

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: Gary D. Johnson.

Case No.: FEC 11-297

NOTICE OF HEARING ON APPEAL OF AUTOMATIC FINE

TO: Gary D. Johnson
Post Office Box 681691
Miami, Florida 33168-1691

The Honorable Penelope Townsley
Miami-Dade County Supervisor of
Elections
Post Office Box 521550
Miami, Florida 33152

PLEASE TAKE NOTICE that on **February 21, 2012**, at **8:30 a.m.** or thereafter as the parties can be heard, the Florida Elections Commission will consider the Respondent's appeal of the automatic fine imposed by the filing officer. The Commission will meet at: **City Hall, City Commission Chambers, 300 S. Adams Street, Tallahassee, Florida.**

Although you did not request a hearing, this notice is to inform you that your case will be discussed at the meeting taking place on the above date and place. All documents you want the Commission to consider must be submitted at least 10 days prior to the hearing.

If you require an accommodation due to a disability, contact Donna Malphurs at (850) 922-4539 or by mail at 107 West Gaines Street, The Collins Building, Suite 224, Tallahassee, Florida 32399, at least 48 hours before the hearing.

PLEASE GOVERN YOURSELF ACCORDINGLY.

Dated on January 19, 2012.



Rosanna Catalano
Executive Director

INSTRUCTIONS FOR HEARING ON APPEAL OF AUTOMATIC FINE

Please be advised that other cases have been scheduled for the same time. Therefore, your case may not be called exactly at the time set forth on this notice.

At the automatic fine hearing, the Florida Elections Commission will decide whether Respondent's campaign treasurers report was timely filed or whether there were unusual circumstances that excuse his failure to timely file his report.

Rule 2B-1.0055, *Florida Administrative Code*, defines **unusual circumstances** as "uncommon, rare or sudden events over which the actor has no control and which directly result in the failure to act in accordance with the filing requirements. Circumstances which allow for time in which to take those steps necessary to assure compliance with the filing requirement shall be deemed not to constitute unusual circumstances."

The hearing will be conducted pursuant to Section 106.07(8)(c), *Florida Statutes*, if Respondent is a candidate, a political committee, or an electioneering communications organization; Section 106.04(8)(c), *Florida Statutes*, if Respondent is a committee of continuous existence; or Section 106.29(3)(c), *Florida Statutes*, if Respondent is a political party; and Commission Rules 2B-1.005, 1.0052, & 1.0055, *Florida Administrative Code*.

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.

Before making a decision, the Commission will review the written documents submitted by Respondent and staff at least ten days before the hearing and the information presented at the hearing. Rule 2B-1.005, *Florida Administrative Code*, provides that unless good cause is shown, the Commission will not consider any written document unless it has been filed with the Commission Clerk at least ten days before the hearing.

When the case is called, the Chair will read a brief statement and may ask the Respondent and his attorney, if one is present, to state their names for the record. Respondent will then have time to present his case to the Commission. Witnesses may be called to testify under oath on Respondent's behalf. If Respondent calls witnesses, the staff attorney may cross-examine those witnesses after Respondent's questioning is finished. After Respondent's presentation, staff will have the same amount of time to present its case. If the staff attorney calls witnesses, Respondent may cross-examine those witnesses after staff's questioning is finished.

At any time during the presentations the Commissioners may ask questions of Respondent, his attorney, the witnesses, and staff. After the presentations are concluded, the Commissioners will discuss the case and decide whether Respondent's report was timely filed or whether there were unusual circumstances that excuse his failure to file timely his report. The Commission will make a decision by a majority vote of those members present and voting.

After the Commission meeting, the Commission will send Respondent a written order reflecting the Commission's decision. If the Commission upholds the fine, Respondent will have 30 days to pay the fine.

If you have any questions about the procedures for the hearing, please contact Donna Malphurs at 107 W. Gaines Street Collins Building, Suite 224 Tallahassee, FL 32399-1050, phone number: (850) 922-4539.

**FLORIDA ELECTIONS COMMISSION
CASE REPORT**

Case Number: FEC-11-297

NAME: GARY D. JOHNSON

DATE APPEAL RECEIVED: 12/8/11

DATE HEARING REQUEST RECEIVED: n/a

DATE REPORT DUE: 10/11/11 (2011 Q3)

DATE OF ELECTRONIC RECEIPT: 10/31/11

DATE FILING OFFICER RECEIVED REPORT: 10/31/11

NUMBER OF DAYS LATE: 20

AMOUNT OF FINE: \$126.03

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

TOTAL RECEIPTS FOR REPORTING PERIOD: \$200.00

TOTAL EXPENDITURES FOR REPORTING PERIOD: \$504.11

DATE OF FIRST NOTIFICATION: Treasurer called SOE office on 10/27/11

SUMMARY: Gary D. Johnson is a candidate for Mayor in the 2012 municipal elections. Gail Spivey is his treasurer and is representing the candidate in this appeal.

Ms. Spivey is appealing the fine claiming that due to illness, she was unable to prepare and submit the report. According to Ms. Spivey, Mr. Johnson also became ill and was unable to submit the report. Ms. Spivey did not submit any further documentation to support her appeal.

PRIOR CASES: Mr. Johnson has not had any prior cases before the Commission.

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

FEC ACTION:	FINE DUE: \$ _____	DATE: _____
TIMELY FILED: YES _____ NO _____	UNUSUAL CIRCUMSTANCES: YES _____ NO _____	
WAIVER: PARTIAL _____ FULL _____	FINE INCORRECTLY CALCULATED: YES _____ NO _____	
UC REASON: _____	INITIALS: _____	



Appeal: Fines assessed \$126.03
gary johnson to: donna.malphurs

12/14/2011 06:51 PM

From: gary johnson <clergyforchange@gmail.com>
To: donna.malphurs@myfloridalegal.com

Hello Ms. Malphurs,

I wish to appeal fines assessed \$126.03 due to late filing of Campaign Treasurer's Report. I would like for Ms. Gail Spivey, Treasurer to represent me in this matter. I will be sending a new correspondence and send copy to the filing officer. If you have any question, give me a call at [REDACTED].

Thank you,

Gary D. Johnson, Candidate

November 29, 2011

Florida Elections Commission
107 West Gaines Street
Collins Building, Suite 224
Tallahassee, FL 32399-1050

RECEIVED
2011 DEC -8 A 10:36
STATE OF FLORIDA
ELECTIONS COMMISSION

RE: Notice of Late Filing - Q3-11 Campaign Treasurer's Report Due Date: 10/11/2011

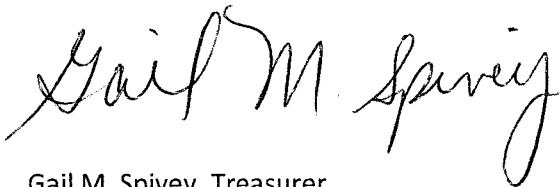
Period Covered: 07/2/2011 – 9/30/2011

To Whom It May Concern:

I am sending this letter to request an appeal regarding the fines of \$126.03 assessed for not filing the Q3-11 Campaign Treasurer's Report by appropriate date. Due to illness, I was unable to prepare and submit Treasurer's report by due date October 11, 2011.

In addition, Gary Johnson became ill and was unable to submit report by the appropriate filing date. Documentation can be submitted upon request. Please give me a call at (305)303-6360 if you have any questions.

