

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: Kionne McGhee**

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

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

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

**NOTICE OF HEARING (AUTOMATIC FINE)**

A hearing will be held in this case before the Florida Elections Commission on, **November 28, 2017 at 8:30 am, or as soon thereafter as the parties can be heard**, at the following location: **412 Knott Building, Pat Thomas Committee Room, 404 South Monroe Street, 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  
November 13, 2017

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

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

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

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

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

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

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

FILED

17 SEP -5 PM 12:37

STATE OF FLORIDA  
ELECTIONS COMMISSION

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

In Re: Kionne McGhee /

Case No.: FEC 17-138

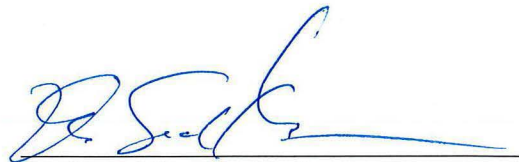
**ORDER FINDING APPEAL TIMELY FILED**

**THIS MATTER** was heard by the Florida Elections Commission (Commission) at its regularly scheduled meeting on August 16, 2017, in Tallahassee, Florida.

Respondent requested reconsideration of the determination that his appeal of an automatic fine imposed by the Division of Elections was late-filed with the Commission. Based on Respondent's request for reconsideration, all other documents from the case file, and oral statements made at the hearing, the Commission finds that the appeal was timely filed because Respondent had sufficiently invoked the statutory continuance pursuant to Section 11.111, Florida Statutes, for proceedings during any session of the Legislature when a member of the Legislature as a party. Therefore, it is

**ORDERED** that Respondent's appeal of the automatic fine is **TIMELY FILED**.

**DONE AND ORDERED** by the Florida Elections Commission on August 16, 2017.



M. Scott Thomas Chairman  
Florida Elections Commission

Copies furnished to:  
Cole H. Kekelis, Assistant General Counsel  
Benedict P. Kuehne, Esq., Attorney for Respondent  
Division of Elections, Complainant

**FLORIDA ELECTIONS COMMISSION**  
**CASE REPORT**  
**Case Number: FEC-17-138**

**NAME:** **KIONNE L. MCGHEE**

**DATE APPEAL RECEIVED:** 04/03/17

**DATE REPORT DUE:** 10/11/16 (2016 M9)

**DATE FILING OFFICER RECEIVED REPORT:** 11/17/16

**NUMBER OF DAYS LATE:** 37

**AMOUNT OF FINE:** **\$3,750.00**

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

**TOTAL RECEIPTS FOR REPORTING PERIOD:** \$15,000.00

**TOTAL EXPENDITURES FOR REPORTING PERIOD:** \$0

**DATE OF FIRST NOTIFICATION:** 10/12/16

CANDIDATE <input checked="" type="checkbox"/>	STATE <input checked="" type="checkbox"/>
PC <input type="checkbox"/>	DISTRICT <input type="checkbox"/>
CCE <input type="checkbox"/>	COUNTY <input type="checkbox"/>
POLITICAL PARTY <input type="checkbox"/>	CITY <input type="checkbox"/>

**SUMMARY:** Kionne L. McGhee is a candidate for State Representative, District 117 in the 2018 elections. Kionne L. McGhee is his own treasurer. Benedict P. Kuehne is the attorney for this case.

Representative McGhee is appealing the fine. Respondent did not provide basis for appeal.

- The 2016 M9 Original Report covers the period from 09/21/16-09/30/16; it was due on 10/11/16.
- The 2016 M9 Queued Transaction Report shows that it was created and filed on 10/17/16.<sup>1</sup>
- Representative McGhee reported receiving 1 contribution, while making 0 expenditures.
- The Division of Elections has two notes that pertain to Representative McGhee's 2016 M9 report.
- FEC staff was advised, "The candidate filed a notice of no activity (waiver) on 10/17/16. A waiver is not a report. On 11/17/16, the candidate filed a report showing \$15,000.00 of activity. The fine is based on 25% of the activity.

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<sup>1</sup> The report discussed in this bullet refers to the waiver that reflected zero activity.



