

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: J.R. Gaillot

Case No.: FEC 16-681

TO: J.R. Gaillot
P.O. Box 9048
Fleming Island, FL 32006

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

NOTICE OF HEARING (AUTOMATIC FINE)

A hearing will be held in this case before the Florida Elections Commission on, **February 28, 2017 at 11:00 am, or as soon thereafter as the parties can be heard**, at the following location: **Senate Office Building, 404 South Monroe Street, Room 110-S, Tallahassee, Florida 32399**

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

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

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

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

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

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

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

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

See further instructions on the reverse side.

Amy McKeever Toman
Executive Director
Florida Elections Commission
February 13, 2017

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

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

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

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

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

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

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

**FLORIDA ELECTIONS COMMISSION
CASE REPORT**

Case Number: FEC-16-681

NAME: J.R. GAILLOT

DATE APPEAL RECEIVED: 10/20/16

DATE REPORT DUE: 08/19/16 (2016 P6)

DATE OF ELECTRONIC RECEIPT: 08/21/16

DATE FILING OFFICER RECEIVED REPORT: 08/21/16

NUMBER OF DAYS LATE: 2

AMOUNT OF FINE: \$50.00

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

TOTAL RECEIPTS FOR REPORTING PERIOD: \$200.00

TOTAL EXPENDITURES FOR REPORTING PERIOD: \$0

DATE OF FIRST NOTIFICATION: 09/29/16*

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

SUMMARY: J.R. Gaillot was a candidate for the office of State Representative, District 13 in the 2016 elections. Tynisha R. Barnett was his treasurer.

J.R. Gaillot is appealing the fine claiming that his father passed away on August 17, 2016. According to Mr. Gaillot, he was away attending his father's estate and was unreachable at that time. He was unable to file the report.

- The 2016 P6 Original Report covers the period from 08/06/16-08/12/16; it was due on 08/19/16.
- The 2016 P6 Queued Transaction Report shows that it was created on 08/21/16 at approximately 11:33pm and filed the same day.
- J.R. Gaillot reported receiving 1 contribution, while making zero expenditures.
- The Division of Elections does not have any notes that pertain to J.R. Gaillot's 2016 P6 report.
- The Final Delivery notice from the Division of Elections was mailed on 09/29/16. *

PRIOR CASES: None.



Re: Appeal
J.R Gaillot
to:
DivElections, fec
10/20/2016 01:26 PM
Cc:
ty, jr
Hide Details
From: "J.R Gaillot" <jrforfloridahouse13@gmail.com>
To: DivElections@dos.state.fl.us, fec@myfloridalegal.com
Cc: ty@jrforflorida.com, jr@jrforflorida.com

I received a notice for a fine of \$ 50 that was due on August 19th, 2016 and was filed on August 21, 2016.

I would like to appeal that fine. My father passed away on August 17th, 2016 and I was busy attending to his estate. I am still dealing with the matter.

I was unreachable during that time and the report could not be filed on time.

I can provide any documentation like a death certificate if needed.

Regards

J.R Gaillot CAN 66376

On Thu, Oct 20, 2016 at 1:01 PM, J.R Gaillot <jrforfloridahouse13@gmail.com> wrote:

I received a notice for a fine of \$ 50 that was due on August 19th, 2016 and was filed on August 21, 2016.

I would like to appeal that fine. My father passed away on August 17th, 2016 and I was busy attending to his estate. I am still dealing with the matter.

I was unreachable during that time and the report could not be filed on time.

I can provide any documentation like a death certificate if needed.

Regards

J.R Gaillot

THIS DOCUMENT HAS A LIGHT BACKGROUND ON TRUE WATERMARKED PAPER. HOLD TO LIGHT TO VIEW FLORIDA WATERMARK.

BUREAU of VITAL STATISTICS

CERTIFICATION OF DEATH

STATE FILE NUMBER: 2016130666

DATE ISSUED: September 7, 2016

DECEDENT INFORMATION

STATE FILE DATE: September 1, 2016

NAME: JACQUES RENE GAILLOT SR

DATE OF DEATH: [REDACTED]

SEX: MALE SSN: [REDACTED]

AGE: 088 YEARS

DATE OF BIRTH: [REDACTED]