Sincerely,



Gail M. Spivey, Treasurer

C: Christina White, Deputy Supervisor of Elections

Miami-Dade Elections Department



Elections
2700 NW 87th Avenue
Miami, Florida 33172
T 305-499-VOTE F 305-499-8547
TTY: 305-499-8480

miamidade.gov

November 2, 2011

Mr. Gary D. Johnson
P.O. Box 681691
Miami, FL 33168-1691

NOTICE OF LATE FILING – FINE DUE -- \$126.03

**Q3-11 Campaign Treasurer's Report
Due Date: 10/11/2011
Period Covered: 7/1/2011 – 9/30/2011**

Dear Mr. Johnson,

The Q3-11 Campaign Treasurer's Report filed with our office was received on 10/31/2011. Since this report was not filed by the appropriate filing date, a fine is being assessed for each late day pursuant to Florida Statute 106.07(8)(b).

As such, fines are calculated at a rate of \$50.00 per day for the first 3 days and thereafter, \$500.00 per day for each late day. These fines are not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report. Therefore, since the report was 20 days late, the fine is \$126.03, which is 25% of your total expenditures of \$504.11. Said fine must be received by our office at 2700 NW 87th Avenue, Miami, FL 33172 within twenty (20) days of your receipt of this notice. The check should be made payable to the Board of County Commissioners paid only from candidate's personal funds.

Florida Statute 106.07(8)(b) goes on to say that the fine may be appealed or disputed based upon unusual circumstances surrounding the failure to file by the designated due date. A hearing before the Florida Elections Commission may be requested, which shall have the authority to waive the fine in part or whole. Any such request must be submitted in writing and must be received by the Florida Elections Commission within 20 days of your receipt of this notice. To request an appeal, please write to the Florida Elections Commission, 107 West Gaines Street, Collins Building, Suite 224, Tallahassee, FL 32399-1050. Our office must also be notified of the intent to bring this matter before the Commission.

I urge you to promptly resolve this matter. If not, in accordance with Florida Statute 106.07(8)(d), we will be required to notify the Florida Elections Commission of this late filing and failure to pay the imposed fine.

If you have any questions regarding this matter, please contact the Candidate Services Unit at 305-499-8410.

Sincerely,

Christina White
Deputy Supervisor of Elections
Miami-Dade Elections Department

C: Gail Spivey, Treasurer

Certified No: 7008 1830 0003 9578 9963

English

Customer Service

USPS Mobile



Quick Tools

Ship a Package

Send Mail

Manage Your Mail

Track & Confirm

PRINT DETAILS \$

YOUR LABEL NUMBER

70081830000395789963

SERVICE

STATUS OF YOUR ITEM

DATE & TIME

Delivered

November 10, 2011, 10:00 am

Notice Left

November 08, 2011, 7:44 am

Arrival at Unit

November 05, 2011, 8:26 am

Processed through
USPS Sort Facility

November 05, 2011, 1:06 am

Check on Another Item

What's your label (or receipt) number?

LEGAL

Privacy Policy >

Terms of Use >

FOIA >

No FEAR Act EEO Data >

OTHER USPS SITES

Business Customer Gateway >

Postal Inspectors >

Inspector General >

Postal Explorer >

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OFFICIAL USE	
Postage \$	Postmark Here
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
To: 7008 1830 00039578 9963 Sent to: Mr. Gary D. Johnson Street or P.O. Box: P.O. Box 681691 City: Miami, FL 33168-1691	
PS Form 3800, August 2006 See Reverse for Instructions	

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

RECEIVED

11 JUN 14 PM 4:52

MIAMI-DADE COUNTY
ELECTIONS DEPARTMENT

(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)

GARY D. JOHNSON

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

PO BOX 681691
MIAMI, FL 33168-1691

4. Telephone

(786) 370-3203

5. E-mail address

clergyforchange@gmail.com

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

MAYOR, MIAMI-DADE COUNTY

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

GAIL SPIVEY

11. Mailing Address

15000 NE 6th PLACE

12. Telephone

(305) 303-6360

13. City

NORTH MIAMI

14. County

MIAMI-DADE

15. State

FL

16. Zip Code

33161

17. E-mail address

gailmspiveyandassociates@gmail.com

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

19. Name of Bank

WELLS FARGO/WACHOVIA

20. Address

9301 NE 7th AVENUE

21. City

MIAMI

22. County

MIAMI-DADE

23. State

FL

24. Zip Code

33150

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

25. Date

6/14/2011

26. Signature of Candidate

Gary D. Johnson

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

I, GAIL SPIVEY, do hereby accept the appointment
(Please Print or Type Name)

designated above as: Campaign Treasurer Deputy Treasurer

6-14-2011

Date

Gail M. Spivey

Signature of Campaign Treasurer or Deputy Treasurer

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

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

(PLEASE PRINT OR TYPE)

RECEIVED

11 JUN 14 PM 4:52

MIAMI-DADE COUNTY
ELECTIONS DEPARTMENT

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)

GARY D. JOHNSON

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

PO BOX 681691
MIAMI, FL 33168-1691

4. Telephone

(786) 370-3203

5. E-mail address

clergyforchange@gmail.com

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

MAYOR, MIAMI-DADE COUNTY

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

GARY D. JOHNSON

11. Mailing Address

PO BOX 681691

12. Telephone

()

13. City

MIAMI

14. County

MIAMI-DADE

15. State

FL

16. Zip Code

33161

17. E-mail address

clergyforchange@gmail.com

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

19. Name of Bank

WELLS FARGO/WACHOVIA

20. Address

9301 NE 7th AVENUE

21. City

MIAMI

22. County

MIAMI-DADE

23. State

FL

24. Zip Code

33150

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

25. Date

6/14/2011

26. Signature of Candidate



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

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

designated above as: Campaign Treasurer Deputy Treasurer

6/14/2011
Date


Signature of Campaign Treasurer or Deputy Treasurer

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

(1) Gary D. Johnson
Name
(2) PO BOX 681691
Address (number and street)
Miami, FL 33168-1691
City, State, Zip Code

OFFICE USE ONLY
ONLINE SUBMISSION
[1031643]
Submitted on:
10/31/2011 11:15:15 (eastern)

CHECK IF ADDRESS HAS CHANGED

(3) ID Number: 1026

(4) Check appropriate box(es):
 Candidate (office sought): Mayor 2012
 Political Committee
 Committee of Continuous Existence
 Party Executive Committee
 Electioneering Communication

CHECK IF PC HAS DISBANDED
 CHECK IF CCE HAS DISBANDED
 CHECK IF NO OTHER ELECTIONEERING COMMUNICATION REPORTS WILL BE FILED

RECEIVED
2011 OCT 31 PM 12:22
MIAMI-DATED ELECTION

(5) REPORT IDENTIFIERS

Cover Period: From 7/1/2011 To 9/30/2011 Report Type: Q3-11
 Original Amendment Special Election Report Independent Expenditure Report

(6) CONTRIBUTIONS THIS REPORT

Cash & Checks	\$	<u>200.00</u>
Loans	\$	<u>0.00</u>
Total Monetary	\$	<u>200.00</u>
In-Kind	\$	<u>0.00</u>

(7) EXPENDITURES THIS REPORT

Monetary Expenditures	\$	<u>504.11</u>
Transfers to Office Account	\$	<u>0.00</u>
Total Monetary	\$	<u>504.11</u>

(8) Other Distributions
\$ 0.00

(9) TOTAL Monetary Contributions To Date
\$ 630.00

(10) TOTAL Monetary Expenditures To Date
\$ 551.61

(11) CERTIFICATION

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

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

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

(Type name) Gail M. Spivey
 Individual (only for electioneering communi.) Treasurer Deputy Treasurer

(Type name) Gary D. Johnson
 Candidate Chairperson (only for PC, PTY & electioneering communi. organization)