FLORIDA DEPARTMENT OF STATE

Ken Detzner  
Secretary of State

DIVISION OF ELECTIONS

Final Notice

Delivery Confirmation:

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

March 8, 2017

Kionne L. McGhee

CAN 69427

Candidate for State Representative, District 117

Post Office Box 700388

Miami, FL 33170-3170

Dear Representative McGhee:

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

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

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

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

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

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

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

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

Sincerely,

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

Kristi Reid Bronson, Chief  
Bureau of Election Records



FLORIDA DEPARTMENT OF STATE

**Ken Detzner**  
Secretary of State

DIVISION OF ELECTIONS

February 22, 2017

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

CAN 69427

Dear Representative McGhee:

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

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

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

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

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

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

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

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

Sincerely,

Kristi Reid Bronson, Chief  
Bureau of Election Records



FLORIDA DEPARTMENT OF STATE

**Ken Detzner**  
Secretary of State

DIVISION OF ELECTIONS

October 17, 2016

Kionne McGhee  
Post Office Box 700388  
Miami, FL 33170-3170

CAN 69427

Dear Representative McGhee:

The notification that you had no reportable activity for the report deadline of October 11, 2016, was not filed until October 17, 2016. Although the notification is late, no automatic fine is assessed because you had no receipts or expenditures during this reporting period.

However, to avoid potential issues in the future, please note that state law (s. 106.07(7), Fla. Stat.) requires you to file by the dates set out also in law, either a campaign finance report or if applicable, a notification that no reportable activity occurred for the reporting period. Failure to do so may constitute a violation of sections 106.07(1) and 106.19(1)(c), Fla. Stat. The Division is required to notify the Florida Elections Commission of any apparent violation of chapter 106, Fla. Stat., or any failure to file a report or information required by chapter 106, Fla. Stat. If a matter is referred to the Florida Elections Commission, the Commission may assess a civil penalty of up to \$1,000 per violation.

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

Sincerely,

A handwritten signature in cursive script that reads "Kirti Reid Bronson".

Kirti Reid Bronson, Chief  
Bureau of Election Records



FLORIDA DEPARTMENT OF STATE

**Ken Detzner**  
Secretary of State

DIVISION OF ELECTIONS

October 12, 2016

Kionne McGhee  
Post Office Box 700388  
Miami, FL 33170-3170

CAN 69427

Dear Representative McGhee:

Our records indicate that you have not filed either your campaign treasurer's report or notification that no reportable activity occurred, whichever is applicable. The filing date was October 11, 2016.

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

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

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

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

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

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

Sincerely,

Kristi Reid Bronson, Chief  
Bureau of Election Records



**FLORIDA DEPARTMENT OF STATE, DIVISION OF ELECTIONS  
CAMPAIGN TREASURER'S REPORT SUMMARY**

(1) Kionne L. McGhee (2) 69427  
Candidate, Committee or Party Name I.D. Number

(3) Post Office Box 700388 Miami FL 33170  
Address (number and street) City State Zip Code  
 Check box if address has changed since last report

(4) Check appropriate box(es):  
 Candidate (office sought):  
 Political Committee  Check If PC has DISBANDED  
 Committee of Continuous Existence  Check If CCE has DISBANDED  
 Party Executive Committee

(5) REPORT IDENTIFIERS

Cover Period: From 09/21/2016 To 09/30/2016 Report Type: M9  
 Original  Amendment  Special Election Report

(6) CONTRIBUTIONS THIS REPORT		(7) EXPENDITURES THIS REPORT	
Cash & Checks	\$15,000.00	Monetary Expenditures	\$0.00
Loans	\$0.00	Transfers to Office Account	\$0.00
<i>Total Monetary</i>	\$15,000.00	<i>Total Monetary</i>	\$0.00
In-Kind	\$0.00	(8) Other Distributions	

Certification

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

<p>I certify that I have examined this report and it is true, correct and complete</p> <p>_____ Name of <input type="checkbox"/> Treasurer <input type="checkbox"/> Deputy Treasurer</p> <p><u>X</u> _____ Signature</p>	<p>I certify that I have examined this report and it is true, correct and complete</p> <p>_____ Name of <input checked="" type="checkbox"/> Candidate <input type="checkbox"/> Chairman (PC/PTY Only)</p> <p><u>X</u> _____ Signature</p>
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Name: Kionne L. McGhee