BIRTHPLACE: PORT-AU-PRINCE, HAITI

PLACE OF DEATH: INPATIENT

FACILITY NAME OR STREET ADDRESS: JACKSON HEALTH SYSTEMS

LOCATION OF DEATH: MIAMI, MIAMI-DADE COUNTY, 33136

SURVIVING SPOUSE, DECEDENT'S RESIDENCE AND HISTORY INFORMATION

MARITAL STATUS: DIVORCED

SURVIVING SPOUSE NAME: NONE

RESIDENCE: 19886 SW 103RD COURT, CUTLER BAY, FLORIDA 33157, UNITED STATES

COUNTY: MIAMI-DADE

OCCUPATION, INDUSTRY: ATTORNEY, LAW

RACE: White Black or African American Asian Indian Chinese Filipino Native Hawaiian Japanese Korean

American Indian or Alaskan Native-Tribe: Vietnamese Other Asian: Other: Unknown

Guamanian or Chamorro Samoan Other Pacific Is.

HISPANIC OR HAITIAN ORIGIN? YES, HAITIAN

EVER IN U.S. ARMED FORCES? NO

PARENTS AND INFORMANT INFORMATION

FATHER/PARENT: MURAT GAILLOT

MOTHER/PARENT: THERESE SAINVIL

INFORMANT: JACQUES RENE GAILLOT JR

RELATIONSHIP TO DECEDENT: SON

INFORMANT'S ADDRESS: 2763 RIDGE HAVEN DRIVE, GREEN COVE SPRINGS, FLORIDA 32043, UNITED STATES

PLACE OF DISPOSITION AND FUNERAL FACILITY INFORMATION

PLACE OF DISPOSITION: EVERGLADES CREMATORIUM WEST PARK, FLORIDA

METHOD OF DISPOSITION: CREMATION

FUNERAL DIRECTOR/LICENSE NUMBER: SANDRA ST AMAND, F043179

FUNERAL FACILITY: PAX-VILLA USA FUNERAL HOME BROWARD F041720 1941 WEST OAKLAND PARK BLVD, OAKLAND PARK, FLORIDA 33311

CERTIFIER INFORMATION

TYPE OF CERTIFIER: CERTIFYING PHYSICIAN

MEDICAL EXAMINER CASE NUMBER: NOT APPLICABLE

TIME OF DEATH (24 hr): 1808

DATE CERTIFIED: August 24, 2016

CERTIFIER'S NAME: CEZARY ZAWADZKI

CERTIFIER'S LICENSE NUMBER: ME105977

NAME OF ATTENDING PHYSICIAN (if other than Certifier): NOT APPLICABLE

CAUSE OF DEATH AND INJURY INFORMATION

MANNER OF DEATH: [REDACTED]

CAUSE OF DEATH: [REDACTED]

- b
- c
- d

PART II - Other significant conditions contributing to death but not resulting in the underlying cause given in PART I:

[REDACTED]

AUTOPSY PERFORMED? NO AUTOPSY FINDINGS AVAILABLE TO COMPLETE CAUSE OF DEATH?

DATE OF SURGERY: DID TOBACCO USE CONTRIBUTE TO DEATH? NOT STATED

REASON FOR SURGERY:

IF FEMALE, NOT APPLICABLE

DATE OF INJURY: NOT APPLICABLE TIME OF INJURY (24 hr): INJURY AT WORK?

LOCATION OF INJURY:

DESCRIBE HOW INJURY OCCURRED:

PLACE OF INJURY:

IF TRANSPORTATION INJURY, Status of Decedent: Type of Vehicle:

[Signature]

State Registrar

REQ: 2017378392

THE ABOVE SIGNATURE CERTIFIES THAT THIS IS A TRUE AND CORRECT COPY OF THE OFFICIAL RECORD ON FILE IN THIS OFFICE.

WARNING: THIS DOCUMENT IS PRINTED ON SECURITY PAPER WITH WATERMARKS OF THE GREAT SEAL OF THE STATE OF FLORIDA. DO NOT ACCEPT WITHOUT VERIFYING THE PRESENCE OF THE WATERMARKS. THE DOCUMENT FACE CONTAINS A MULTICOLORED BACKGROUND, GOLD EMBOSSED SEAL, AND THERMOCHROMIC FL. THE BACK CONTAINS SPECIAL LINES WITH TEXT. THIS DOCUMENT WILL NOT PRODUCE A COLOR COPY.