X Gail M. Spivey
Signature

X Gary D. Johnson
Signature



MIAMI-DADE ELECTIONS DEPARTMENT

2700 NW 87th Avenue, Miami, FL 33172

Phone: (305) 499-8500 Fax: (305) 499-8547

TO: Florida Elections Commission

DATE: Monday, December 19, 2011

FROM: Lester Sola
Supervisor of Election

SUBJECT: History of Reports
Gary D. Johnson
County Mayor

<u>Report</u>		<u>Due Date</u>	<u>Rec'd Date</u>	<u>Postmark Date</u>	<u>Hand Delv.</u>	<u>Days Late</u>	<u>Notice Sent</u>	<u>Fine Assessed</u>	<u>Date Sent</u>	<u>Certified No.</u>
Q2-11	Original	7/11/2011	7/12/2011	7/11/2011				\$0.00		
Q3-11	Original	10/11/2011	10/31/2011		Y	20		\$126.03		
							Fine Due		11/2/2011	7008 1830 0003 9578 9963
							Incomplete Information		11/4/2011	7008 1830 0003 9578 9956

Miscellaneous Information

1026 **Gary D. Johnson**

	ConvDate:	EmpName:	Conversation:
7044	10/31/2011	Maria Acosta	We received the report today, since the Failure to File Letter was schedule to go on today's mail, I pull it out and it was never mailed.
7031	10/28/2011	Maria Acosta	Spoke with Mr. Johnson and I told him that we are mailing a letter today for Failure to File the Q3-11. He said that there had being no activity, but that the report will be filed today
7027	10/27/2011	Maria Acosta	Ms. Spivey call in reference to the Q3-11 Report. She was in the hospital and didn't filed and wanted to know how to enter on the site. First she told me that there was no activity and that she will do the waiver, then she told me that they had expenditures but not contributions, I told her that if she could not file a waiver if there were expenditures for the period. She is going to file today and will send the report.
6940	7/11/2011	Maria Acosta	Ms. Spivey came to our office to do the report and she had some questions on how to enter the information. I help her in the computer in the lobby. She is going to finish the report and have it sign and in the US Post Office by today.

**FLORIDA ELECTIONS COMMISSION
PHONE LOG
Case No.: FEC 11-297**

Respondent: Gary D. Johnson

Complainant: None

1. **Date and time:** 12/08/11; 2:33pm
Name: Maria Acosta, Miami Dade County SOE's Office
Phone #: 305-499-8410
Summary: I called the filing officer to request information pertaining to the "date of service" of the fine notice. I left a message for Ms. Acosta to call me [notice of appeal is dated 11/29/11; postmarked on 12/06/11; and received by FEC 12/08/11].
Memo to File? No
Entered by: DMalphurs
2. **Date and time:** 12/08/11; late afternoon
Name: Gail Spivey, Treasurer for Gary Johnson's campaign
Phone #:
Summary: I called Ms. Spivey to notify her that the candidate must appeal the fine himself. I also asked Ms. Spivey to provide her medical documentation supporting the circumstances claimed. Ms. Spivey stated she would speak to the candidate and inform him that he needs to appeal the fine himself.
Memo to File? No
Entered by: DMalphurs
3. **Date and time:** 12/14/11; afternoon
Name: Maria Acosta
Phone #: 305-499-8410
Summary: I called Ms. Acosta to follow-up my earlier message. Ms. Acosta stated she had been on vacation. Ms. Acosta stated that it appears R received her fine notice on 11/10/11; she agreed to fax me a copy of the electronic mail receipt.
Memo to File? No
Entered by: DMalphurs
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:



Elections
2700 NW 87th Avenue
Miami, Florida 33172
T 305-499-VOTE F 305-499-8547
TTY: 305-499-8480

miamidade.gov

June 23, 2011

Mr. Gary D. Johnson
P.O. Box 681691
Miami, FL 33168-1691

Dear Mr. Johnson:

Congratulations on becoming an announced candidate for Miami-Dade County Mayor in 2012. Pursuant to Florida Statute 106.07, you are required to file Campaign Treasurer's Reports as indicated in the enclosed 2012 Reporting Dates document.

In addition, per Miami-Dade County Code Section 12-17, you must file your Campaign Treasurer's Reports electronically. To satisfy this requirement, please submit your reports electronically through the Miami-Dade Elections website at http://www.voterfocus.com/ws/mdccand/candidate_pb.php?county=miamidade. To sign-in, please use ID Number [REDACTED] and the default password is [REDACTED]. As a security measure, please consider updating the password once you have successfully logged in.

Upon electronic submission, these reports must be printed from the Elections website provided above and the originally signed hardcopy must be filed with our office no later than 5:00 p.m. on the day designated. However any report postmarked by the U.S. Postal Service no later than midnight of the day designated shall be deemed to have been filed in a timely manner. Any report that is late shall be subject to a fine in line with Florida Statute 106.07.

In addition, the deadline to apply for public funds is 90 days after opening a campaign account, or 30 days before the first day of qualifying, whichever shall come first. The last date for you to apply for public funding is 9/12/2011.

Within 90 days after having withdrawn, become unopposed, been eliminated or elected to office, each candidate shall dispose of all funds in the campaign account and file a termination report in accordance with Florida Statute 106.141.

The Miami-Dade County Candidate Qualifying Handbook, inclusive of the Election Laws and the Candidate and Campaign Treasurer Handbook, is available on the Elections Department website or it may be requested in a CD-Rom format. This handbook as well as access to online reporting can be found at www.miamidade.gov/elections/top-government-officials.asp.

If you have any questions pertaining to this matter, please do not hesitate to contact me at 305-499-8403.

Sincerely,

A handwritten signature in black ink, appearing to read "Christina White". The signature is fluid and cursive.

Christina White
Director, Office of Governmental Affairs
Miami-Dade Elections Department

Enclosure

C: Gail Spivey

Certified No: 7008 1830 0003 9578 8539

2012 Reporting Dates

Quarterly:

The 10th day following the end of each calendar quarter from the time the campaign treasurer is appointed, except that, if the 10th day occurs on a Saturday, Sunday, or legal holiday F.S.106.07(1).

Report	Due Date	From	To
Q1-11	04-11-11	01-01-11	03-31-11
Q2-11	07-11-11	04-01-11	06-30-11
Q3-11	10-10-11	07-01-11	09-30-11
Q4-11	01-10-12	10-01-11	12-31-11
Q1-12	04-10-12	01-01-12	03-31-12

Primary Election:

After Qualifying on the 32nd, 18th, and 4th days preceding the First Primary. F.S. 106.07(1)(a).

Report	Due Date	From	To
F1-12	07-27-12	04-01-12	07-20-12
F2-12	08-10-12	07-21-12	08-03-12
F3-12	08-24-12	08-04-12	08-23-12

General Election:

On the 46th, 32nd, 18th and 4th days preceding the General Election. F.S. 106.07(1)(a).

Report	Due Date	From	To
G1-12	09-21-12	08-24-12	09-14-12
G2-12	10-05-12	09-15-12	09-28-12
G3-12	10-19-12	09-29-12	10-12-12
G4-12	11-02-12	10-13-12	11-01-12

Termination:

Following the last day of qualifying for office, any unopposed Candidate need only file a report within 90 days after becoming unopposed. F.S. 106.07(1)(c).

Report	Due Date	From	To
TR-QJ12	08-02-12	04-01-12	08-02-12 (Judicial)
TR-QC12	09-17-12	04-01-12	09-17-12 (Mayor, CC, C Council)
TR-Q12	09-20-12	04-01-12	09-20-12
TR-F12	11-26-12	08-24-12	11-26-12
TR-G12	02-04-13	11-02-12	02-04-12



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[Track & Confirm](#) [FAQs](#)

Track & Confirm

Search Results

Label/Receipt Number: **7008 1830 0003 9578 8539**
Status: **Delivered**

Your item was delivered at 1:53 pm on June 29, 2011 in MIAMI, FL 33168. A proof of delivery record may be available through your local Post Office for a fee.

Additional information for this item is stored in files offline.

Track & Confirm

Enter Label/Receipt Number.

Go >

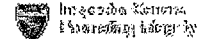
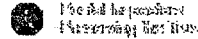
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Total Pos 008 1830 0003 9578 8539	
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Street, Apt. P.O. Box 681691	
or PO Box Miami, FL 33168-1691	
City, State,	
7008 1830 0003 9578 8539	

**Campaign Treasurer's Report
Electronic Filing Requirements
for Miami-Dade County**



- Candidate (office sought): MAYOR, MIAMI-DADE COUNTY
- Political Committee: _____
- Party Executive Committee: _____
- Other: _____

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MIAMI-DADE COUNTY
ELECTIONS DEPARTMENT

I, GARY D. JOHNSON
(Please print name of Candidate or Chairperson)

understand that Campaign Treasurer's Reports must be filed electronically in order to comply with the Miami-Dade County requirements.

Additionally, a hard copy of the Campaign Treasurer's Reports must be printed from the Miami-Dade County Elections Department website and submitted by the reporting deadline with original signatures.

Gary D. Johnson
Signature of Candidate or Chairperson

6/14/2011
Date

Day Time Telephone No: 786-370-3203

Email Address: CLERGYFORCHANGE@GMAIL.COM

This form must be filed with the qualifying officer within 10 days after the Appointment of Campaign Treasurer and Designation of Campaign Depository form is filed.



Elections
2700 NW 87th Avenue
Miami, Florida 33172
T 305-499-VOTE F 305-499-8547
TTY: 305-499-8480

miamidade.gov

December 9, 2011

Mr. Gary D. Johnson
P.O. Box 681691
Miami, FL 33168-1691

Dear Mr. Johnson:

Our records indicate that on 6/23/2011 an acknowledgment letter was mailed to you confirming you as an announced candidate for County Mayor in 2012. This letter included pertinent information that has been affected by recent legislative changes. Our office has updated our website as the changes have occurred. However, to ensure you are appropriately informed of these important updates, this letter serves as a summary of key State and County legislative changes that impact you as a candidate.

At the State level, House Bill 1355 passed the legislature, making significant changes to the Election Laws of the State of Florida. Among them was the Primary Election date being moved up two weeks and thus the 2012 Miami-Dade County Primary Election will take place on August 14, 2012. Since qualifying dates and campaign finance report dates correspond with the election date, these important dates have all changed. As such, please see the enclosed 2012 Summary of Candidate Qualifying Dates and Campaign Treasurer Reporting Dates documents, and review them carefully.

At the local level, the Miami-Dade Board of County Commissioners (the Board) passed Ordinance 11-87, adopted on 11/13/11, amending Sections 12-17 and 12-21 of the Code of Miami-Dade County regarding the filing of your campaign finance reports with the Supervisor of Elections. All entities filing with Miami-Dade County are now required to submit campaign finance reports only online. The original signed hardcopies are no longer required.

You will continue to file reports electronically through the Miami-Dade Elections website; however now your online submission must be received no later than midnight of the day designated, per Florida Statute 106.0705(3). Any report that is received electronically after the designated date will be considered late and shall be subject to a fine in accordance with Florida Statute 106.07.

To sign-in, please continue using your currently designated user ID and password. When submitting your campaign reports electronically, you will now be required to use an electronic signature pin. Your temporary signature pin is 1234 and your campaign treasurer's signature pin is [REDACTED]. For security reasons, you are encouraged to reset these with unique four digit signature pins.

Please note, both the reporting dates and method of reporting have changed. We are taking this opportunity to also provide you with a new resource entitled "Guidelines to a Successful Campaign Report." We find that most mistakes are common and require the filing of amendment reports to rectify deficiencies. Utilizing these tips will help reduce the need for additional reporting on your end.

Letter to Mr. Gary D. Johnson
2011 Legislative Changes
Page 2

Lastly, the Board also passed Ordinance 11-93 on 12/06/11, amending Section 12-14 of the Code of Miami-Dade County pertaining to absentee ballot handling. This amendment added penalties for picking up and/or returning absentee ballots in excess of those authorized in accordance with Miami-Dade County's designee policy. The amendment further clarifies that the absentee ballot policy applies to the pick-up and return of ballots by hand, mail, or other methods. Failure to comply can now result in a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment in the County jail for a period not to exceed sixty (60) days, or by both such fine and imprisonment. Section 12-14 of the Code of Miami-Dade County will now be provided with all absentee ballot data requests fulfilled by our Public Services Counter.

The Miami-Dade County Candidate Qualifying Handbook has been updated to include these changes. This handbook as well as access to the above-referenced legislation can be found at <http://www.miamidade.gov/elections/candidates.asp>. We encourage you to familiarize yourself with these resources to ensure your continued compliance with applicable laws.

If you have any questions pertaining to this letter, please do not hesitate to contact the Candidate Services Unit at 305-499-8410.

Sincerely,



Christina White
Deputy Supervisor of Elections
Miami-Dade Elections Department

Enclosures

C: Gail Spivey, Treasurer

Certified No: 7008 1830 0003 9579 0242

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DATE & TIME

Delivered	December 12, 2011, 12:57 pm
Arrival at Unit	December 10, 2011, 8:29 am
Processed through USPS Sort Facility	December 10, 2011, 1:42 am

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Sent To: Mr. Gary D. Johnson
P.O. Box 681691
Miami, FL 33168-1691

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T 305-499-VOTE F 305-499-8547
TTY: 305-499-8480

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November 2, 2011

Mr. Gary D. Johnson
P. O. Box 681691
Miami, FL 33168-1691

NOTICE OF LATE FILING – FINE DUE – \$126.03

Q3-11 Campaign Treasurer's Report
Due Date: 10/11/2011
Period Covered: 7/1/2011 – 9/30/2011

Dear Mr. Johnson,

The Q3-11 Campaign Treasurer's Report filed with our office was received on 10/31/2011. Since this report was not filed by the appropriate filing date, a fine is being assessed for each late day pursuant to Florida Statute 106.07(8)(b).

As such, fines are calculated at a rate of \$50.00 per day for the first 3 days and thereafter, \$500.00 per day for each late day. These fines are not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report. Therefore, since the report was 20 days late, the fine is \$126.03, which is 25% of your total expenditures of \$504.11. Said fine must be received by our office at 2700 NW 87th Avenue, Miami, FL 33172 within twenty (20) days of your receipt of this notice. The check should be made payable to the Board of County Commissioners paid only from candidate's personal funds.

Florida Statute 106.07(8)(b) goes on to say that the fine may be appealed or disputed based upon unusual circumstances surrounding the failure to file by the designated due date. A hearing before the Florida Elections Commission may be requested, which shall have the authority to waive the fine in part or whole. Any such request must be submitted in writing and must be received by the Florida Elections Commission within 20 days of your receipt of this notice. To request an appeal, please write to the Florida Elections Commission, 107 West Gaines Street, Collins Building, Suite 224, Tallahassee, FL 32399-1050. Our office must also be notified of the intent to bring this matter before the Commission.

I urge you to promptly resolve this matter. If not, in accordance with Florida Statute 106.07(8)(d), we will be required to notify the Florida Elections Commission of this late filing and failure to pay the imposed fine.

If you have any questions regarding this matter, please contact the Candidate Services Unit at 305-499-8410.

Sincerely,

Christina White
Deputy Supervisor of Elections
Miami-Dade Elections Department

C: Gail Spivey, Treasurer

Certified No: 7008 1830 0003 9578 9963

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YOUR LABEL NUMBER

7008183000395789963

SERVICE	STATUS OF YOUR ITEM	DATE & TIME
	Delivered	November 10, 2011, 10:00 am
	Notice Left	November 08, 2011, 7:44 am
	Arrival at Unit	November 05, 2011, 8:26 am
	Processed through USPS Sort Facility	November 05, 2011, 1:06 am

Check on Another Item

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Sen Mr. Gary D. Johnson

St/P P.O. Box 681691

City Miami, FL 33168-1691

PS Form 3800, August 2009

See Reverse for Instructions

Miscellaneous Information

1026 **Gary D. Johnson**

	ConvDate:	EmpName:	Conversation:
7031	10/28/2011	Maria Acosta	Spoke with Mr. Johnson and I told him that we are mailing a letter today for Failure to File the Q3-11. He said that there had being no activity, but that the report will be filed today
7027	10/27/2011	Maria Acosta	Ms. Spivey call in reference to the Q3-11 Report. She was in the hospital and didn't filed and wanted to know how to enter on the site. First she told me that there was no activity and that she will do the waiver, then she told me that they had expenditures but not contributions, I told her that if she could not file a waiver if there were expenditures for the period. She is going to file today and will send the report.
6940	7/11/2011	Maria Acosta	Ms. Spivey came to our office to do the report and she had some questions on how to enter the information. I help her in the computer in the lobby. She is going to finish the report and have it sign and in the US Post Office by today.

**Receipt of Handbook and the
Election Laws of the State of Florida**



Candidate/Chairperson:

GARY D. JOHNSON

First Name	Middle Name	Last Name
------------	-------------	-----------

MAYOR, MIAMI-DADE COUNTY

Office Sought / Organization

This is to acknowledge my receipt of the following documents:

Handbooks Available	Edition	Downloaded from Internet	CD-Rom	Other
The Election Laws of the State of Florida		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Miami-Dade County Qualifying Handbook		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Committee Handbook		<input type="checkbox"/>	<input type="checkbox"/>	
Electioneering Committee Handbook		<input type="checkbox"/>	<input type="checkbox"/>	

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 MIAMI-DADE COUNTY
 ELECTIONS DEPARTMENT

Received by: *Gary D. Johnson*
 Candidate/Chairperson Signature

Date: *6/14/2011*

Phone No.: 786-370-3203

Fax No.: _____

E-mail address: CLERGYFORCHANGE@GMAIL.COM

**STATEMENT OF
CANDIDATE**

(Section 106.023, F.S.)

(Please print or type)

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MIAMI-DADE COUNTY
ELECTIONS DEPARTMENT

I, GARY D. JOHNSON ,

candidate for the office of MAYOR, MIAMI-DADE COUNTY ;

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

X Gary D. Johnson
Signature of Candidate

6/14/2011
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).

CAMPAIGN TREASURER'S REPORT - ITEMIZED CONTRIBUTIONS

(1) Name Gary D. Johnson (2) I.D. Number 1026
 7/1/2011 through 9/30/2011
 (3) Cover Period 7/1/2011 through 9/30/2011 (4) Page 1 of 1

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor Type: Occupation		(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
8/15/2011 <i>f l</i>	Nicoleau, Carl 2501 S Ocean Drive Hollywood, FL 33019	I		CA			\$50.00
1							
8/15/2011 <i>f l</i>	Johnson, Carl K 1715 NW 190 Terr Miami Gardens, FL 33056	I		CH			\$100.00
2							
8/15/2011 <i>f l</i>	Joseph, Sharon 1101 NE 158 Street North Miami Beach, FL 33162	I		CA			\$50.00
3							
<i>f l</i>							
<i>f l</i>							
<i>f l</i>							
<i>f l</i>							
<i>f l</i>							

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CAMPAIGN TREASURER'S REPORT - ITEMIZED EXPENDITURES

(1) Name Gary D. Johnson

(2) I.D. Number 1026

(3) Cover Period 7/1/2011 through 9/30/2011

(4) Page 1 of 3

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
7/1/2011 / /	Exxon Mobil, 190 NE 119 Street Miami, FL 33147	pay gas station	MO		\$20.00
1					
7/1/2011 / /	Sunshine Station, 790 NE 167 Street North Miami, FL 33161	pay gas station	MO		\$10.07
2					
7/5/2011 / /	Slasher's Printing, 9506 NW 7th Avenue Miami, FL 33147	campaign marketing material	MO		\$47.50
3					
7/5/2011 / /	Little Havana, 12727 Biscayne Blvd North Miami, FL 33181	campaign meeting	MO		\$45.30
4					
7/5/2011 / /	IHOP, 1100 NE 167 Street North Miami Beach, FL 33162	campaign meeting	MO		\$30.64
5					
7/5/2011 / /	7-Eleven, 590 NE 125 Street North Miami, FL 33161	pay gas station	MO		\$20.00
6					
7/5/2011 / /	Senor Cafe, 1520 South Federal Hwy Hollywood, FL 33024	campaign meeting	MO		\$15.07
7					
7/5/2011 / /	Go Daddy.com, online	domain name			\$12.17
8					

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CAMPAIGN TREASURER'S REPORT - ITEMIZED EXPENDITURES

(1) Name Gary D. Johnson (2) I.D. Number 1026
 (3) Cover Period 7/1/2011 through 9/30/2011 (4) Page 2 of 3

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
7/6/2011 / /	MLK Restaurant, 2469 NW 62 Street Miami, FL 33147	campaign meeting	MO		\$12.71
9					
7/6/2011 / /	Exxon Mobil, 190 NE 119 Street Miami, FL 33147	pay gas station	MO		\$20.00
10					
7/11/2011 / /	Exxon Mobil, 190 NE 119 Street Miami, FL 33147	pay gas station	MO		\$20.00
11					
7/11/2011 / /	Papa Johns, 13905 W Dixie Hwy North Miami, FL 33161	campaign meeting	MO		\$12.46
12					
7/12/2011 / /	Metro Pcs, online	candidate phone bill	MO		\$53.00
13					
7/12/2011 / /	Spivey, Gail 15000 NE 6th Place North Miami Beach, FL 33161	reimbursement: office supplies	MO		\$42.56
14					
7/13/2011 / /	MLK Restaurant, 2469 NW 62 Street Miami, FL 33147	campaign meeting	MO		\$20.05
15					
7/22/2011 / /	MLK Restaurant, 2469 NW 62 Street Miami, FL 33147	campaign meeting	MO		\$18.06
16					

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ELECTIONS

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CAMPAIGN TREASURER'S REPORT - ITEMIZED EXPENDITURES

(1) Name Gary D. Johnson (2) I.D. Number 1026
 (3) Cover Period 7/1/2011 through 9/30/2011 (4) Page 3 of 3

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
8/22/2011 //	Sunshine Station, 11805 North Miami Ave North Miami, FL 33181	pay gas station	MO		\$10.00
17					
8/23/2011 //	Burger King, 12790 NW 7th Avenue Miami, FL 33147	campaign meeting	MO		\$6.51
18					
8/26/2011 //	Exxon Mobil, 190 NW 119 Street North Miami, FL 33161	pay gas station	MO		\$30.00
19					
9/14/2011 //	Metro Pcs, online	candidate phone bill	MO		\$58.00
20					
//					
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November 29, 2011

Florida Elections Commission
107 West Gaines Street
Collins Building, Suite 224
Tallahassee, FL 32399-1050

RE: Notice of Late Filing - Q3-11 Campaign Treasurer's Report Due Date: 10/11/2011

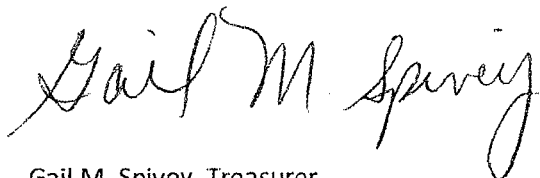
Period Covered: 07/2/2011 – 9/30/2011

To Whom It May Concern:

I am sending this letter to request an appeal regarding the fines of \$126.03 assessed for not filing the Q3-11 Campaign Treasurer's Report by appropriate date. Due to illness, I was unable to prepare and submit Treasurer's report by due date October 11, 2011.

In addition, Gary Johnson became ill and was unable to submit report by the appropriate filing date. Documentation can be submitted upon request. Please give me a call at (305)303-6360 if you have any questions.

Sincerely,



Gail M. Spivey, Treasurer

C: Christina White, Deputy Supervisor of Elections

Miami-Dade Elections Department

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Elections
2700 NW 87th Avenue
Miami, Florida 33172
T 305-499-VOTE F 305-499-8547
TTY: 305-499-8480

miamidade.gov

November 2, 2011

Mr. Gary D. Johnson
P.O. Box 681691
Miami, FL 33168-1691

NOTICE OF LATE FILING – FINE DUE – \$126.03
Q3-11 Campaign Treasurer's Report
Due Date: 10/11/2011
Period Covered: 7/1/2011 – 9/30/2011

Dear Mr. Johnson,

The Q3-11 Campaign Treasurer's Report filed with our office was received on 10/31/2011. Since this report was not filed by the appropriate filing date, a fine is being assessed for each late day pursuant to Florida Statute 106.07(8)(b).

As such, fines are calculated at a rate of \$50.00 per day for the first 3 days and thereafter, \$500.00 per day for each late day. These fines are not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report. Therefore, since the report was 20 days late, the fine is \$126.03, which is 25% of your total expenditures of \$504.11. Said fine must be received by our office at 2700 NW 87th Avenue, Miami, FL 33172 within twenty (20) days of your receipt of this notice. The check should be made payable to the Board of County Commissioners paid only from candidate's personal funds.

Florida Statute 106.07(8)(b) goes on to say that the fine may be appealed or disputed based upon unusual circumstances surrounding the failure to file by the designated due date. A hearing before the Florida Elections Commission may be requested, which shall have the authority to waive the fine in part or whole. Any such request must be submitted in writing and must be received by the Florida Elections Commission within 20 days of your receipt of this notice. To request an appeal, please write to the Florida Elections Commission, 107 West Gaines Street, Collins Building, Suite 224, Tallahassee, FL 32399-1050. Our office must also be notified of the intent to bring this matter before the Commission.

I urge you to promptly resolve this matter. If not, in accordance with Florida Statute 106.07(8)(d), we will be required to notify the Florida Elections Commission of this late filing and failure to pay the imposed fine.

If you have any questions regarding this matter, please contact the Candidate Services Unit at 305-499-8410.

Sincerely,

Christina White
Deputy Supervisor of Elections
Miami-Dade Elections Department

C: Gail Spivey, Treasurer

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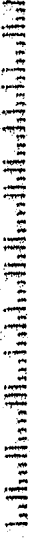
Gail Spivey
15000 NE 6th Pl
Miami, FL 33161-2220

Attn: Christina White
Deputy Supervisor of Elections
Miami-Dade Elections Department

2700 NW 87 Ave

Miami, Florida 33172

33172-1530



Miami-Dade County 2012 Candidates Qualifying Dates Summary

Candidates Qualifying with Miami-Dade County Elections:

	Office / Reference	2012 Qualifying Dates
State and County Party Executive Committees (Partisan)	<i>"Not earlier than noon of the 71st day, or later than noon of the 67th day, preceding the primary election." [F.S. 103.091(4)]</i>	Noon, Monday, June 4, 2012 through Noon, Friday, June 8, 2012
County Court Judge (Nonpartisan)	<i>"No earlier than noon of the 120th day, and no later than noon of the 116th day, before the primary election." [F.S. 105.031(1)]</i>	Noon, Monday, April 16, 2012 through Noon, Friday, April 20, 2012
Clerk of the Circuit and County Courts (Partisan)	<i>"At any time after noon of the 1st day for qualifying, which shall be the 71st day prior to the primary election, but not later than noon of the 67th day prior to the date of the primary election." [F.S. 99.061(2)]</i>	Noon, Monday, June 4, 2012 through Noon, Friday, June 8, 2012
Property Appraiser (Nonpartisan)	<i>"No earlier than the 84th day and no later than noon on the 70th day prior to the date of the election at which he or she is a candidate." [Miami-Dade County Code of Ordinances, Part III, Chapter 2, Article VII, Section 2-69(c)]</i>	8:00 am, Tuesday, May 22, 2012 through Noon, Tuesday, June 5, 2012
School Board (Nonpartisan)	<i>"No earlier than noon of the 71st day, and no later than noon of the 67th day, before the primary election." [F.S. 105.031(1)]</i>	Noon, Monday, June 4, 2012 through Noon, Friday, June 8, 2012
County Commissioner (Nonpartisan)	<i>"No earlier than the 84th day and no later than noon on the 70th day prior to the date of the election at which he/she is a candidate." [Miami-Dade County Charter, Article - 3, Section 3.04(A)]</i>	8 a.m., Tuesday, May 22, 2012 through Noon, Tuesday, June 5, 2012
Mayor (Nonpartisan)	<i>"No earlier than the 84th day and no later than noon on the 70th day prior to the date of the election at which he/she is a candidate." [Miami-Dade County Charter, Article - 3, Section 3.04(A)]</i>	8 a.m., Tuesday, May 22, 2012 through Noon, Tuesday, June 5, 2012
Community Council (Nonpartisan)	<i>"Not earlier than the 72nd day and no later than noon on the 70th day prior to the date of the election at which he or she is a candidate." [Miami-Dade County Code of Ordinances, Part III, Chapter 20, Article IV, Section 20-43(A)(4)]</i>	8 a.m., Monday, June 4, 2012* through Noon, Tuesday, June 5, 2012
South Dade Soil and Water Conservation District (Nonpartisan)	<i>"Between noon of the 71st day prior to the primary election and noon of the 67th day prior to the date of the primary election." [F.S. 99.061(3)]</i>	Noon, Monday, June 4, 2012 through Noon, Friday, June 8, 2012
Community Development Districts (Nonpartisan)	<i>"Between noon of the 71st day prior to the primary election and noon of the 67th day prior to the date of the primary election." [F.S. 99.061(3)]</i>	Noon, Monday, June 4, 2012 through Noon, Friday, June 8, 2012

* Since the date falls on a Sunday, it has been moved to the next business day.

Candidates Qualifying with the State Division of Elections:

Federal, State, Judicial (except County Court Judge), and multicounty district offices:

Those candidates qualifying with the State Division of Elections may visit the State website at <http://election.dos.state.fl.us/candidate/Qualifying-info.shtml> for qualifying dates and additional information.

**Miami-Dade County
2012 Campaign Treasurer's Reporting Dates
For Candidates**

Quarterly:

The 10th day following the end of each calendar quarter from the time the campaign treasurer is appointed, except that, if the 10th day occurs on a Saturday, Sunday, or legal holiday [F.S.106.07(1)]

Report	Due Date	From	To
Q4-10	01-10-11	10-01-10	12-31-10
Q1-11	04-11-11	01-01-11	03-31-11
Q2-11	07-11-11	04-01-11	06-30-11
Q3-11	10-11-11	07-01-11	09-30-11
Q4-11	01-10-12	10-01-11	12-31-11
Q1-12	04-10-12	01-01-12	03-31-12

Primary Election:

After Qualifying on the 32nd, 18th, and 4th days preceding the Primary. [F.S. 106.07(1)(a)]

Report	Due Date	From.....	To
F1-12	07-13-12	04-01-12	07-06-12
F2-12	07-27-12	07-07-12	07-20-12
F3-12	08-10-12	07-21-12	08-09-12

General Election:

On the 46th, 32nd, 18th and 4th days preceding the General Election [F.S. 106.07(1)(a)]

Report	Due Date	From.....	To
G1-12	09-21-12	08-10-12	09-14-12
G2-12	10-05-12	09-15-12	09-28-12
G3-12	10-19-12	09-29-12	10-12-12
G4-12	11-02-12	10-13-12	11-01-12

Termination:

Within 90 days after having withdrawn, become unopposed, been eliminated or elected to office, each candidate shall dispose of all funds in the campaign account and file a termination report. [F.S. 106.141]

Report	Due Date	From.....	To
TR-QJ12	07-19-12	04-01-12	07-19-12 (after April 20 th qualifying)
TR-QC12	09-03-12	04-01-12	09-03-12 (after June 5 th qualifying)
TR-Q12	09-06-12	04-01-12	09-06-12 (after June 8 th qualifying)
TR-F12	11-12-12	08-10-12	11-12-12 (after Primary Election)
TR-G12	02-04-13	11-02-12	02-04-13 (after General Election)

Additional Information:

Campaign Treasurer's Reports must be filed with the Miami-Dade County Supervisor of Elections online at <http://www.miamidade.gov/elections/campaignreports>. Online submissions must be received no later than midnight on the day designated, per Florida Statute 106.0705(3). Any report that is received electronically after will be considered late and shall be subject to a fine in accordance with Florida Statute 106.07(8)(b). The original signed hardcopies are no longer required.

The Miami-Dade County Candidate Qualifying Handbook, inclusive of the Election Laws and the Candidate and Campaign Treasurer Handbook, is available on the Elections Department website at <http://www.miamidade.gov/elections/candidates.asp>.

If you have any questions pertaining to this matter, please contact the Candidate Services Unit at 305-499-8410 or via email at soemaco@miamidade.gov.

Miami-Dade County Elections Department
Guidelines to Successful Campaign Treasurer's Reports
(Per Chapter 106, Florida Statutes)

Contributions

- All Contributions must have complete itemized information including the date, name, complete address, occupation (if over \$100.00) and dollar amount.
- Contributions entered must fall within the time period covered by the report.
- Contributions are limited to \$500 per election, per person, of which only up to \$50.00 cash can be received.
- For reporting purposes, a credit card, debit card, money order, or Paypal contribution is considered a check and it has a limit of \$500.00.
- A cashier's check is reported as cash and it has a limit of \$50.00.
- Contributions collected via Paypal or a third-party vendor to collect contributions must be reported in full (transaction fees are not deducted from the contribution amount, but rather reflected as an expenditure).
- Occupation needs to be specific. Do not use "Businessman/woman, Business Owner, Sales, Salesman/woman" etc. Examples of acceptable occupations include Car Sales, Printing Shop Owner, Bank Manager, Attorney, etc.
- The person signing the check is the contributor, except for a company check that is a "Business" entity.
- In-kind contributions are also limited to \$500 per election, per person.

Expenditures

- All expenditures must have complete itemized information including the date, name, complete address, purpose of expenditure, and dollar amount.
- Expenditures entered must fall within the time period covered by the report.
- A reimbursement from the campaign account is allowable directly to an individual/organization that has incurred approved expenses on behalf of the campaign. The report must include the full name, full address, specific purpose, and amount of reimbursement. Campaign accounts should not provide a direct payment to the credit card of an individual/organization as a form of reimbursement.
- Poll workers should be paid with a campaign check and itemized for each poll worker who is paid.
- Fees assessed by Paypal or a third-party vendor to collect contributions must be reported as expenditures (not deducted from the contribution amount).

Petty Cash

- The Petty Cash withdrawn limit is \$500.00 per calendar quarter prior to qualifying. Thereafter it is \$100.00 per week.
- It shall be spent only in amounts less than \$100 and only for office supplies, transportation expenses and other necessities.
- The Petty Cash Withdrawn must be reported in the period that was withdrawn from the bank.
- The Petty Cash Spent must also be reported in the period that it was spent. When it is described as Petty Cash Spent, it will not impact the Total Expenditures for the period, only when it is withdrawn.
- Petty Cash Withdrawn and Petty Cash Spent must equal at the end of the campaign.

Notices

- You will be notified of any deficiencies or violations.
- Typical violations include late filing, fine due, and incomplete information on a campaign report.
- ***Following these guidelines will reduce notices sent to you and thus the number of amendment reports that will need to be filed.***

Fines

- Fines assessed to candidates must be paid from candidate's personal funds.
- Fines to political action committees, committees of continuous existence, electioneering communication organizations, and "independent expenditures over \$5,000" are to be paid from their campaign account.
- Fines must be paid to the filing officer within 20 days after receipt of the notice of payment due, unless an appeal is made to the Florida Elections Commission within 20 days after receipt of the notice of payment due.
- Please reference Florida Statute 106.07(8)(b) for fine amounts.

Termination Report

- At the end of the Campaign, the "Total Contributions to Date" and "Total Expenditures to Date" on the Termination Report must equal.



FLORIDA ELECTIONS COMMISSION

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

December 15, 2011

The Honorable Penelope Townsley
Miami-Dade Supervisor of Elections
Post Office Box 521550
Miami, FL 33152

RE: Case No.: FEC 11-297; Campaign Treasurer's Report due October 11, 2011

Dear Supervisor Townsley:

Candidate **Gary D. Johnson** has appealed the fine assessed for failing to timely file the above-referenced report.

In order for us to present this appeal to the Florida Elections Commission, it is necessary to ask you to furnish us with copies of the following information, if available:

- The CTR that was filed late
- The envelope that contained the report
- Card or letter reminding candidate that report was due
- The filing officer's failure to file letter
- The filing officer's fine letter
- Certified mail receipt or other evidence that the fine letter was received
- Additional relevant notes or phone logs
- Appointment of Campaign Treasurer and Designation of Campaign Depository form
- The filing history

A filing history is a list of reports filed by this candidate with a notation of any late filing fines assessed against the candidate for failing to timely file reports. Please return the requested information to me by December 28, 2011.

I appreciate your assistance in obtaining this information. Please let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Tracie Aulet".

Tracie Aulet
Investigation Specialist



FLORIDA ELECTIONS COMMISSION
107 W. Gaines Street, Collins Building
Suite 224
Tallahassee, Florida 32399-1050
(850) 922-4539

December 15, 2011

Mr. Gary D. Johnson
Post Office Box 681691
Miami, Florida 33168-1691

RE: Case No.: FEC 11-297; Campaign Treasurer's Report due 10/11/11

Dear Mr. Johnson:

The Florida Elections Commission received a letter of appeal from your campaign treasurer dated November 29, 2011, appealing the fine assessed against you for failing to timely file your campaign treasurer's report. However, we also received an email from you appealing the fine and appointing Gail Spivey, your campaign treasurer to represent you in this appeal.

I anticipate that the Commission will hear your case at its next meeting, which is presently scheduled for February 21, and 22, 2012, in Tallahassee. However, please call our office to verify when your case will be heard.

In reaching its decision, the Commission will consider the documents gathered by Commission staff and any documents you submit for the Commission's consideration before its meeting. Unless good cause is shown, the Commission will not consider any written document unless it has been filed with the Commission Clerk at least ten days before the meeting. Rules 2B-1.005, 1.0052, and 1.0055, *Florida Administrative Code*, are the Commission's rules on the appeal of automatic fines.