Report: 2016 M9

Period: 09/21/2016 to 09/30/2016

**\*\* Records in Filed Report \*\***

Seq #	Full Name (Last, Suffix, First, Middle Street Address & City, State, Zip	Contributor	Occupation	Amount
Date		Type	In-Kind Description	Amend
1	MCGHEE KIONNE PO BOX 700388 MIAMI, FL 33170	O	LAW	\$15,000.00
09/22/2016		COF		UPD
* 1	MCGHEE KIONNE PO BOX 700388 MIAMI, FL 33170	S	LAW	\$15,000.00
09/22/2016		COF		ADD History 05/03/17

ID:

**CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES**

Name: Kionne L. McGhee

Report: 2016 M9

Period: 09/21/2016 to 09/30/2016

**\*\* Records in Filed Report \*\***

Seq # Date	Full Name (Last, Suffix, First, Middle Street Address & City, State, Zip	Type	Purpose	Amount Amend

ID:

**CAMPAIGN TREASURER'S REPORT – ITEMIZED DISTRIBUTIONS**

Name: Kionne L. McGhee

Report: 2016 M9

Period: 09/21/2016 to 09/30/2016

**\*\* Records in Filed Report \*\***

Seq #	Full Name (Last, Suffix, First, Middle)	Recipient	Purpose	Amount
Date	Street Address & City, State, Zip	Type	Related Expenditure	Amend

ID:

**CAMPAIGN TREASURER'S REPORT – ITEMIZED FUND TRANSFERS**

Name: Kionne L. McGhee

Report: 2016 M9

Period: 09/21/2016 to 09/30/2016

**\*\* Records in Filed Report \*\***

Seq # Date	Full Name (Last, Suffix, First, Middle Street Address & City, State, Zip	Type	Nature of Account	Amount Amend

9/26/2017

### Filed Campaign Treasurer's Report

Page 1

**Kionne L. McGhee**  
69427 - STR 117

Elect ID: **20181106-GEN** From: **9/21/2016** Amd: **Y** Wvr: **O** Filed: **FIL** 10/17/2016 9:21:41 A  
Report: **2016 M9 (1)** To: **9/30/2016** Cmpl: **INC** Reviewed: **UPD** 5/1/2017 4:53:32 PM

**Original Report**

Submitted: 10/17/2016 9:21:41 A

#### Amended Report

Submitted: 11/17/2016 6:47:26 P

##### CONTRIBUTIONS

<i>Seq Date</i>	<i>Name</i>	<i>Address</i>	<i>Contributor Type</i>	<i>Occupation Inkind Description</i>	<i>Errors Amd</i>	<i>Amount</i>
1	MCGHEE	PO BOX 700388	S	LAW	1	\$15,000.00
9/22/2016	KIONNE	MIAMI FL 33170	COF		ADD	

#### Amended Report

Submitted: 5/3/2017 4:43:01 PM

##### CONTRIBUTIONS

<i>Seq Date</i>	<i>Name</i>	<i>Address</i>	<i>Contributor Type</i>	<i>Occupation Inkind Description</i>	<i>Errors Amd</i>	<i>Amount</i>
1	MCGHEE	PO BOX 700388	O	LAW	0	\$15,000.00
9/22/2016	KIONNE	MIAMI FL 33170	COF		UPD	

9/26/2017

## Filed Campaign Treasurer's Report

Page 2

**Kionne L. McGhee**  
**69427 - STR 117**

Elect ID: **20181106-GEN**  
Report: **2016 M9 (1)**

From: **9/21/2016** Amd: **Y** Wvr: **O** Filed: **FIL** 10/17/2016 9:21:41 A  
To: **9/30/2016** Cmplt: **INC** Reviewed: **UPD** 5/1/2017 4:53:32 PM