DH FORM 1947 (03-13)

CERTIFICATION OF VITAL RECORD



* 5 4 5 9 2 3 2 7 *

VOID IF ALTERED OR ERASED

VOID IF ALTERED OR ERASED



FLORIDA DEPARTMENT OF STATE
Ken Detzner
Secretary of State
DIVISION OF ELECTIONS

Final Notice
Delivery Confirmation:

USPS TRACKING # **9114 9014 9645 0630 6761 88**
& CUSTOMER RECEIPT For Tracking or Inquiries go to USPS.com
or call 1-800-222-1811

September 29, 2016

J. R. Gaillot
Candidate for State Representative, District 13
Post Office Box 9048
Fleming Island, FL 32006-2006

CAN 66376

Dear Mr. Gaillot:

The campaign treasurer's report that was due on August 19, 2016, was filed on August 21, 2016. By law, you are automatically assessed a late fine of \$50.00.

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

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

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

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

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

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

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

Sincerely,

Kristi Reid Bronson, Chief
Bureau of Election Records

cc: Tynisha R. Barnett, Treasurer

Filed Campaign Treasurer's Report

J. R. Gaillot
66376 - STR 013

Elect ID: **20161108-GEN** From: **8/6/2016** Amd: **N** Wvr: **N** Filed: **FIL** 8/21/2016 11:51:51 P
Report: **2016 P6 (7)** To: **8/12/2016** Cmplt: **COM** Reviewed: **AUD** 8/21/2016 11:50:33 P

Original Report

Submitted: 8/21/2016 11:51:51 P

CONTRIBUTIONS

<i>Seq Date</i>	<i>Name</i>	<i>Address</i>	<i>Contributor Type</i>	<i>Occupation Inkind Description</i>	<i>Errors Amd</i>	<i>Amount</i>
1	RICHTER	3736 SW 6TH PLACE	I	PROFESSOR	0	\$200.00
8/11/2016	BRANTLEE	GAINESVILLE FL 32607	CHE			

1/11/2017

Filed Campaign Treasurer's Report

Page 2

J. R. Gaillot
66376 - STR 013

Elect ID: **20161108-GEN**

From: **8/6/2016**

Amd: **N**

Wvr: **N**

Filed: **FIL** 8/21/2016 11:51:51 P

Report: **2016 P6 (7)**

To: **8/12/2016**

Cmplt: **COM**

Reviewed: **AUD** 8/21/2016 11:50:33 P

Queued Items for 2016-P6

Account: 66376

STR 013 J. R. Gaillot

Rpt Seq: 7

<i>ProcessDescription</i>	<i>Status</i>	<i>Submitter</i>	<i>Created</i>	<i>LastUpdate</i>
Create Pending Report	Processing Complete	66376	8/21/2016 11:33:40 PM	8/21/2016 11:33:40 PM
Review Pending Report	Processing Complete	66376	8/21/2016 11:50:33 PM	8/21/2016 11:50:33 PM
File Pending Report	Processing Complete	66376	8/21/2016 11:51:51 PM	8/21/2016 11:51:51 PM



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Florida Department of State - Division of Elections

Florida Election System Reports

Candidate/Committee Lookup

Name:

Election:

Acct:

Type:

Candidate Name: J. R. Gaillot

Account: 66376

Date Due	Type	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amount Paid
11/28/2016	TR		SNT	0	\$0.00		\$0.00	\$0.00
8/26/2016	P7	8/26/2016						
8/19/2016	P6	8/21/2016	APP	2	\$50.00		\$50.00	\$0.00
8/12/2016	P5	8/12/2016						
8/5/2016	P4	8/12/2016	CLO	7	\$0.00		\$0.00	\$0.00
7/29/2016	P3	7/29/2016						
7/15/2016	P2	7/15/2016						
7/1/2016	P1	7/1/2016						
6/10/2016	M5	6/9/2016						

PHONE LOG

Case No.: 16-681

Respondent: J.R. Gaillot

1. **Date and time:** 01/12/17 12:43pm
Name: J.R Gaillot
Phone #: 904-501-1069
Summary: I called and left a voicemail. I asked Mr. Gaillot to return my call and provided that case reference number.
Entered by: B.Wims
2. **Date and time:** 01/12/17 12:52pm
Name: J.R Gaillot
Phone #: 904-501-1069
Summary: Mr. Gaillot returned my call and I requested a copy of his father's Death Certificate as noted in his appeal. He stated that he would email me the file shortly.
Entered by: B.Wims
3. **Date and time:**
Name:
Phone #:
Summary:
Entered by:
4. **Date and time:**
Name:
Phone #:
Summary:
Entered by:
5. **Date and time:**
Name:
Phone #:
Summary:
Entered by:
6. **Date and time:**
Name:
Phone #:
Summary:
Entered by:
7. **Date and time:**
Name:
Phone #:
Summary:
Entered by: