

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Kyle Gibson

Case No.: FEC 19-563

TO: Kyle Gibson
PO Box 590581
Tamarac, FL 33359-0581

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

NOTICE OF VIRTUAL HEARING (INFORMAL HEARING)

A hearing will be held in this case before the Florida Elections Commission on, **May 25, 2021, at 8:30 am EST**, or as soon thereafter as the parties can be heard.

Please note that because of COVID-19, this will be a virtual meeting conducted by remote video or teleconference. Enclosed you will find additional details on joining the video conference via GoToWebinar, **9-Digit Webinar ID 640938187** or via **teleconference by dialing (866) 901-6455** and entering the **meeting access code 278040912**, when prompted. **If you wish to speak before the Commission, you will need to appear by webcam and will be sworn in remotely.** Please be advised that the Commission will consider multiple cases, so you will need to wait until your case is considered. If you have any questions, please contact Commission staff at (850) 922-4539.

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

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

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

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

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

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

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

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

See further instructions on the reverse side.

Tim Vaccaro
Executive Director
Florida Elections Commission
May 10, 2021

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

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

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



Commission Meeting May 25, 2021 at 8:30AM via GoToWebinar and OpenVoice

In order to participate in the public portion of the May 25, 2021, Florida Elections Commission meeting, please follow the instructions below:

- A. GoToWebinar – Remote Video Conferencing
 1. Open your web browser and search GoToWebinar or enter www.gotowebinar.com.
 2. Select "Join" in the upper right corner of the website.
 3. Enter the 9-digit Webinar ID: 640938187 and your email address.
 4. Register your name and email address.
 5. You will automatically join the meeting as an attendee. Attendees are muted and can choose to utilize their webcam.

- B. OpenVoice - Teleconference
 1. Call 1-866-901-6455
 2. Enter Access Code 278-040-912
 3. You will automatically join the meeting as an **Attendee**. Attendees are muted.

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

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

Thank you,

Commission Staff

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**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,
Petitioner,**

Case No.: FEC 19-563

v.

**Kyle C. Gibson,
Respondent.**

ORDER OF PROBABLE CAUSE

THIS MATTER was heard by the Florida Elections Commission (Commission) at its regularly scheduled meeting on February 23, 2021, in Tallahassee, Florida.

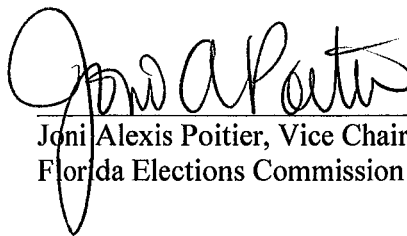
On January 7, 2021, Staff recommended to the Commission that there was probable cause to believe that the Florida Election Code was violated. The facts articulated in Staff's Recommendation are adopted by reference and incorporated herein. Based on the Complaint, Report of Investigation, Staff's Recommendation, and oral statements (if any) made at the probable cause hearing, the Commission finds that there is **probable cause** to charge Respondent with the following violation(s):

Count 1:

On or about October 28, 2019, Respondent violated Section 106.07(2)(b)1., Florida Statutes, when Respondent failed to timely provide the missing information identified by the Division and file an amended 2019 M8 Report reflecting the correct information.

THIS SPACE INTENTIONALLY LEFT BLANK

DONE AND ORDERED by the Florida Elections Commission on February 23, 2021.



Joni Alexis Poitier, Vice Chair
Florida Elections Commission

Copies furnished to:
Eric M. Lipman, General Counsel
Kyle C. Gibson, Respondent
Division of Elections, Complainant

NOTICE OF RIGHT TO A HEARING

As the Respondent, you may elect to resolve this case in several ways. First, you may elect to resolve this case by consent order where you and Commission staff agree to resolve the violation(s) and agree to the amount of the fine. The consent order is then presented to the Commission for its approval. To discuss a consent order, contact the FEC attorney identified in the Order of Probable Cause.

Second, you may request an informal hearing held before the Commission, if you do not dispute any material fact in the Staff Recommendation. You have 30 days from the date the Order of Probable Cause is filed with the Commission to request such a hearing. The date this order was filed appears in the upper right-hand corner of the first page of the order. At the hearing, you will have the right to make written or oral arguments to the Commission concerning the legal issues related to the violation(s) and the potential fine. At the request of Respondent, the Commission will consider and determine willfulness at an informal hearing. Otherwise, live witness testimony is unnecessary.

Third, you may request a formal hearing held before an administrative law judge in the Division of Administrative Hearings (DOAH), if you dispute any material fact in the Staff Recommendation. You have 30 days from the date the Order of Probable Cause is filed with the Commission to request such a hearing. The date this order was filed appears in the upper right-hand corner of the first page of the order. At the hearing, you will have the right to present evidence relevant to the violation(s) listed in this order, to cross-examine opposing witnesses, to impeach any witness, and to rebut the evidence presented against you.

If you do not elect to resolve the case by consent order or request a formal hearing at the DOAH or an informal hearing before the Commission within 30 days of the date this Order of Probable Cause is filed with the Commission, the case will be sent to the Commission for a formal or informal hearing, depending on whether the facts are in dispute. The date this order was filed appears in the upper right-hand corner of the first page of the order.

To request a hearing, please send a written request to the Commission Clerk, Donna Ann

Malphurs. The address of the Commission Clerk is 107 W. Gaines Street, Collins Building, Suite 224, Tallahassee, Florida 32399-1050. The telephone number is (850) 922-4539. The Clerk will provide you with a copy of Chapter 28-106, *Florida Administrative Code*, and other applicable rules upon request. No mediation is available.

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Kyle Gibson

Case No.: FEC 19-563

TO: Kyle Gibson
PO Box 590581
Tamarac, FL 33559-0581

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

NOTICE OF VIRTUAL HEARING (PROBABLE CAUSE DETERMINATION)

A hearing will be held in this case before the Florida Elections Commission on **February 23, 2021**. The Commission's Confidential Session will begin **at 1:00 p.m., EST**, and will consider multiple cases that day.

Please note that because of COVID-19, this will be a virtual meeting conducted by remote video or teleconference. Enclosed you will find additional details on joining the video conference via ZOOM, Meeting ID 987 1847 0760, or via teleconference by dialing (929) 205-6099 and entering the meeting access code 370906, when prompted. If you wish to speak before the Commission, you will need to appear by webcam and will be sworn in remotely. Please be advised that the Commission will consider multiple cases, so you will need to wait until your case is considered. If you have any questions, please contact Commission staff at (850) 922-4539.

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

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

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

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

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

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

See further instructions on the reverse side.

Tim Vaccaro
Executive Director
Florida Elections Commission
February 2, 2021

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

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.

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



Florida Elections Commission

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



Confidential Commission Meeting February 23, 2021 at 1:00 PM via Zoom

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

Join Zoom Meeting

Click on the meeting link sent to your attention via email:

<https://zoom.us/j/98718470706?pwd=TXdsdGwrZVVScjNmVGFDbXRRdzlJZz09>

If you have difficulty launching the hyperlink, follow these steps.

1. Open your web browser and search ZOOM or enter www.zoom.us
2. Select "Join A Meeting" in the upper right corner of the website.
3. Enter the Meeting ID: 987 1847 0760 and click "Join".
4. Enter the Meeting Passcode: 370906 and click "Join".

For alternative audio participation:

1. Dial: 1 (929) 205-6099
2. Meeting ID: 987 1847 0760
3. Passcode: 370906

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

Please test your audio; microphone, speakers and webcam, in advance.

Those attendees who wish to speak before the Commission will need to appear by webcam and will be sworn in remotely.

Please be advised that the Commission will consider multiple cases, so you will be placed in a ZOOM Breakout Room until your case is considered.

If you have any questions, contact Commission staff at (850) 922-4539. Please provide the case number(s) of interest, when contacting our office.

Thank you,

Commission Staff

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Kyle C. Gibson

Case No.: FEC 19-563

STAFF RECOMMENDATION FOLLOWING INVESTIGATION

Pursuant to Section 106.25(4)(c), Florida Statutes, undersigned staff counsel files this written recommendation for disposition of the complaint in this case recommending that there is **probable cause** to charge Respondent with violating **Sections 106.07(2)(b)1, Florida Statutes**. Based upon a thorough review of the Report of Investigation submitted on September 2, 2020, the following facts and law support this staff recommendation.

1. On November 6, 2019, the Florida Elections Commission (“Commission”) received a referral from the Division of Elections (“Division”) alleging Kyle C. Gibson (“Respondent”) violated Chapter 106, Florida Statutes.

2. Respondent is a candidate for Governor in the 2022 election. Respondent is not a first-time candidate. Respondent's Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates form was filed with the Division on October 16, 2018. (ROI Exhibit 1)¹

3. By letter dated December 19, 2019, the Executive Director notified Respondent that Commission staff would investigate the following alleged violation:

Section 106.07(2)(b)1., Florida Statutes: Respondent, a 2022 candidate for the office of Governor, acting as his own treasurer, failed to timely make necessary amendments to the 2019 M8 campaign treasurer’s report, as alleged in the complaint.

4. By letter dated October 18, 2018, Kristi Reid Willis, Chief, Bureau of Election Records, Division of Elections, notified Respondent that his name had been placed on the 2022 active candidate list. The letter advised Respondent that all candidates who file reports with the Division are required to use the Division’s Electronic Filing System (“EFS”) and provided Respondent with a user identification number and initial password to access the EFS. (ROI Exhibit 2, page 1)

¹ The Report of Investigation shall be referred to herein as “ROI.”

5. Ms. Willis's October 18, 2018 letter further advised Respondent that all the Division's publications and reporting forms were available on the Division's website; notified Respondent it was his responsibility to read, understand, and follow the requirements of Florida's election laws; and directed Respondent to print a copy of Chapters 104 and 106, Florida Statutes, the *Candidate and Campaign Treasurer Handbook*, and a *Calendar of Reporting Dates*. (ROI Exhibit 2, page 2)

6. Respondent's 2019 M8 Report covering the dates of August 1, 2019, through August 31, 2019, was due on September 10, 2019. (Attachment A) Respondent timely filed his 2018 M8 Report but it was incomplete. (Attachment B; ROI Exhibit 3, pages 1 and 2)

7. On September 11, 2019, and September 25, 2019, the Division sent notification to Respondent that his 2019 M8 Report was incomplete. The letter stated Respondent had seven days from receipt of the notice to correct the errors, provide the missing information on the attached Error Report, and file an amended 2019 M8 Report. (ROI Exhibit 3)

8. On October 16, 2019, the Division sent notification to Respondent marked "Final Notice" that his 2019 M8 Report was incomplete. The letter stated Respondent had seven days from receipt of the notice to correct the errors, provide the missing information on the attached Error Report, and file an amended 2019 M8 Report. (ROI Exhibit 4, pages 1 and 2) The Division's October 16, 2019 letter was confirmed delivered on October 21, 2019. (ROI Exhibit 4, page 3)

9. As of January 4, 2021, Respondent has failed to provide the information identified by the Division and file an amended 2019 M8 Report. (Attachment C)

10. On February 26, 2020, March 19, 2020, July 20, 2020, and July 22, 2020, Investigator Oliver attempted to contact Respondent by telephone. On each occasion Investigator Oliver left a message requesting Respondent return the phone call. Respondent failed to return any of Investigator Oliver's phone calls. (ROI Exhibit 6)

11. "Probable Cause" is defined as a reasonable ground of suspicion supported by circumstances sufficiently strong to warrant a cautious [investigator] in the belief that the person has committed the offense charged. *Schmitt v. State*, 590 So.2d 404, 409 (Fla. 1991). Probable cause exists where the facts and circumstances, of which an [investigator] has reasonably trustworthy information, are sufficient in themselves for a reasonable man to reach the conclusion that an offense has been committed. *Department of Highway Safety and Motor Vehicles v. Favino*, 667 So.2d 305, 309 (Fla. 1st DCA 1995).

12. The above facts show that Respondent is a candidate for Governor in the 2022 election. Respondent is not a first-time candidate. Respondent timely filed his 2019 M8 Report, but it was incomplete. On September 11, 2019, September 25, 2019, and October 16, 2019, the Division notified Respondent that his 2019 M8 Report was incomplete and Respondent had seven days from receipt of the notice to correct the errors, provide the missing information on the attached Error Report, and file an amended 2019 M8 Report. The Division's October 16, 2019 letter was confirmed delivered on October 21, 2019. As of January 4, 2021, Respondent has failed to provide the missing information requested by the Division and file an amended 2019 M8 Report.

Based on the foregoing, I recommend the Commission find probable cause to charge Respondent with the following violation:

Count 1:

On or about October 28, 2019, Respondent violated Section 106.07(2)(b)1., Florida Statutes, when Respondent failed to timely provide missing information identified by the Division and file an amended 2019 M8 Report reflecting the correct information.

Respectfully submitted on January 7, 2021.



Eric M. Lipman
General Counsel

I have reviewed this Staff Recommendation this 7th day of January 2021.



Tim Vaccaro
Executive Director

2019 Calendar of Reporting Dates

Candidates, Political Committees and
Electioneering Communications Organizations
registered with the Division of Elections

<u>Cover Period</u>	<u>Report Code</u>	<u>Due Date</u>
1/1/19 – 1/31/19	2019 M1	2/11/19
2/1/19 – 2/28/19	2019 M2	3/11/19
3/1/19 – 3/31/19	2019 M3	4/10/19
4/1/19 – 4/30/19	2019 M4	5/10/19
5/1/19 – 5/31/19	2019 M5	6/10/19
1/1/2018 – 12/31/2018	2018 MUC* (PC Only)	7/1/19
6/1/19 – 6/30/19	2019 M6	7/10/19
7/1/19 – 7/31/19	2019 M7	8/12/19
8/1/19 – 8/31/19	2019 M8	9/10/19
9/1/19 – 9/30/19	2019 M9	10/10/19
10/1/19 – 10/31/19	2019 M10	11/12/19
11/1/19 – 11/30/19	2019 M11	12/10/19
12/1/19 – 12/31/19	2019 M12	1/10/20

* If not reported as individual contributions when received, a political committee must report contributions that comprise multiple uniform contributions from the same person aggregating no more than \$250 per calendar year, collected by an organization that is the affiliated sponsor of the political committee. The report must list the name, address, and occupation of the person making the contribution; however, the occupation need not be listed if the aggregate contribution from the person is \$100 or less.

ATTACHMENT A



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Florida Department of State - Division of Elections

Florida Election System Reports

Candidate Name: Kyle Gibson

Account: 73870

Name:
Location:

73870

Candidate

Date Due	Type	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amount Paid
12/10/2020	M11		SNT	0	\$0.00		\$0.00	\$0.00
11/10/2020	M10		FEC	0	\$0.00		\$0.00	\$0.00
10/13/2020	M9	10/10/2020						
9/10/2020	M8		FEC	0	\$0.00		\$0.00	\$0.00
8/10/2020	M7		FEC	0	\$0.00		\$0.00	\$0.00
7/10/2020	M6	7/10/2020						
6/10/2020	M5	6/10/2020						
5/11/2020	M4	5/12/2020	FEC	1	\$50.00		\$50.00	\$0.00
4/10/2020	M3	4/10/2020						
3/10/2020	M2	3/10/2020						
2/10/2020	M1	2/10/2020						
1/10/2020	M12	1/10/2020						
12/10/2019	M11	12/10/2019						
11/12/2019	M10	11/12/2019						
10/10/2019	M9	10/10/2019						
9/10/2019	M8	9/10/2019						
8/12/2019	M7	8/12/2019						
7/10/2019	M6	7/10/2019						
6/10/2019	M5	6/10/2019						
5/10/2019	M4		FEC	0	\$0.00		\$0.00	\$0.00
4/10/2019	M3	4/11/2019	DFS	1	\$50.00		\$50.00	\$0.00
3/11/2019	M2	3/28/2019	CLO	17	\$0.00		\$0.00	\$0.00
2/11/2019	M1	3/28/2019	CLO	45	\$0.00		\$0.00	\$0.00
1/10/2019	M12	3/28/2019	CLO	77	\$0.00		\$0.00	\$0.00
12/10/2018	M11	3/28/2019	CLO	108	\$0.00		\$0.00	\$0.00
11/13/2018	M10	3/28/2019						

ATTACHMENT B

Eric Lipman

From: Willis, Kristi R. (Bronson) <Kristi.Willis@DOS.MyFlorida.com>
Sent: Monday, January 4, 2021 9:23 AM
To: Eric Lipman
Subject: RE: Committee 73663

No, the report has not been corrected

From: Eric Lipman <Eric.Lipman@myfloridalegal.com>
Sent: Sunday, January 03, 2021 10:38 PM
To: Willis, Kristi R. (Bronson) <Kristi.Willis@DOS.MyFlorida.com>
Subject: Committee 73663

EMAIL RECEIVED FROM EXTERNAL SOURCE

Kristi,

Did Committee 73663 ever file a corrected 2019 M8 Report. As of November 9, 2020 they had not.

Thank you,

Eric M. Lipman, General Counsel
Florida Elections Commission
107 West Gaines Street
The Collins Building, Suite 224
Tallahassee, Florida 32399-1050
(850) 922-4539
eric.lipman@myfloridalegal.com

ATTACHMENT C

FLORIDA ELECTIONS COMMISSION

Report of Investigation for Failure to Timely Amend

Case Number: FEC 19-563

Section 106.07(2)(b)1., Florida Statutes, failure of the treasurer for a candidate or political committee to file an addendum to an incomplete report after receiving notice from the filing officer.

Respondent: Kyle C. Gibson

Respondent's Atty: N/A

Division of Elections (Division)

Referral Filed: November 6, 2019

Respondent Type: Treasurer for Candidate

I. Preliminary Information:

1. I investigated whether Respondent violated this section of the election laws by failing to file an amended report for the following campaign treasurer's report after receiving notice from the filing officer: 2019 M8.

2. An Appointment of Campaign Treasurer and Designation of Campaign Depository (DS-DE 9) was filed on October 16, 2018. Respondent was named as the treasurer for Kyle Gibson, a 2022 candidate for Governor. To review the DS-DE 9, refer to Exhibit 1.

3. On October 18, 2018, the Division sent Respondent a letter acknowledging his appointment as the campaign treasurer for Kyle Gibson's campaign. The letter advised Respondent that all of the Division's publications and reporting forms are available on their website, including Chapter 106, Florida Statutes, the *Candidate and Campaign Treasurer Handbook*, and the *Calendar of Reporting Dates*. The letter further advised Respondent that it was his responsibility to read, understand, and follow the requirements of Florida's election laws. To review a copy of the acknowledgement letter, refer to Exhibit 2.

II. Alleged Violation of Section 106.07(2)(b)(1), Florida Statutes:

4. On September 11, 2019 and September 25, 2019, the Division sent correspondence to Respondent informing him that one or more campaign reports were incomplete. The correspondence was sent to Respondent's address provided on the DS-DE 9 and included an error report referencing the following report: 2019 M8. To review the correspondence and error report, refer to Exhibit 3.

5. On October 16, 2019, the Division sent Respondent a letter marked "Final Notice" with delivery confirmation informing him that one or more campaign reports were incomplete. The letter was sent to Respondent's address provided on the DS-DE 9 and included an error report referencing the following report: 2019 M8. It was confirmed delivered on October 21, 2019. To review the Final Notice letter, error report and delivery confirmation, refer to Exhibit 4.

6. In an email dated July 20, 2020, Division staff confirmed that Respondent has not correctly amended the report at issue. To review the email from Division staff, refer to Exhibit 5.

7. Respondent did not respond to the referral.

8. Respondent did not respond to a questionnaire-affidavit. Because the affidavit has not been returned, I am unable to ascertain whether he has read Chapter 106, Florida Statutes and/or the *Candidate and Campaign Treasurer Handbook*.

9. I attempted to contact Respondent on four occasions to give him an opportunity to discuss the allegations made in the referral. As of the date of this report, Respondent has not returned my telephone calls. To review a copy of the phone log, refer to Exhibit 6.

SIGNATURE OF INVESTIGATOR:



Date: September 2, 2020

**FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Kyle C. Gibson -- FEC 19-563**

LIST OF EXHIBITS	
Exhibits #s	Description of Exhibits
Exhibit 1	Respondent's DS-DE 9 form
Exhibit 2	Acknowledgement Letter
Exhibit 3	1 st and 2 nd Failure to Amend letter
Exhibit 4	Final Notice with delivery confirmation receipt
Exhibit 5	Division Email
Exhibit 6	Phone Log

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

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

(PLEASE PRINT OR TYPE)

RECEIVED
DEPARTMENT OF STATE
2018 OCT 16 AM 8:44
DIVISION OF ELECTIONS
TALLAHASSEE FL

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) Kyle KC Gibson		3. Address (include post office box or street, city, state, zip code) PO Box 590581 Tamarac, Florida 33359-0581	
4. Telephone (850) 322-8815	5. E-mail address kcin2018@gmail.com		

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

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
Kyle C. Gibson

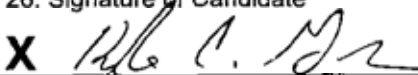
11. Mailing Address PO Box 590581	12. Telephone (850) 322-8815
--------------------------------------	-----------------------------------

13. City Tamarac	14. County Broward	15. State Florida	16. Zip Code 33359-0581	17. E-mail address kcin2018@gmail.com
---------------------	-----------------------	----------------------	----------------------------	--

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

19. Name of Bank Centennial Bank		20. Address 2600 E Commercial Blvd	
21. City Ft Lauderdale	22. County Broward	23. State Florida	24. Zip Code 33308

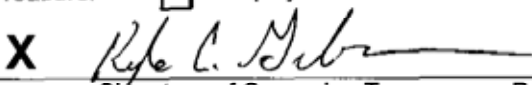
UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING FORM FOR APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY AND THAT THE FACTS STATED IN IT ARE TRUE.