## Queued Items for 2016-M9

Account: 69427

STR 117 Kionne L. McGhee

Rpt Seq: 1

<i>ProcessDescription</i>	<i>Status</i>	<i>Submitter</i>	<i>Created</i>	<i>LastUpdate</i>
Create Pending Report	Processing Complete	69427	10/17/2016 9:20:57 AM	10/17/2016 9:20:57 AM
File Pending Report	Processing Complete	69427	10/17/2016 9:21:41 AM	10/17/2016 9:21:41 AM
Amend Filed Report	Processing Complete	69427	11/17/2016 6:42:18 PM	11/17/2016 6:42:18 PM
Recalc Pending Report Total	Processing Complete	69427	11/17/2016 6:44:46 PM	11/17/2016 6:44:46 PM
Recalc Pending Report Total	Processing Complete	69427	11/17/2016 6:46:16 PM	11/17/2016 6:46:16 PM
File Pending Report	Processing Complete	69427	11/17/2016 6:47:26 PM	11/17/2016 6:47:26 PM
Review Filed Report	Processing Complete	krbronson	2/21/2017 2:30:27 PM	2/21/2017 2:30:28 PM
Review Filed Report	Processing Complete	krbronson	2/21/2017 4:01:29 PM	2/21/2017 4:01:29 PM
Review Filed Report	Processing Complete	ejrowlette	3/30/2017 4:16:03 PM	3/30/2017 4:16:03 PM
Review Filed Report	Processing Complete	njtaylor	4/24/2017 11:35:57 AM	4/24/2017 11:35:57 AM
Amend Filed Report	Processing Complete	69427	5/1/2017 4:53:32 PM	5/1/2017 4:53:32 PM
Review Filed Report	Processing Complete	69427	5/3/2017 4:38:09 PM	5/3/2017 4:38:10 PM
File Pending Report	Processing Complete	69427	5/3/2017 4:43:01 PM	5/3/2017 4:43:01 PM





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Florida Department of State - Division of Elections

Florida Election System Reports

Candidate/Committee Lookup

**Candidate Name:** Kionne L. McGhee

Name:

**Account:** 69427

Election:

Acct:

Type:

Date Due	Type	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amount Paid
9/22/2017	M8	9/11/2017						
8/10/2017	M7	8/10/2017						
7/10/2017	M6	7/10/2017						
6/12/2017	M5	6/12/2017						
5/10/2017	M4	5/10/2017						
4/10/2017	M3	4/10/2017						
3/11/2017	M2	3/11/2017						
2/10/2017	M1	2/10/2017						
1/10/2017	M12	1/9/2017						
12/12/2016	M11	12/12/2016						
11/10/2016	M10	11/10/2016						
10/11/2016	M9	10/17/2016	APP	0	\$3,750.00		\$3,750.00	\$0.00



## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

September 22, 2016

The Honorable Kionne McGhee  
Post Office Box 700388  
Miami, Florida 33170

Dear Representative McGhee:

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 September 21, 2016. 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 **October 11, 2016**. The report will cover the period of September 1-30, 2016 (M9). 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:** 69427

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/](https://dos.myflorida.com/elections/)



Kionne McGhee  
September 22, 2016  
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.

Kionne McGhee  
September 22, 2016  
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://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 Bronson, Chief  
Bureau of Election Records

KRB/zjs

Enclosures

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

(Section 105 021(1) F.S.)

(PLEASE PRINT OR TYPE)

RECEIVED

16 SEP 21 PM 1:41

DIVISION OF ELECTIONS  
SECRETARY OF STATE

69427

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)  
KIONNE L. MCGHEE

3. Address (include post office box or street, city, state, zip code)  
PO BOX 700388, MIAMI, FLORIDA 33170

4. Telephone (305) 908-1101    5. E-mail address kionnemcgee@gmail.com

6. Office sought (include district, circuit, group number)  
State of Florida, House of Rep., District 117

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     DEMOCRATIC Party candidate.

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

10. Name of Treasurer or Deputy Treasurer  
KIONNE MCGHEE

11. Mailing Address PO BOX 700388    12. Telephone (305) 908-1101

13. City MIAMI    14. County MIAMI-DADE    15. State FL    16. Zip Code 33170    17. E-mail address kionnemcgee@gmail.com

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

19. Name of Bank SUNTRUST BANK    20. Address 20295 SOUTH DIXIE HIGHWAY

21. City MIAMI    22. County MIAMI-DADE    23. State FL    24. Zip Code 33189

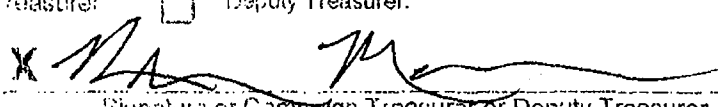
UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING FORM FOR APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY AND THAT THE FACTS STATED IN IT ARE TRUE.