The Commission will uphold the fine imposed by the filing officer unless you provide credible evidence that the report was timely filed or credible evidence that unusual or other circumstances caused the report to be filed late.

If you are a county, municipal, or special district candidate or committee and your report was received by the filing officer without a postmark or with an illegible postmark more than five days after the due date or it was delivered to the filing officer by a mail delivery service other than the United States Postal Service, it will not be found timely filed unless you submit a copy of a proof of mailing or at a hearing before the Commission, presents the oral testimony of the person who timely mailed the report.

The proof of mailing submitted shall reflect that it was obtained from the United States Postal Service or other mail delivery service at the time of mailing and shall reflect that the report was mailed before midnight on the due date. A metered postage mark does not constitute a postmark or a proof of mailing.

If you cannot show that your report was timely filed, the Commission may still grant you relief, but only if you show unusual circumstances. **Unusual circumstances is defined in Rule 2B-1.005(4), Florida Administrative Code, to mean “uncommon, rare, or sudden events over which the actor has no control and which directly result in the failure to act in accordance with the filing requirements.”** Unusual circumstances must occur within a time period that would clearly have prevented you from filing the report in a timely manner. Unusual circumstances shall not include the failure of the United States Postal Service or other mail delivery service to postmark an envelope, legibly postmark an envelope, or timely deliver mail. Further, unusual circumstances shall not include the failure of the sender to affix sufficient postage to a report that is being mailed.

Without credible evidence, the Commission will not find unusual circumstances. The following circumstances may constitute unusual circumstances so long as credible evidence is presented that unusual circumstances caused the report to be filed late.

1. **Natural disaster or other emergency that prevented timely filing.** Evidence submitted must include copies of newspaper reports or other documents from an independent and reliable source that shows the nature, date, and location of the natural disaster or emergency.
2. **Death of the candidate or campaign treasurer or an immediate family member of the candidate or campaign treasurer.** Evidence submitted must include a copy of the death certificate, newspaper obituary, or funeral program, or notice.
3. **Serious illness, disability or non-elective surgery of the candidate or campaign treasurer.** Evidence submitted must include a physician's certification on professional letterhead stationery that includes the dates of the illness, disability, or surgery; a statement regarding the period of time that the patient was incapacitated; and a statement that surgery, if any, was not elective. Copies of hospital records reflecting the dates of hospitalization may also show the period of incapacitation.
4. **Serious illness, disability, or non-elective surgery of the immediate family member of the candidate or campaign treasurer.** Evidence submitted must include evidence of the relationship of the candidate or treasurer to the family member, the location of the family member, and the reason the presence of the candidate or campaign treasurer was required. Evidence submitted must also include a physician's certification on professional letterhead stationery that includes the dates of the illness, disability or surgery; a statement regarding the period of time that the patient was incapacitated; a statement that surgery, if any, was not elective;

and a statement that the patient required the care of a family member.

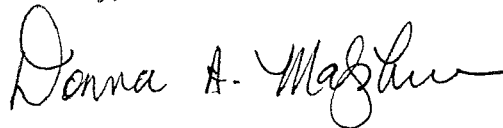
5. **Computer or equipment failure caused by events that could not have been anticipated and that made timely filing of the report impossible.** Power outages or program failure does not constitute unusual circumstances unless it is established that reasonable precautions to assure the safety of the equipment or the ability of the program to perform as anticipated were taken before the events causing failure of the equipment or program. Evidence must include a written statement made under oath in the presence of a notary or other person authorized to administer oaths indicating the cause and the duration of the power outage and the reasonable precautions taken to assure the safety of the equipment or the ability of the program to perform as anticipated.
6. **The abrupt and unexpected loss of the campaign treasurer, over which you had no control.** The loss of the campaign treasurer does not constitute unusual circumstances if the appealing party failed to monitor the campaign treasurer's performance before his or her departure or if the appealing party failed to assure prompt preparation of the report after the treasurer's departure. Evidence must include a written statement made under oath in the presence of a notary or other person authorized to administer oaths explaining the departure of your treasurer and the steps taken to monitor the treasurer's performance before his or her departure.

You may, of course, send any additional evidence that you believe supports your position that your report was timely filed or that unusual circumstances cause your report to be filed late. Rule 2B-1.005(3), Florida Administrative Code, provides that if you send additional documentary evidence, the Commission must receive it no later than 20 days from the date of this letter. Remember that the Commission will not consider any written document unless it has been filed with the Commission Clerk at least ten days before the meeting, unless good cause is shown. If the documentary evidence is timely received, it will be presented to the Commission when it considers your appeal of the assessed fine.

It is your responsibility to provide the Commission with credible evidence that the report was timely filed or credible evidence that unusual circumstances caused the report to be filed late. If you do not provide the evidence requested in this letter or in the Commission rules, the Commission will uphold the fine assessed by the filing officer.

If you have any questions, please contact Tracie Aulet, Investigator, at extension is 114.

Sincerely,



Donna Ann Malphurs
Agency Clerk



Gary D. Johnson
Acosta, Maria (Elections)

to:
Donna Malphurs
12/13/2011 11:19 AM
Show Details

2 Attachments



Letter Mail 11-02-2011.pdf MiscInf List.pdf

Good morning,

As per your request, attached is a copy of the Fine Letter sent to Mr. Johnson with the USPostal Service confirmation. I'm also including the Notes from our database.

If you have any questions, please let me know.

Maria Acosta
Miami-Dade Elections Department
Election Coordination, Campaigns and Compliance
305-499-8410
www.miamidade.gov
"Delivering Excellence Every Day"



Elections
2700 NW 87th Avenue
Miami, Florida 33172
T 305-499-VOTE F 305-499-8547
TTY: 305-499-8480

miamidade.gov

November 2, 2011

Mr. Gary D. Johnson
P.O. Box 681691
Miami, FL 33168-1691

NOTICE OF LATE FILING – FINE DUE – \$126.03

**Q3-11 Campaign Treasurer's Report
Due Date: 10/11/2011
Period Covered: 7/1/2011 – 9/30/2011**

Dear Mr. Johnson,

The Q3-11 Campaign Treasurer's Report filed with our office was received on 10/31/2011. Since this report was not filed by the appropriate filing date, a fine is being assessed for each late day pursuant to Florida Statute 106.07(8)(b).

As such, fines are calculated at a rate of \$50.00 per day for the first 3 days and thereafter, \$500.00 per day for each late day. These fines are not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report. Therefore, since the report was 20 days late, the fine is \$126.03, which is 25% of your total expenditures of \$504.11. Said fine must be received by our office at 2700 NW 87th Avenue, Miami, FL 33172 within twenty (20) days of your receipt of this notice. The check should be made payable to the Board of County Commissioners paid only from candidate's personal funds.

Florida Statute 106.07(8)(b) goes on to say that the fine may be appealed or disputed based upon unusual circumstances surrounding the failure to file by the designated due date. A hearing before the Florida Elections Commission may be requested, which shall have the authority to waive the fine in part or whole. Any such request must be submitted in writing and must be received by the Florida Elections Commission within 20 days of your receipt of this notice. To request an appeal, please write to the Florida Elections Commission, 107 West Gaines Street, Collins Building, Suite 224, Tallahassee, FL 32399-1050. Our office must also be notified of the intent to bring this matter before the Commission.

I urge you to promptly resolve this matter. If not, in accordance with Florida Statute 106.07(8)(d), we will be required to notify the Florida Elections Commission of this late filing and failure to pay the imposed fine.

If you have any questions regarding this matter, please contact the Candidate Services Unit at 305-499-8410.

Sincerely,

Christina White
Deputy Supervisor of Elections
Miami-Dade Elections Department

C: Gail Spivey, Treasurer

Certified No: 7008 1830 0003 9578 9963