25. Date October 5, 2018	26. Signature of Candidate <input checked="" type="checkbox"/> 
-----------------------------	--

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

I, Kyle C. Gibson, do hereby accept the appointment
(Please Print or Type Name)

designated above as: Campaign Treasurer Deputy Treasurer.

October 5, 2018 
Date Signature of Campaign Treasurer or Deputy Treasurer



FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

October 18, 2018

Kyle Gibson
Post Office Box 590581
Tamarac, Florida 33359-0581

Dear Mr. Gibson:

This will acknowledge receipt of the Appointment of Campaign Treasurer and Designation of Campaign Depository for the office of Governor, which was placed on file in our office on October 16, 2018. Your name has been placed on the 2022 active candidate list.

Campaign Treasurer's Reports

Your first campaign treasurer's report will be due on **November 13, 2018**. The report will cover the period of October 1-31, 2018 (2018 M10). All candidates who file reports with the Division of Elections are required to file by means of the Division's Electronic Filing System (EFS).

EFS Access

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

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

Identification Number: 73870

Timely Filing

All reports filed must be completed and filed through the EFS no later than midnight, Eastern Standard Time, of the due date. Reports not filed by midnight of the due date are late filed and subject to the penalties in Section 106.07(8), Florida Statutes. In the event that the EFS is inoperable on the due date, the report will be accepted as timely filed if filed no later than midnight

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



Kyle Gibson
October 18, 2018
Page Two

of the first business day the EFS becomes operable. No fine will be levied during the period the EFS was inoperable.

Any candidate failing to file a report on the designated due date shall be subject to a fine of \$50 per day for the first 3 days late and, thereafter, \$500 per day for each late day, not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, for reports immediately preceding each primary and general election, the fine shall be \$500 per day for each late day, not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report.

Electronic Receipts

The person submitting the report on the EFS will be issued an electronic receipt indicating and verifying the report was filed. Each campaign treasurer's report filed by means of the EFS is considered to be under oath by the candidate and campaign treasurer and such persons are subject to the provisions of Section 106.07(5), Florida Statutes.

Instructions and Assistance

An online instruction guide is available to you on the EFS to assist with navigation, data entry, and submission of reports. The Division of Elections will also provide assistance to all users by contacting the EFS Help Desk at (850) 245-6280.

All of the Division's publications and reporting forms are available on the Division of Elections' website at <http://dos.myflorida.com/elections/>. It is your responsibility to read, understand, and follow the requirements of Florida's election laws. Therefore, please print a copy of the following documents: Chapters 104 and 106, Florida Statutes, *Candidate and Campaign Treasurer Handbook*, *Calendar of Reporting Dates*, and Rule 1S-2.017, Florida Administrative Code.

Please let me know if you need additional information.

Sincerely,



Kristi Reid Willis, Chief
Bureau of Election Records

KRW/jcs

Enclosures



FLORIDA DEPARTMENT OF STATE

Laurel M. Lee
Secretary of State

DIVISION OF ELECTIONS

September 11, 2019

Kyle Gibson
Post Office Box 590581
Tamarac, FL 33359-0581

Re: CAN 73870

Dear Mr. Gibson:

The Division of Elections has determined that *one or more* campaign reports are incomplete for the reasons noted in the attached error report.

Pursuant to Section 106.07(2), Florida Statutes, you have 7 days from receipt of this notice to file an amended report to correct errors or provide missing information. If the information has been reported accurately, provide a written explanation to the Division addressing the issue noted in the error report. Please be advised that failure to supply this information within the time allowed may constitute a violation of Chapter 106, Florida Statutes.

If you need assistance in filing an amendment, please contact the Division's help line at (850) 245-6280.

Sincerely,

Kristi Reid Willis, Chief
Bureau of Election Records

Attachment

Error Report

Candidate: Kyle Gibson

Office: GOV

Report: 2019 M8 (11) Covering Period: 8/1/19 - 8/31/19

Account: 73870

Contributions

Expenditures

Seq	Date	Name	Address	City/State/Zip	Type	Expenditure Purpose	Amount	Amend
30	08/19/19			STUART, FL	PCS	COPIES	\$38.00	

*No Value Provided For Last Name Field

Fund Transfers

Other Distributions



FLORIDA DEPARTMENT OF STATE

Laurel M. Lee
Secretary of State

DIVISION OF ELECTIONS

Second Notice

September 25, 2019

Kyle Gibson
Post Office Box 590581
Tamarac, FL 33359-0581

Re: CAN 73870

Dear Mr. Gibson:

On September 11, 2019, you were advised that one or more of your campaign treasurer's reports were incomplete and that you had 7 days to provide the requested information.

The Division's electronic filing system indicates that the required information has not been provided. Pursuant to Section 106.22, Florida Statutes, the Division is required to notify the Florida Elections Commission of the failure to provide information required by Chapter 106. Accordingly, if the information requested in our prior notice is not received within 7 days of receipt of this letter, we will refer this matter to the Commission. A second copy of the error report is attached for your convenience.

Sincerely,

Kristi Reid Willis, Chief
Bureau of Election Records

Attachment

Eyver Report

Candidate: Kyle Gibson

Office: GOV

Report: 2019 MB (11) Covering Period: 8/1/19 - 8/31/19

Account: 73870

Contributions

Expenditures

<u>Seq</u>	<u>Date</u>	<u>Name</u>	<u>Address</u>	<u>City/State/Zip</u>	<u>Type</u>	<u>Expenditure Purpose</u>	<u>Amount</u>	<u>Amend</u>
30	08/19/19			STUART, FL	PCS	COPIES	\$38.00	

*No Value Provided For Last Name Field

Fund Transfers

Other Distributions



FLORIDA DEPARTMENT OF STATE

Laurel M. Lee
Secretary of State

DIVISION OF ELECTIONS

FINAL NOTICE

Delivery Confirmation:

USPS TRACKING # 9114 9023 0722 4427 0787 38
& CUSTOMER RECEIPT For Tracking or inquiries go to USPS.com
or call 1-800-222-1811.

October 16, 2019

Kyle Gibson
Post Office Box 590581
Tamarac, FL 33359-0581

Re: CAN 73870

Dear Mr. Gibson:

You have previously been advised that one or more campaign treasurer's reports are incomplete for the reasons noted in the attached error report.

Pursuant to Section 106.07(2), Florida Statutes, you have 7 days from receipt of this letter to correct errors or provide missing information. If the information has been reported accurately, you must provide a written explanation to the Division addressing the issue noted in the error report. Please be advised that if you fail to comply with this request, the Division will forward this matter to the Florida Elections Commission for further action. Section 106.265(1), Florida Statutes, authorizes the Florida Elections Commission to impose civil penalties of up to \$1,000 per violation.

If you need assistance in filing an amendment, please contact the Division's help line at (850) 245-6280.

Sincerely,

Kristi Reid Willis, Chief
Bureau of Election Records

Attachment

Error Report

Candidate: Kyle Gibson

Office: GOV

Report: 2019 M8 (11) Covering Period: 8/1/19 - 8/31/19

Account: 73870

Contributions

Expenditures

Seq	Date	Name	Address	City/State/Zip	Type	Expenditure Purpose	Amount	Amend
1	08/19/19	*No Value Provided For Last Name Field		STUART, FL	PCS	COPIES	\$38.00	

Transfers

Other Distributions

USPS Tracking®

[FAQs >](#)

[Track Another Package +](#)

Tracking Number: 9114902307224427078738

[Remove X](#)

Your item was delivered at 11:49 am on October 21, 2019 in FORT LAUDERDALE, FL 33359.

 **Delivered**

October 21, 2019 at 11:49 am
Delivered
FORT LAUDERDALE, FL 33359

[Feedback](#)

[Get Updates](#) ▾

Text & Email Updates



Tracking History



Product Information



[See Less](#) ^

Cedric Oliver

From: Willis, Kristi R. (Bronson) <Kristi.Willis@DOS.MyFlorida.com>
Sent: Monday, July 20, 2020 4:44 PM
To: Cedric Oliver
Subject: RE: Acct #73870

No.

From: Cedric Oliver <Cedric.Oliver@myfloridalegal.com>
Sent: Monday, July 20, 2020 4:40 PM
To: Willis, Kristi R. (Bronson) <Kristi.Willis@DOS.MyFlorida.com>
Subject: Acct #73870

EMAIL RECEIVED FROM EXTERNAL SOURCE

Hey there Kristi! Has Respondent amended any of the following reports: 2019 M1; 2019 M3; 2019 M7; and 2019 M8 Reports? If so, when? Are they considered correct and complete?

**FLORIDA ELECTIONS COMMISSION
PHONE LOG
Case No.: FEC 19-563**

Respondent: Kyle C. Gibson

Complainant: Division of Elections

1. **Date and time:** February 26, 2020 @ 9:00 am
Name: Respondent
Phone #: (850) 322-8815
Summary: I attempted telephone contact to inquire about the complaint allegations. I left a message to return my call.
Memo to File? No
Entered by: CKO

2. **Date and time:** March 19, 2020 @ 2:15 pm
Name: Respondent
Phone #: (850) 322-8815
Summary: I attempted telephone contact to discuss the complaint allegations. I left a message to return my call.
Memo to File? No
Entered by: CKO

3. **Date and time:** July 20, 2020 @ 4:40 pm
Name: Respondent
Phone #: (850) 322-8815
Summary: I attempted telephone contact to complete final interview. I left a message to return my call.
Memo to File? No
Entered by: CKO

4. **Date and time:** July 22, 2020 @ 10:15 am
Name: Respondent
Phone #: (850) 322-8815
Summary: I attempted telephone contact to complete final interview. I left a message to return my call.
Memo to File? No
Entered by: CKO

**FLORIDA ELECTIONS COMMISSION
PHONE LOG
Case No.: FEC 19-563**

Respondent: Kyle C. Gibson

Complainant: Division of Elections

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Phone #: (850) 322-8815
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Memo to File? No
Entered by: CKO

4. **Date and time:** July 22, 2020 @ 10:15 am
Name: Respondent
Phone #: (850) 322-8815
Summary: I attempted telephone contact to complete final interview. I left a message to return my call.
Memo to File? No
Entered by: CKO

**STATEMENT OF
CANDIDATE**

(Section 106.023, F.S.)

(Please print or type)

OFFICE USE ONLY
DEPARTMENT OF STATE

2018 OCT 16 AM 8:44

DIVISION OF ELECTIONS
TALLAHASSEE, FL

I, Kyle KC Gibson,

candidate for the office of Governor of Florida;

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

X 
Signature of Candidate

October 5, 2018
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).

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

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

(PLEASE PRINT OR TYPE)

RECEIVED
DEPARTMENT OF STATE
2018 OCT 16 AM 8:44
DIVISION OF ELECTIONS
TALLAHASSEE FL

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)

Kyle KC Gibson

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

PO Box 590581
Tamarac, Florida 33359-0581

4. Telephone

(850) 322-8815

5. E-mail address

kcin2018@gmail.com

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

Governor of Florida

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

Kyle C. Gibson

11. Mailing Address

PO Box 590581

12. Telephone

(850) 322-8815

13. City

Tamarac

14. County

Broward

15. State

Florida

16. Zip Code

33359-0581

17. E-mail address

kcin2018@gmail.com

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

19. Name of Bank
Centennial Bank

20. Address
2600 E Commercial Blvd

21. City

Ft Lauderdale

22. County

Broward

23. State

Florida

24. Zip Code

33308

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

October 5, 2018

26. Signature of Candidate

X 

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

I, Kyle C. Gibson, do hereby accept the appointment
(Please Print or Type Name)

designated above as: Campaign Treasurer Deputy Treasurer.

October 5, 2018

Date

X 

Signature of Campaign Treasurer or Deputy Treasurer



FLORIDA DEPARTMENT OF STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

October 18, 2018

Kyle Gibson
Post Office Box 590581
Tamarac, Florida 33359-0581

Dear Mr. Gibson:

This will acknowledge receipt of the Appointment of Campaign Treasurer and Designation of Campaign Depository for the office of Governor, which was placed on file in our office on October 16, 2018. Your name has been placed on the 2022 active candidate list.

Campaign Treasurer's Reports

Your first campaign treasurer's report will be due on **November 13, 2018**. The report will cover the period of October 1-31, 2018 (2018 M10). All candidates who file reports with the Division of Elections are required to file by means of the Division's Electronic Filing System (EFS).

EFS Access

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

EFS Website Address: <https://efs.dos.state.fl.us>
Identification Number: 73870

Timely Filing

All reports filed must be completed and filed through the EFS no later than midnight, Eastern Standard Time, of the due date. Reports not filed by midnight of the due date are late filed and subject to the penalties in Section 106.07(8), Florida Statutes. In the event that the EFS is inoperable on the due date, the report will be accepted as timely filed if filed no later than midnight

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



Kyle Gibson
October 18, 2018
Page Two

of the first business day the EFS becomes operable. No fine will be levied during the period the EFS was inoperable.

Any candidate failing to file a report on the designated due date shall be subject to a fine of \$50 per day for the first 3 days late and, thereafter, \$500 per day for each late day, not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, for reports immediately preceding each primary and general election, the fine shall be \$500 per day for each late day, not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report.

Electronic Receipts

The person submitting the report on the EFS will be issued an electronic receipt indicating and verifying the report was filed. Each campaign treasurer's report filed by means of the EFS is considered to be under oath by the candidate and campaign treasurer and such persons are subject to the provisions of Section 106.07(5), Florida Statutes.

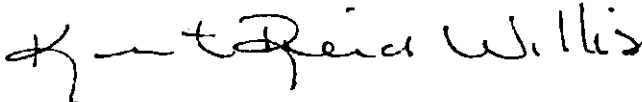
Instructions and Assistance

An online instruction guide is available to you on the EFS to assist with navigation, data entry, and submission of reports. The Division of Elections will also provide assistance to all users by contacting the EFS Help Desk at (850) 245-6280.

All of the Division's publications and reporting forms are available on the Division of Elections' website at <http://dos.myflorida.com/elections/>. It is your responsibility to read, understand, and follow the requirements of Florida's election laws. Therefore, please print a copy of the following documents: Chapters 104 and 106, Florida Statutes, *Candidate and Campaign Treasurer Handbook*, *Calendar of Reporting Dates*, and Rule 1S-2.017, Florida Administrative Code.