25. Date SEPT 21, 2016    26. Signature of Candidate 

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

designated above as  Campaign Treasurer     Deputy Treasurer.

SEPT 21, 2016



Signature of Campaign Treasurer or Deputy Treasurer

**STATEMENT OF  
CANDIDATE**

(Section 106.023, F.S.)

(Please print or type)

OFFICE USE ONLY

RECEIVED

16 SEP 21 PM 1:41

DIVISION OF ELECTIONS  
SECRETARY OF STATE

I, KIONNE L. MCGHEE,

candidate for the office of STATE OF FLORIDA, HOUSE OF REP., DIST 117

have been provided access to read and understand the requirements of

Chapter 106 Florida Statutes.

X 

Signature of Candidate

SEPT 21, 2016

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).

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

Unique ID	Date Recorded	Last Edited Date	Originally Recorded By
53094	3/30/2017 10:29:00 AM		dsbrown
RE: Fine Response Letter			
Rep. McGhee sent a letter requesting an extension of 20 days to pay a fine. I called and spoke with his assistant. Advised her that DOE has no statutory authority to waive or extend time on fines. Rep. McGhee will either need to pay or appeal the fine within the 20 day time period, which ends tomorrow. I requested the Rep. McGhee call me direct so that I may relay to him his options. However, I did give his assistant all of the information, including the FAX number to the FEC, advising that the appeal letter must be faxed to them by tomorrow with a copy to us.			
52942	3/20/2017 10:29:00 AM		iaadams
REF: Final Notice			
I received a phone call from Mr. Kionne L. McGhee in reference to Final Notice for report due on October 11, 2016, but filed until November 17, 2016. Mr. McGhee stated he filed this report on time. I instructed him, per Fine Notice to submit a letter in writing to FEC and explained the process. Ivania. 3/20/2017.			



RE: FEC 17-138  
Benedict P. Kuehne  
to:  
Stephanie Cunningham  
10/03/2017 08:56 AM

Hide Details

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

To: Stephanie Cunningham <Stephanie.Cunningham@myfloridalegal.com>

Thank you, Stephanie. I am working on my production. Please give me a call when you are able.

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

---

**From:** Stephanie Cunningham [<mailto:Stephanie.Cunningham@myfloridalegal.com>]

**Sent:** Tuesday, September 26, 2017 10:08 AM

**To:** Benedict P. Kuehne <ben.kuehne@kuehnelaw.com>

**Subject:** FEC 17-138

Mr. Kuehne:

I just wanted to follow up on the message I left with your office yesterday. Representative McGhee's automatic fine appeal will be placed on our November agenda. The tentative meeting date is November 28th. The case file does not contain any reference to what the unusual circumstances were that caused the filing to be late. Please provide this information to my office by October 20th so that it can be timely provided to the Commission prior to the meeting.

Thank you.

Stephanie J. Cunningham  
Assistant General Counsel  
Florida Elections Commission  
107 W. Gaines Street  
Collins Building, Suite 224  
Tallahassee, FL 32399-1050  
[stephanie.cunningham@myfloridalegal.com](mailto:stephanie.cunningham@myfloridalegal.com)  
(850) 922-4539  
(850) 921-0783 fax  
[www.fec.state.fl.us](http://www.fec.state.fl.us)



**FLORIDA ELECTIONS COMMISSION  
PHONE LOG  
Case No.: FEC 17-138**

**Respondent:** Kionne L. McGhee

**Complainant:** Division of Elections

1. **Date and time:** 9/25/17; 11:05 a.m.  
**Name:** Called Attorney Ben Kuehne  
**Phone #:** 305-789-5989  
**Summary:** Left message with receptionist for Mr. Kuehne to call me regarding this case.  
**Memo to File?** No  
**Entered by:** SC
2. **Date and time:** 10/3/17; 10:29 a.m.  
**Name:** Called Attorney Ben Kuehne  
**Phone #:** 305-789-5989  
**Summary:** Left voicemail regarding this case.  
**Memo to File?** No  
**Entered by:** SC
3. **Date and time:** 10/3/17; afternoon  
**Name:** Attorney Ben Kuehne  
**Phone #:** Called me  
**Summary:** Mentioned Rep. McGhee may have had computer issues; I directed him to our final orders on FEC website.  
**Memo to File?** No  
**Entered by:** SC
4. **Date and time:**  
**Name:**  
**Phone #:**  
**Summary:**  
**Memo to File?** No  
**Entered by:**
5. **Date and time:**  
**Name:**  
**Phone #:**  
**Summary:**  
**Memo to File?** No  
**Entered by:**
6. **Date and time:**  
**Name:**  
**Phone #:**  
**Summary:**

