount	Expenditures		Total Amount
Cash and Checks:		0.00	Monetary:		0.00
Loans:		0.00	Transfers to Off Acct:		0.00
Total Monetary:		0.00	Total Monetary:		0.00
In-Kind:		0.00	Other Distributions:		0.00

Review Messages

Created: 10/26/2010 11:41:25 AM By: 50552 Revised: 10/26/2010 11:41:25 AM By: 50552

File the Report

If the **Review Status** is Updated Detail – Needs Review the report has not been reviewed since the last update. (See page 39 for instructions on how to submit the report to the system for review.)

If the status of the report is Complete Detail Records, you are ready to file the report.

Report: 2010 - F3 - 26 2010 General Election Covers: 8/7/2010-8/19/2010 Due: 8/20/2010

Waiver Complete Status: **Complete Detail Records** ←
 File Date: _____ Review Status: Reviewed
 Status: Data Entry Last Review: 8/19/2010 3:56:42 PM

of Transactions: 1 **Review** **Recalculate** **Go To File Report** **Append File** **Delete Report** **Save**

Contributions		Total Amount	Expenditures		Total Amount
Cash and Checks:		0.00	Monetary:		51.00
Loans:		0.00	Transfers to Off Acct:		0.00
Total Monetary:		0.00	Total Monetary:		51.00
In-Kind:		0.00	Other Distributions:		0.00

Review Messages

Created: 8/19/2010 2:01:35 PM By: 50552 Revised: 8/19/2010 3:56:42 PM By: 50552

Click on **Go To File Report**.

The chairperson enters his or her PIN, and then selects **Report Approved**

NOTE: A PIN is the same as your signature attesting to the validity of the report.

Step 1: Enter the candidate/chairperson PIN.

Step 2: Select the 'Report Approved' button.

Report: 2010 - F3 - 26 Coverage Period: 8/7/2010-8/19/2010 Due: 8/20/2010

Review Status: Reviewed Original Amended
 Waiver

PIN for Candidate/Chairperson: _____ **Report Approved** ←

If there is more than one treasurer, click on the drop down and select the treasurer that is filing the report.

Campaign Treasurer: James Bond 


The treasurer enters his PIN and then clicks File Report

Report: 2010 - F3 - 26 Coverage Period: 8/7/2010-8/19/2010 Due: 8/20/2010

Review Status: Reviewed Original Amended

Campaign Treasurer: James Bond Waiver

PIN for specified Treasurer:

To Edit Report Again Select Cancel: Cancel File Report 

IMPORTANT NOTE: If changes need to be made after a chairperson PIN is entered, the treasurer must undo the chairperson PIN validation before the system will allow changes. See page 49 for instructions.



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Florida Department of State - Division of Elections

Florida Election System Reports

Candidate/Committee Lookup

Candidate Name: Valion Joyce

Name: Joyce

Account: 71589

Election:

Acct: 71589

Type:

Date Due	Type	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amount Paid
2/4/2019	TR		SNT	0	\$0.00		\$0.00	\$0.00
11/2/2018	G7	11/7/2018	CLO	5	\$0.00		\$0.00	\$0.00
10/26/2018	G6	10/30/2018	CLO	4	\$0.00		\$0.00	\$0.00
10/25/2018	G4	10/30/2018	CLO	5	\$0.00		\$0.00	\$0.00
10/19/2018	G5	10/30/2018	CLO	11	\$0.00		\$0.00	\$0.00
10/5/2018	G3	10/30/2018	CLO	25	\$0.00		\$0.00	\$0.00
9/21/2018	G2	10/30/2018	CLO	39	\$0.00		\$0.00	\$0.00
9/7/2018	G1	10/30/2018	CLO	53	\$0.00		\$0.00	\$0.00
8/24/2018	P7	10/30/2018	CLO	67	\$0.00		\$0.00	\$0.00
8/17/2018	P6	10/30/2018	CLO	74	\$0.00		\$0.00	\$0.00
8/10/2018	P5	10/30/2018	CLO	81	\$0.00		\$0.00	\$0.00
8/3/2018	P4	10/30/2018	CLO	88	\$0.00		\$0.00	\$0.00
7/27/2018	P3	10/30/2018	CLO	95	\$0.00		\$0.00	\$0.00
7/13/2018	P2	10/30/2018	CLO	109	\$0.00		\$0.00	\$0.00
6/29/2018	P1	10/30/2018	CLO	123	\$0.00		\$0.00	\$0.00

EXHIBIT 5 page 1 of 2



Florida Department of State
Division of Elections

2018 General Election
Valion Joyce (WRI)
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			
W	06/05/2018 - 06/22/2018	0.00	0.00	0.00	0.00	0.00	0.00
W	06/23/2018 - 07/06/2018	0.00	0.00	0.00	0.00	0.00	0.00
W	07/07/2018 - 07/20/2018	0.00	0.00	0.00	0.00	0.00	0.00
W	07/21/2018 - 07/27/2018	0.00	0.00	0.00	0.00	0.00	0.00
W	07/28/2018 - 08/03/2018	0.00	0.00	0.00	0.00	0.00	0.00
W	08/04/2018 - 08/10/2018	0.00	0.00	0.00	0.00	0.00	0.00
W	08/11/2018 - 08/23/2018	0.00	0.00	0.00	0.00	0.00	0.00
W	08/24/2018 - 08/31/2018	0.00	0.00	0.00	0.00	0.00	0.00
W	09/01/2018 - 09/14/2018	0.00	0.00	0.00	0.00	0.00	0.00
W	09/15/2018 - 09/28/2018	0.00	0.00	0.00	0.00	0.00	0.00
W	09/29/2018 - 10/05/2018	0.00	0.00	0.00	0.00	0.00	0.00
W	10/06/2018 - 10/12/2018	0.00	0.00	0.00	0.00	0.00	0.00
W	10/13/2018 - 10/19/2018	0.00	0.00	0.00	0.00	0.00	0.00
W	10/20/2018 - 11/01/2018	0.00	0.00	0.00	0.00	0.00	0.00
⊕	All Dates (Totals)	0.00	0.00	0.00	0.00	0.00	0.00

Note: (E) indicates that report was filed electronically

X Indicates that detail has not been released

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

Select Detail Type

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 5 page 2 of 2

RECEIVED
OFFICE USE ONLY
DEPARTMENT OF STATE
2018 JUN -5 AM 11:14
DIVISION OF ELECTIONS



**STATEMENT OF
CANDIDATE**

(Section 106.023, F.S.)

(Please print or type)

RECEIVED
OFFICE USE ONLY
DEPARTMENT OF STATE

2018 JUN -5 AM 11:14

DIVISION OF ELECTIONS

I, Valion Joyce,
candidate for the office of House District 61;

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

X [Signature]
Signature of Candidate

06/04/18
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
Collins Building, Suite 224
Tallahassee, Florida 32399-1050
(850) 922-4539

www.fec.state.fl.us; fec@myfloridalegal.com

January 15, 2019

Valion Joyce
4704 East Sligh Avenue
Tampa, FL 33610-3610

RE: Case No.: FEC 18-314; Respondent: Valion Joyce

Dear Mr. Joyce:

On September 27, 2018, the Florida Elections Commission received a legally sufficient complaint alleging that you violated Section 106.07(7), Florida Statutes, by failing to timely file waiver(s) of the following campaign treasurer's report(s): 2018 P1.

You have the option to **resolve your case now by** signing a minor violation consent order and **paying a fine of \$50**, which is \$50 per reporting period, per Rule 2B-1.003, Florida Administrative Code. **Should you not accept this offer, the potential fine for the alleged violation(s) is \$1,000**, which is \$1,000 per reporting period, as provided for in Section 106.265, Florida Statutes. If you sign the consent order, **you would not be required to admit or deny the allegation(s)** in the complaint. The signed consent order would then be considered by the Commission at its next available meeting, and would constitute final action by the Commission once it is accepted and approved by the Commission. **Please contact Wilson Brantley at 850-922-4539**, or at the address listed above, to accept this minor violation consent order offer.

If you choose not to resolve the case by minor violation consent order, an investigation will be conducted, and then the Commission will hold one or more hearings to determine whether the alleged violation(s) occurred and, if so, the amount of the fine to be imposed upon you. For more information, please see our FAQs available at <http://www.fec.state.fl.us>.

Sincerely,

A handwritten signature in black ink that reads "Tim Vaccaro".

Tim Vaccaro
Executive Director

TV/enr

REC'D ELECTORAL DIVISION
27 SEP 18 10:43

**DIVISION OF ELECTIONS
FEC NOTICE FORM**

To FEC from Division of Elections

Name: Valion Joyce
Account Number: 71589
Treasurer: Valion Joyce

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:

2018 P1

Sent By: Kristi Reid Willis *KRW*
Date: September 26, 2018

zjs

AFFIDAVIT

STATE OF FLORIDA

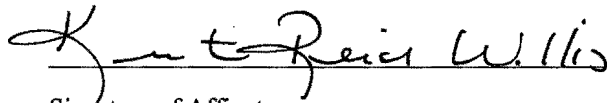
County of Leon

Kristi Reid Willis, 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. Valion Joyce (71589) is a 2018 candidate for the office of State Representative.
5. On June 5, 2018, Mr. Joyce filed the Appointment of Campaign Treasurer and Designation of Campaign Depository with the Division. Mr. Joyce appointed himself as treasurer.
6. The 2018 P1 campaign treasurer's report was due on June 29, 2018. On July 2, 2018, the Division mailed Mr. Joyce notification that the 2018 P1 treasurer's report had not been filed.
7. On July 26, 2018, the Division mailed Mr. Joyce notification that the 2018 P1 treasurer's report had not been filed.
8. On August 14, 2018, the Division mailed Mr. Joyce final notification with delivery confirmation that the 2018 P1 treasurer's report had not been filed. (See attached letter and delivery confirmation.)
9. Mr. Joyce did not notify the Division of Elections prior to or on the prescribed reporting dates for the 2018 P1 report that no report was to be filed.


10. As of September 26, 2017, Mr. Joyce has not filed the 2018 P1 report.

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



Signature of Affiant

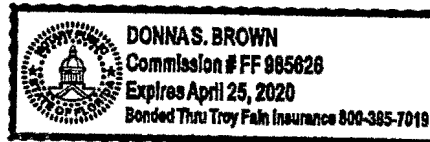
Sworn to (or affirmed) and subscribed before me this **26th** day
of **September, 2018**.



Signature of Notary Public - State of Florida

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known





FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

Final Notice
Delivery Confirmation:

USPS TRACKING # 9114 9014 9645 1416 2491 14
& CUSTOMER RECEIPT For Tracking or inquiries go to USPS.com
or call 1-800-222-1811.

August 14, 2018

Valion Joyce
Candidate for State Representative, District 61
4704 East Sligh Avenue
Tampa, FL 33610-3610

CAN 71589

Dear Mr. Joyce:

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

<u>Year</u>	<u>Report</u>	<u>Cover Period</u>
2018	PI	6/1/18 - 6/22/18

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

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

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

Sincerely,

Kristi Reid Willis, Chief
Bureau of Election Records

ALERT: DUE TO THE FLOODING FROM HURRICANE FLORENCE, MANY POST OFFIC...

USPS Tracking®

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

Track Another Package +

Tracking Number: 9114901496451416249114

Remove X

Expected Delivery on

FRIDAY

17 AUGUST 2018 ⓘ by **8:00pm** ⓘ

Feedback

✓ Delivered

August 17, 2018 at 3:23 pm
Delivered, In/At Mailbox
TAMPA, FL 33610

Get Updates ∨

Text & Email Updates ∨

Tracking History ∨

Product Information ∨

See Less ^