Please let me know if you need additional information.

Sincerely,



Kristi Reid Willis, Chief
Bureau of Election Records

KRW/jcs

Enclosures



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Florida Department of State - Division of Elections

Florida Election System Reports

Candidate/Committee Lookup

Candidate Name: Kyle Gibson

Name:

Account: 73870

Election:

Acct:

Type:

Date Due	Type	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amount Paid
2/10/2020	M1	2/10/2020						
1/10/2020	M12	1/10/2020						
12/10/2019	M11	12/10/2019						
11/12/2019	M10	11/12/2019						
10/10/2019	M9	10/10/2019						
9/10/2019	M8	9/10/2019						
8/12/2019	M7	8/12/2019						
7/10/2019	M6	7/10/2019						
6/10/2019	M5	6/10/2019						
5/10/2019	M4		FEC	0	\$0.00		\$0.00	\$0.00
4/10/2019	M3	4/11/2019	DFS	1	\$50.00		\$50.00	\$0.00
3/11/2019	M2	3/28/2019	CLO	17	\$0.00		\$0.00	\$0.00
2/11/2019	M1	3/28/2019	CLO	45	\$0.00		\$0.00	\$0.00
1/10/2019	M12	3/28/2019	CLO	77	\$0.00		\$0.00	\$0.00
12/10/2018	M11	3/28/2019	CLO	108	\$0.00		\$0.00	\$0.00
11/13/2018	M10	3/28/2019						

Cedric Oliver

From: Willis, Kristi R. (Bronson) <Kristi.Willis@DOS.MyFlorida.com>
Sent: Wednesday, February 26, 2020 12:59 PM
To: Cedric Oliver
Subject: RE: Acct #73870

No, the reports have not been amended.

From: Cedric Oliver <Cedric.Oliver@myfloridalegal.com>
Sent: Wednesday, February 26, 2020 12:57 PM
To: Willis, Kristi R. (Bronson) <Kristi.Willis@DOS.MyFlorida.com>
Subject: Acct #73870

EMAIL RECEIVED FROM EXTERNAL SOURCE

Good afternoon! Has Respondent amended the following reports? Are they now considered complete and correct? If so, when were they correctly amended?
2019 M1; 2019 M3; 2019 M7; and 2019 M8 Reports



Florida Elections Commission

107 West Gaines Street, Suite 224 Tallahassee, Florida 32399-1050

Telephone: (850) 922-4539 · Facsimile: (850) 921-0783

FEC@myfloridalegal.com · www.fec.state.fl.us



December 19, 2019

Kyle Gibson
Post Office Box 590581
Tamarac, FL 33359-0581

RE: Case No.: FEC 19-563; Respondent: Kyle Gibson

Dear Mr. Gibson:

On November 6, 2019, the Florida Elections Commission received a complaint alleging that you violated Florida's election laws. I have reviewed the complaint and find that it contains one or more **legally sufficient allegations**. The Commission staff will investigate the following alleged violation:

Section 106.07(2)(b)1., Florida Statutes: Respondent, a 2022 candidate for the office of Governor, acting as his own treasurer, failed to timely make necessary amendments to the 2019 M8 campaign treasurer report, as alleged in the complaint.

When we conclude the investigation, a copy of the Report of Investigation (ROI) will be mailed to you at the above address. Based on the results of the investigation, a staff attorney will prepare and present a written Staff Recommendation (SR) to the Commission as to whether there is probable cause to charge you, the Respondent, with violating Chapters 104 or 106, Florida Statutes. You will have an opportunity to respond to both the ROI and the SR. The Commission will then hold one or more hearings to determine whether the alleged violation occurred and, if so, the amount of the fine to be imposed upon you. Notice will be mailed to you and the Complainant at least 14 days before any hearing at which your case is to be considered.

Pursuant to Section 106.25(4)(i)3., Florida Statutes, the Commission may enter into a consent agreement with a Respondent to settle a complaint prior to a finding of probable cause. If you are interested in entering negotiations directed towards reaching a consent agreement to resolve this matter, please contact the Commission and request to speak with the attorney assigned to this case.

Please note that all documents related to this matter will be mailed to the above address unless you notify us of a new address.

Kyle Gibson
December 19, 2019
Page 2
FEC 19-563

Pursuant to Section 106.25, Florida Statutes, complaints, investigations, investigative reports, and other documents relating to an alleged violation of Chapters 104 or 106, Florida Statutes, are confidential until the Commission finds probable cause or no probable cause, unless the Respondent files a written waiver of confidentiality with the Commission. The confidentiality provision does not apply to the Complainant or the Respondent.

Should you retain counsel, your attorney must file a notice of appearance with the Commission before any member of the commission staff can discuss this case with him or her.

For additional information, please refer to the “Frequently Asked Questions” section of the Commission’s website.

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

Sincerely,

Tim Vaccaro
Executive Director

TV/med

**DIVISION OF ELECTIONS
FEC NOTICE FORM**

To FEC from Division of Elections

Candidate: Kyle Gibson
Account Number: 73870
Treasurer: Kyle Gibson

The Division of Elections hereby provides this notice to the Florida Elections Commission pursuant to sections 106.22(7) and 106.25, Florida Statutes. An apparent violation of Chapter 106, Florida Statutes, has occurred based upon a failure to file addendums after notice as required by section 106.07(2)(b)1., Florida Statutes, for the following report(s):

2019 M8

- Kyle Gibson (73870) is a 2022 candidate for the office of Governor.
- On October 16, 2018, Kyle Gibson filed the Appointment of Campaign Treasurer and Designation of Campaign Depository with the Division appointing himself as treasurer.
- On September 11, 2019, the Division mailed Mr. Gibson notification that one or more campaign treasurer's reports were incomplete.
- On September 25, 2019, the Division mailed Mr. Gibson notification that one or more campaign treasurer's reports were incomplete.
- On October 16, 2019, the Division mailed Mr. Gibson final notification with delivery confirmation that one or more campaign treasurer's reports were incomplete. (See attached letter and delivery confirmation.)
- As of November 5, 2019, one or more campaign treasurer's reports remain incomplete.

Sent By: Kristi Reid Willis *KRW*
Date: November 5, 2019

ejr



FLORIDA DEPARTMENT OF STATE

Laurel M. Lee
Secretary of State

DIVISION OF ELECTIONS

FINAL NOTICE

Delivery Confirmation:

USPS TRACKING #
& CUSTOMER
RECEIPT

9114 9023 0722 4427 0787 38
For Tracking or Inquiries go to USPS.com
or call 1-800-222-1811.

October 16, 2019

Kyle Gibson
Post Office Box 590581
Tamarac, FL 33359-0581

Re: CAN 73870

Dear Mr. Gibson:

You have previously been advised that one or more campaign treasurer's reports are incomplete for the reasons noted in the attached error report.

Pursuant to Section 106.07(2), Florida Statutes, you have 7 days from receipt of this letter to correct errors or provide missing information. If the information has been reported accurately, you must provide a written explanation to the Division addressing the issue noted in the error report. Please be advised that if you fail to comply with this request, the Division will forward this matter to the Florida Elections Commission for further action. Section 106.265(1), Florida Statutes, authorizes the Florida Elections Commission to impose civil penalties of up to \$1,000 per violation.

If you need assistance in filing an amendment, please contact the Division's help line at (850) 245-6280.

Sincerely,

Kristi Reid Willis, Chief
Bureau of Election Records

Attachment

Error Report

Candidate: Kyle Gibson

Office: GOV

Report: 2019 M8 (11) Covering Period: 8/1/19 - 8/31/19

Account: 73870

Contributions

Contributions

<u>q</u>	<u>Date</u>	<u>Name</u>	<u>Address</u>	<u>City/State/Zip</u>	<u>Type</u>	<u>Expenditure Purpose</u>	<u>Amount</u>	<u>Amend</u>
1	08/19/19			STUART, FL-	PCS	COPIES	\$38.00	
		*No Value Provided For Last Name Field						

Id Transfers

Id Distributions

USPS Tracking®

[FAQs >](#)

Track Another Package +

Tracking Number: 9114902307224427078738

[Remove X](#)

Your item was delivered at 11:49 am on October 21, 2019 in FORT LAUDERDALE, FL 33359.

 **Delivered**

October 21, 2019 at 11:49 am
Delivered
FORT LAUDERDALE, FL 33359

[Feedback](#)

[Get Updates](#) ▾

Text & Email Updates



Tracking History



Product Information



See Less ^

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

(1) Kyle Gibson (2) 73870
 Candidate, Committe or Party Name I.D. Number

(3) Post Office Box 590581 Tamarac FL 33359-0581
 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 Existance Check If CCE has DISBANDED
 Party Executive Committee

(5) REPORT IDENTIFIERS

Cover Period: From 08/01/2019 To 08/31/2019 Report Type: M8

Original Amendment Special Election Report

(6) CONTRIBUTIONS THIS REPORT

Cash & Checks	\$0.00
Loans	\$2,008.00
<i>Total Monetary</i>	\$2,008.00
In-Kind	\$0.00

(7) EXPENDITURES THIS REPORT

Monetary Expenditures	\$1,470.69
Transfers to Office Account	\$0.00
<i>Total Monetary</i>	\$1,470.69

(8) Other Distributions

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

Name of Treasurer Deputy Treasurer

X
Signature

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

Name of Candidate Chairman (PC/PTY Only)

X
Signature

Name: Kyle Gibson

Report: 2019 M8

Period: 08/01/2019 to 08/31/2019

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

Seq # Date	Full Name (Last, Suffix, First, Middle Street Address & City, State, Zip	Contributor	Occupation	Amount
		Type	In-Kind Description	Amend
1 08/01/2019	GIBSON KYLE PO BOX 590581 TAMARAC, FL	S LOA		\$300.00
2 08/02/2019	GIBSON KYLE PO BOX 590581 TAMARAC, FL	S LOA		\$320.00
3 08/05/2019	GIBSON KYLE PO BOX 590581 TAMARAC, FL	S LOA		\$150.00
4 08/05/2019	GIBSON KYLE PO BOX 590581 TAMARAC, FL	S LOA		\$400.00
5 08/05/2019	GIBSON KYLE PO BOX 590581 TAMARAC, FL	S LOA		\$400.00
6 08/12/2019	GIBSON KYLE PO BOX 590581 TAMARAC, FL	S LOA		\$255.00
7 08/13/2019	GIBSON KYLE PO BOX 590581 TAMARAC, FL	S LOA		\$100.00
8 08/15/2019	GIBSON KYLE PO BOX 590581 TAMARAC, FL	S LOA		\$83.00

Name: Kyle Gibson

Report: 2019 M8

Period: 08/01/2019 to 08/31/2019

** Records in Filed Report **

Seq # Date	Full Name (Last, Suffix, First, Middle Street Address & City, State, Zip	Type	Purpose	Amount Amend
1 08/01/2019	BLUE CRAB FESTIVLE 102 N 1ST STREET PALATKA, FL	MON	BOOTH RENTAL	\$55.00
2 08/02/2019	CENTENAL BANK 2600 E COMMERCIAL BLVD FT LAUDERDALE, FL	MON	BANK FEES	\$35.00
3 08/02/2019	CHEAP AIR COM CHEAPAIR.COM CHEAPAIR.COM, XC	MON	AIR FAIR	\$3.95
4 08/02/2019	CHEAPAIR.COM CHEAPAIR.COM CHEAPAIR.COM, XC	MON	AIRFAIR	\$9.96
5 08/02/2019	FAMILY DOLLAR 951 W SUNRISE BLVD FT. LAUDERDALE, FL	MON	DRINKS FOT VOLUNTEERS	\$17.44
6 08/05/2019	PUBLIX 1415 E SUNRISE BLVD FT LAUDERDALE, FL	MON	FOOD AND DRINKS FOR EVENT	\$28.70
7 08/05/2019	PUBLIX 1416 E. SUNRISE BLVD FT LAUDERDALE, FL	MON	FOOD AND DRINKS FOR EVENT	\$53.96
8 08/05/2019	KWICK DESIGN 3823 N ANDREWS AVE OAKLAND PARK, FL	MON	CAMPAIGN POST CARDS	\$75.00
9 08/05/2019	SPIRIT AIRLINES 6542 2800 EXECUTIVE WAY MIRAMAR, FL	MON	AIR FARE	\$94.00
10 08/05/2019	SPIRIT AIRLINES 6542 2800 EXECUTIVE WAY MIAMAR, FL	MON	AIRFARE	\$221.98
11 08/06/2019	TUXEDO BY FORM 1315 E COMMERCIAL BLVD OAKLAND PARK, FL	MON	PURPLE BOW TIES	\$8.50
12 08/06/2019	PUBLIX 13005 SW 89TH PLACE MIAMI, FL	MON	FOOD FOR VOLUNTEERS	\$9.40
13 08/06/2019	PUBLIX 3400 N FEDERAL HWY FT. LAUDERDALE, FL	MON	FOOD FOR VOLUNTEERS	\$37.19
14 08/07/2019	MINUETMAN PRESS 1313 E COMMERCIAL BLVD OAKLAND PARK, FL	MON	COPIES FOF PETITIONS	\$22.56
15 08/07/2019	GAS EAST COMMERCIAL BLVD OAKLAND PARK, FL	MON	GAS	\$30.00
16 08/07/2019	GIBSON KYLE 2600 E COMMERCIAL BLVD FT LAUDERDALE, FL	PCW		\$40.00
17 08/07/2019	COONHOUNDS CUSTOM PAINTER 2307 PINE AVE NOKOMIS, FL	MON	PAINTING OF CAMPAIGN BIKE	\$150.00
18 08/08/2019	CGC 3551 SW MARTIN HWY PALM CITY, FL 34990	MON	WATER	\$5.51
19 08/08/2019	WAWA 2401 S KANNER HWY STUART, FL	MON	DRINKS FOR VOLUNTERS	\$6.44
20 08/12/2019	CHICK FIL A 6020 ELON LANE VERO BEACH, FL	MON	FOOD FFOR VOLUNTEER	\$9.35
21 08/12/2019	APPLEBEES 5335 20TH STREET VERO BEACH, FL	MON	FOOD FOR VOLUNTEERS	\$22.23
22 08/13/2019	OCEAN FOOD MART 409 SE OCEAN MART STUART, FL	MON	DRINKS FOR VOLUNTEER	\$7.32

Name: Kyle Gibson

Report: 2019 M8

Period: 08/01/2019 to 08/31/2019

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

Seq # Date	Full Name (Last, Suffix, First, Middle Street Address & City, State, Zip	Type	Purpose	Amount Amend
23 08/14/2019	DSUFFYS OF STUART 1 SW OSCEOLA STUART, FL	MON	FOOD FOR VOLUNTEES	\$26.35
24 08/15/2019	SUNOCO 831 W SUNRISE BLVD FT LAUDERDALE, FL	MON	GAS	\$39.24
25 08/16/2019	FEDEX 300 N FEDERAL HWY FT LAUDERDALE, FL	MON	COMPUTER USE AND COPIES	\$15.02
26 08/16/2019	US POST OFFICE 7875 NW 57TH ST TAMARAC, FL	MON	POSTAGE	\$55.00
27 08/16/2019	US POST OFFICE 7975 NW 57TH ST TAMARAC, FL	MON	BULK MAIL FEE	\$235.00
28 08/16/2019	WAWA 2401 S KANNER WAY STUART, FL 34994	MON	WATER	\$5.38
29 08/19/2019	GEORGIA BOY 5653 SE INEZ AVE STUART, FL	MON	FOOD FOR VOLUNTEERS	\$16.10
* 30 08/19/2019	STUART, FL	PCS	COPIES	\$38.00
31 08/18/2019	GIBSON KYLE PO BOX 590581 TAMARAC, FL	PCW		\$23.00
32 08/19/2019	GAS CYPRESS CREEK FT. LAUDERDALE, FL	MON	GAS	\$37.11
33 08/19/2019	BOOST MOBILE 4379 NW 31ST AVENUE FT LAUDERDALE, FL	MON	CELL MONTHLY PAYMENT	\$75.00

ID:

CAMPAIGN TREASURER'S REPORT – ITEMIZED FUND TRANSFERS

Page 1 of 1

Name: Kyle Gibson

Report: 2019 M8

Period: 08/01/2019 to 08/31/2019

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

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

ID:

CAMPAIGN TREASURER'S REPORT – ITEMIZED DISTRIBUTIONS

Page 1 of 1

Name: Kyle Gibson

Report: 2019 M8

Period: 08/01/2019 to 08/31/2019

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

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

Queued Items for 2019-M8

Account: 73870

GOV Kyle Gibson

Rpt Seq: 11

<i>ProcessDescription</i>	<i>Status</i>	<i>Submitter</i>	<i>Created</i>	<i>LastUpdate</i>
Create Pending Report	Processing Complete	73870	8/12/2019 1:19:43 PM	8/12/2019 1:19:43 PM
Review Pending Report	Processing Complete	73870	8/12/2019 1:23:00 PM	8/12/2019 1:23:00 PM
Recalc Pending Report Total	Processing Complete	73870	9/9/2019 4:58:32 PM	9/9/2019 4:58:32 PM
Review Pending Report	Processing Complete	73870	9/9/2019 4:58:40 PM	9/9/2019 4:58:40 PM
Recalc Pending Report Total	Processing Complete	73870	9/10/2019 8:45:49 AM	9/10/2019 8:45:49 AM
Review Pending Report	Processing Complete	73870	9/10/2019 8:45:57 AM	9/10/2019 8:45:57 AM
Recalc Pending Report Total	Processing Complete	73870	9/10/2019 8:55:18 AM	9/10/2019 8:55:18 AM
Review Pending Report	Processing Complete	73870	9/10/2019 8:55:26 AM	9/10/2019 8:55:26 AM
Review Pending Report	Processing Complete	73870	9/10/2019 8:57:35 AM	9/10/2019 8:57:35 AM
Recalc Pending Report Total	Processing Complete	73870	9/10/2019 9:04:00 AM	9/10/2019 9:04:00 AM
Review Pending Report	Processing Complete	73870	9/10/2019 9:04:04 AM	9/10/2019 9:04:04 AM
Recalc Pending Report Total	Processing Complete	73870	9/10/2019 11:00:19 AM	9/10/2019 11:00:19 AM
Review Pending Report	Processing Complete	73870	9/10/2019 11:00:22 AM	9/10/2019 11:00:22 AM
Review Pending Report	Processing Complete	73870	9/10/2019 11:03:42 AM	9/10/2019 11:03:42 AM
Review Pending Report	Processing Complete	73870	9/10/2019 11:05:04 AM	9/10/2019 11:05:04 AM
Review Pending Report	Processing Complete	73870	9/10/2019 11:07:21 AM	9/10/2019 11:07:21 AM
Review Pending Report	Processing Complete	73870	9/10/2019 11:08:24 AM	9/10/2019 11:08:24 AM
Review Pending Report	Processing Complete	73870	9/10/2019 11:09:09 AM	9/10/2019 11:09:09 AM
File Pending Report	Processing Complete	73870	9/10/2019 11:10:10 AM	9/10/2019 11:10:10 AM
Review Filed Report	Processing Complete	ejrowlette	9/11/2019 11:49:25 AM	9/11/2019 11:49:25 AM
Review Filed Report	Processing Complete	jcsoria	9/11/2019 2:28:56 PM	9/11/2019 2:28:56 PM
Review Filed Report	Processing Complete	jcsoria	9/25/2019 3:06:45 PM	9/25/2019 3:06:45 PM
Review Filed Report	Processing Complete	jcsoria	10/16/2019 2:38:17 PM	10/16/2019 2:38:17 PM

HISTORY NOTES
 Kyle Gibson - 73870

Unique ID	Date Recorded	Last Edited Date	Originally Recorded By
66791	10/4/2019 10:34:00 AM		jcsoria
Re: FEC Referral (Audit) I contacted candidate on 9/30 and left him a message indicating that he would be referred to the FEC due to incomplete campaign reports. Candidate did not return call.			
65805	7/10/2019 4:25:00 PM		ZJSantos
RE: Credential Request Form I released them to Mr. Gibson at the front desk.			
65300	5/29/2019 1:59:00 PM		mcchellman
Re CRF letter, called Can/T 2:00 pm and gave him his 2 PINs.			
64598	4/11/2019 1:17:00 PM		dsbrown
RE: Credentials Mr. Gibson called back. I confirmed that he needed his password reset. Gave him new password and his candidate/treasure pins.			
64592	4/11/2019 11:40:00 AM		dsbrown
RE: Credential Request Mr. Gibson sent a letter requesting his password and pin as candidate and treasurer. He did not provide a phone number in the letter. I called the number on file and left a message for him to call me direct for his credentials.			
64223	3/27/2019 10:43:00 AM		zjsantos
RE: Late Filings I left a voicemail for Mr. Gibson instructing him to file the 2018 M10, M11, & M12 reports as waivers, and if there was any activity on those reports go back and amend them. I then instructed him to file the 2019 M1 & M2 reports, those have been available.			
63231	2/8/2019 11:59:00 AM		mcchellman
Re CRF, gave Can/T his credentials at the counter at 11:50 pm.			

Report Detail

Account/Seq 73870 2

Election/Type

20221108-GEN

Kyle Gibson

CAN

Status/Reviewer	Mailed	Type/Recd	R E S P O N S E
SN jcsoria	1st: 9/11/2019	AUT	
10/16/19 2:39 pm	2nd: 9/25/2019	10/21/2019	
	3rd: 10/16/2019		

NOTES: 11/5/19 - This report has not been amended. Recommending FEC referral. Ejr