FILED

17 SEP -5 PM 12:37

STATE OF FLORIDA  
ELECTIONS COMMISSION

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

In Re: Kionne McGhee /

Case No.: FEC 17-138

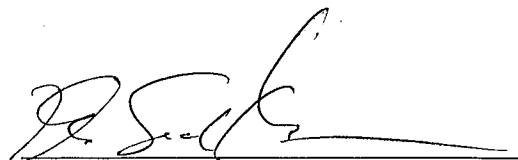
**ORDER FINDING APPEAL TIMELY FILED**

**THIS MATTER** was heard by the Florida Elections Commission (Commission) at its regularly scheduled meeting on August 16, 2017, in Tallahassee, Florida.

Respondent requested reconsideration of the determination that his appeal of an automatic fine imposed by the Division of Elections was late-filed with the Commission. Based on Respondent's request for reconsideration, all other documents from the case file, and oral statements made at the hearing, the Commission finds that the appeal was timely filed because Respondent had sufficiently invoked the statutory continuance pursuant to Section 11.111, Florida Statutes, for proceedings during any session of the Legislature when a member of the Legislature as a party. Therefore, it is

**ORDERED** that Respondent's appeal of the automatic fine is **TIMELY FILED**.

**DONE AND ORDERED** by the Florida Elections Commission on August 16, 2017.



M. Scott Thomas Chairman  
Florida Elections Commission

Copies furnished to:  
Cole H. Kekelis, Assistant General Counsel  
Benedict P. Kuehne, Esq., Attorney for Respondent  
Division of Elections, Complainant

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: Kionne McGhee**

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

---

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

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

**NOTICE OF HEARING (OTHER MOTIONS)**

A hearing will be held in this case before the Florida Elections Commission on, **August 16, 2017 at 8:30 am, or as soon thereafter as the parties can be heard**, at the following location: **Senate Office Building, 404 South Monroe Street, Room 110-S, Tallahassee, Florida 32399**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



**FLORIDA ELECTIONS COMMISSION**

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

**Collins Building**

**Tallahassee, Florida 32399-1050**

**(850) 922-4539**

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

May 1, 2017

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

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

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

Dear Mr. Kuehne:

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Amy McKeever Toman".

Amy McKeever Toman  
Executive Director

/dam

cc: Division of Elections, Filing Officer w/enclosure



RE: FED17-138 - Reconsideration of Late Appeal Determination

Benedict P. Kuehne

to:

Florida Elections Commission

04/19/2017 05:02 PM

Hide Details

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

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

1 Attachment



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

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

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

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

Attached letter seeking reconsideration of late-filed determination.

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

KUEHNE DAVIS LAW  
PROFESSIONAL ASSOCIATION

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

\*Board Certified  
Appellate Practice and  
Criminal Trial Practice

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

FORT LAUDERDALE OFFICE

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

REPLY TO: Miami

April 19, 2017

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

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

Dear Executive Director Toman:

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

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

The applicable statute provides in full:

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

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

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

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



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

Respectfully submitted,

*Benedict P. Kuehne*

**BENEDICT P. KUEHNE**

Copy:  
Rep. Kionne McGhee



**FLORIDA ELECTIONS COMMISSION**

107 W. Gaines Street, Suite 224

Collins Building

Tallahassee, Florida 32399-1050

(850) 922-4539

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

April 6, 2017

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

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

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

Dear Mr. Kuehne:

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

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

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

Sincerely,

*Donna Ann Malphurs*

Agency Clerk

/dam

cc: Division of Elections, Filing Officer w/enclosure



McGhee, Kionne, Notice of Appeal of Fine Imposed by Filing Officer  
Benedict P. Kuehne

to:  
fec@myfloridalegal.com  
04/02/2017 11:10 PM

Cc:  
"ElecRecords@dos.myflorida.com"

Hide Details

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

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

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

1 Attachment



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

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

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

Dear Executive Director Toman:

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

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

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

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

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

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

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

Respectfully submitted,

**BENEDICT P. KUEHNE**

Copy:

Rep. Kionne McGhee

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

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

KUEHNE DAVIS LAW  
PROFESSIONAL ASSOCIATION

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

\*Board Certified  
Appellate Practice and  
Criminal Trial Practice

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

FORT LAUDERDALE OFFICE

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

REPLY TO: Miami

April 2, 2017

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

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

Dear Executive Director Toman:

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

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

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

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

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

Respectfully submitted,



**BENEDICT P. KUEHNE**

Copy:  
Rep. Kionne McGhee

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



FLORIDA DEPARTMENT OF STATE

Ken Detzner  
Secretary of State

DIVISION OF ELECTIONS

Final Notice

Delivery Confirmation:

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

March 8, 2017

Kionne L. McGhee

CAN 69427

Candidate for State Representative, District 117

Post Office Box 700388

Miami, FL 33170-3170

Dear Representative McGhee:

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

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

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

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

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

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

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

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

Sincerely,

Kristi Reid Bronson, Chief  
Bureau of Election Records





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

Benedict P. Kuehne

to:

fec@myfloridalegal.com

04/02/2017 06:57 PM

Hide Details

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

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

2 Attachments



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



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

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

Re: CAN69427  
McGhee, Kionne  
Letter of Representation

Dear Executive Director Toman:

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

Respectfully submitted,

BENEDICT P. KUEHNE

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

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

Dear Executive Director Toman:

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

Respectfully submitted,

**BENEDICT P. KUEHNE**

Copy:

Rep. Kionne McGhee

Copy:

Rep. Kionne McGhee

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

KUEHNE DAVIS LAW  
PROFESSIONAL ASSOCIATION

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

\*Board Certified  
Appellate Practice and  
Criminal Trial Practice

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

FORT LAUDERDALE OFFICE

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

REPLY TO: Miami

April 2, 2017

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

Re: CAN69427  
*McGhee, Kionne*  
Letter of Representation

Dear Executive Director Toman:

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

Respectfully submitted,



BENEDICT P. KUEHNE

Copy:  
Rep. Kionne McGhee

**KUEHNE DAVIS LAW**  
PROFESSIONAL ASSOCIATION

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SUSAN DMITROVSKY  
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Telephone: 305.789.5989  
Facsimile: 305.789.5987  
ben.kuehne@kuehnelaw.com  
susand@kuehnelaw.com  
mdavis@kuehnelaw.com

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

REPLY TO: Miami

April 2, 2017

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

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

Dear Executive Director Toman:

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

Respectfully submitted,



**BENEDICT P. KUEHNE**

Copy:  
Rep. Kionne McGhee



FW: Kionne McGhee  
Brown, Donna S.

to:  
Erin.Riley@myfloridalegal.com  
04/03/2017 09:51 AM

Cc:  
Donna Malphurs, "Bronson, Kristi R."

Hide Details

From: "Brown, Donna S." <Donna.Brown@dos.myflorida.com>  
To: "Erin.Riley@myfloridalegal.com" <Erin.Riley@myfloridalegal.com>  
Cc: Donna Malphurs <Donna.Malphurs@myfloridalegal.com>, "Bronson, Kristi R." <Kristi.Bronson@DOS.MyFlorida.com>

See information below regarding fine appeal for Representative McGhee.

**Donna S. Brown**

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

This response is provided for reference only and does not constitute legal advice or representation. As applied to a particular set of facts or circumstances, interested parties should refer to the Florida Statutes and applicable case law, and/or consult a private attorney before drawing any legal conclusions or relying upon the information provided.

Please note: Florida has a very broad public records law. Written communications to or from state officials regarding state business constitute public records and are available to the public and media upon request unless the information is subject to a specific statutory exemption. Therefore, your e-mail message may be subject to public disclosure.

@ItsWorkingFL



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

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

Also Send this email to FEC.

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

Dear Representative McGhee –

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

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

*Regards,*

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

This response is provided for reference only and does not constitute legal advice or representation. As applied to a particular set of facts or circumstances, interested parties should refer to the Florida Statutes and applicable case law, and/or consult a private attorney before drawing any legal conclusions or relying upon the information provided.  
Please note: Florida has a very broad public records law. Written communications to or from state officials regarding state business constitute public records and are available to the public and media upon request unless the information is subject to a specific statutory exemption. Therefore, your e-mail message may be subject to public disclosure.

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

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

Kionne L. McGhee, Esq.

The Department of State is committed to excellence. Please take our <a href="#">Customer Satisfaction Survey</a> .
---



Kionne L. McGhee (69427) - Fine Appeal  
Brown, Donna S.

to:

Erin.Riley@myfloridalegal.com

04/03/2017 10:02 AM

Cc:

Donna Malphurs, "Bronson, Kristi R."

Hide Details

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

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

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

History: This message has been replied to.

## 2 Attachments



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

Good morning Erin.

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

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

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

*Best regards,*

**Donna S. Brown**

Senior Management Analyst

Bureau of Election Records

Florida Department of State

R.A. Gray Building

500 S. Bronough Street

Tallahassee, FL 32399

(850) 245-6280

This response is provided for reference only and does not constitute legal advice or representation. As applied to a particular set of facts or circumstances, interested parties should refer to the Florida Statutes and applicable case law, and/or consult a private attorney before drawing any legal conclusions or relying upon the information provided.

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@ItsWorkingFL



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PROFESSIONAL ASSOCIATION

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MICHAEL T. DAVIS

\*Board Certified  
Appellate Practice and  
Criminal Trial Practice

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MIAMI, FLORIDA 33131-2154  
Telephone: 305.789.5989  
Facsimile: 305.789.5987  
ben.kuehne@kuehnelaw.com  
susand@kuehnelaw.com  
mdavis@kuehnelaw.com

RECEIVED  
17 APR -3 AM 8:15  
DIVISION OF ELECTIONS  
SECRETARY OF STATE  
FORT LAUDERDALE OFFICE  
1 W. Las Olas Blvd., Suite 500  
Fl. Lauderdale, FL 33301

REPLY TO: Miami

April 2, 2017

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

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

Dear Executive Director Toman:

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

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



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

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

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

Respectfully submitted,



**BENEDICT P. KUEHNE**

Copy:  
Rep. Kionne McGhee

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



FLORIDA DEPARTMENT OF STATE

Ken Detzner  
Secretary of State

DIVISION OF ELECTIONS

Final Notice  
Delivery Confirmation:

USPS TRACKING # 9114 8014 9646 0834 6225 30  
& CUSTOMER RECEIPT For Tracking or Inquiries go to USPS.com  
or call 1-800-222-1811.

March 8, 2017

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

CAN 69427

Dear Representative McGhee:

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

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

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

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

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

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

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

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

Sincerely,

Handwritten signature of Kristi Reid Bronson in black ink.

Kristi Reid Bronson, Chief  
Bureau of Election Records

# USPS Tracking® Results

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

305 908 1101

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**Tracking Number:** 9114901496450834622530



**Delivered**

## Product & Tracking Information

[See Available Actions](#)

**Postal Product:**

**Features:**

USPS Tracking®

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

[See More ▾](#)

## Available Actions

**Text Updates**



KIONNE L. MCGHEE  
PO Box 700388  
MIAMI, FLORIDA 33170

March 27, 2017

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

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

Re:64426

To Whom It May Concern:

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

Thank you.

*Kionne L. McGhee*

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

Unique ID	Date Recorded	Last Edited Date	Originally Recorded By
53094	3/30/2017 10:29:00 AM		dsbrown
RE: Fine Response Letter			
<p>Rep. McGhee sent a letter requesting an extension of 20 days to pay a fine. I called and spoke with his assistant. Advised her that DOE has no statutory authority to waive or extend time on fines. Rep. McGhee will either need to pay or appeal the fine within the 20 day time period, which ends tomorrow. I requested the Rep. McGhee call me direct so that I may relay to him his options. However, I did give his assistant all of the information, including the FAX number to the FEC, advising that the appeal letter must be faxed to them by tomorrow with a copy to us.</p>			
52942	3/20/2017 10:29:00 AM		iaadams
REF: Final Notice			
<p>I received a phone call from Mr. Kionne L. McGhee in reference to Final Notice for report due on October 11, 2016, but filed until November 17, 2016. Mr. McGhee stated he filed this report on time. I instructed him, per Fine Notice to submit a letter in writing to FEC and explained the process. Ivania. 3/20/2017.</p>			