

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: Darren Rashaud Gardner**

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**Case No.: FEC 16-607**

**TO:** Darren Rashaud Gardner  
9132 Jennifer Blvd.  
Jacksonville, FL 32222

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

**NOTICE OF HEARING (INFORMAL HEARING)**

A hearing will be held in this case before the Florida Elections Commission on, **November 28, 2017 at 8:30 am, or as soon thereafter as the parties can be heard**, at the following location: **412 Knott Building, Pat Thomas Committee Room, 404 South Monroe Street, Tallahassee, Florida 32399.**

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

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

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

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

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

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

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

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

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

*Amy McKeever Toman*  
Executive Director  
Florida Elections Commission  
November 13, 2017

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

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

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

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

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

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

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

FILED

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STATE OF FLORIDA  
ELECTIONS COMMISSION

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,  
Petitioner,**

**Case No.: FEC 16-607**

**v.**

**Darren Rashaud Gardner,  
Respondent.**

**ORDER OF PROBABLE CAUSE**

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

On July 17, 2017, 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 September 22, 2016, Respondent violated Section 106.141(1), Florida Statutes, when Respondent failed to dispose of the funds on deposit in his campaign account within 90 days of being eliminated.


**Count 2:**

On or about September 22, 2016, Respondent violated Section 106.141(1), Florida Statutes, when Respondent failed to file the campaign's 2016 TR listing the disposition of all remaining campaign funds within 90 days of being eliminated.

**Count 3:**

On or about September 22, 2016, Respondent violated Section 106.19(1)(c), Florida Statutes, when Respondent deliberately failed to include information required to be reported by Chapter 106 on the campaign's 2016 TR.

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



M. Scott Thomas, Chairman  
Florida Elections Commission

Copies furnished to:  
Cole H. Kekelis, Assistant General Counsel  
Darren Rashaud Gardner, 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: Darren Rashaud Gardner**

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**Case No.: FEC 16-607**

**TO:** Darren Rashaud Gardner  
9132 Jennifer Blvd.  
Jacksonville, FL 32222

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

**NOTICE OF HEARING (PROBABLE CAUSE DETERMINATION)**

A hearing will be held in this case before the Florida Elections Commission on, **August 16, 2017 at 10:30 am, or as soon thereafter as the parties can be heard**, at the following location: **Senate Office Building, 404 South Monroe Street, Room 110-S, Tallahassee, Florida 32399**

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

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

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

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

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

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

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

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

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

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If this is 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.

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: Darren Rashaud Gardner**

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**Case No.: FEC 16-607**

**STAFF RECOMMENDATION FOLLOWING INVESTIGATION**

Pursuant to Section 106.25(4)(c), Florida Statutes, undersigned 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 106.141(1) and 106.19(1)(c), Florida Statutes**. Based upon a thorough review of the Report of Investigation submitted on June 16, 2017, the following facts and law support this staff recommendation:

1. On October 21, 2016, the Florida Elections Commission (“Commission”) received a referral from the Department of State, Division of Elections (“Division”) alleging that Darren Rashaud Gardner (“Respondent”) violated Chapter 106, Florida Statutes.
2. Respondent was a 2016 candidate for the office of State Representative, District 13. He failed to qualify.
3. By letter dated January 27, 2017, the Executive Director notified Respondent that Commission staff would investigate the following statutory provisions:

**Section 106.141(1), Florida Statutes:** As alleged in the complaint, Respondent, a 2016 candidate for State Representative, failed to timely file his 2016 Termination Report reflecting the disposition of all remaining campaign funds.

**Section 106.19(1)(c), Florida Statutes:** As alleged in the complaint, Respondent, a 2016 candidate for State Representative, may have falsely reported or deliberately failed to include information in his 2016 Termination Report, as required by Chapter 106.

4. On May 4, 2016, Respondent filed an Appointment of Campaign Treasurer and Designation of Campaign Depository form (“DS-DE 9”) with the Division. Respondent appointed himself as his own campaign treasurer. (ROI Exhibit 1)<sup>1</sup>

5. By letter dated May 5, 2016, Kristi Reid Bronson, Division of Elections, Chief, Bureau of Election Records, notified Respondent that his DS-DE 9 was filed with the Division on

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<sup>1</sup> The Report of Investigation shall be referred to herein as “ROI.”



May 4, 2016. The letter also contained a sealed envelope containing Respondent's confidential PIN number to access the Division's electronic filing system. (ROI Exhibit 6)

6. Ms. Bronson's May 5, 2016, letter also informed Respondent that all of the Division's publications and reporting forms were available on the Division's website, including Chapters 104 and 106, Florida Statutes, the *Candidate and Campaign Treasurer Handbook*, and the *Calendar of Reporting Dates*. The letter notified Respondent that it was his responsibility to read, understand, and follow the requirements of Florida's election laws. (*Id.*)

7. On May 3, 2016, Respondent filed a Statement of Candidate form with the Division in which he acknowledged that he had been provided access to read and understand the requirements of Chapter 106, Florida Statutes. (ROI Exhibit 8)

8. On September 22, 2016, Respondent's 2016 Termination Report ("TR") was due since he failed to qualify. However, Respondent failed to file it. On September 23, 2016, the Division sent Respondent written notification that the campaign's 2016 TR or the required notification that no reportable activity occurred, whichever was applicable, had not been filed. (ROI Exhibit 2)

9. On October 3, 2016, the Division sent Respondent a letter marked "Final Notice" that the campaign's 2016 TR or the required notification that no reportable activity occurred, whichever was applicable, had not been filed. The final notice was delivered to Respondent on October 5, 2016, at the address provided on his DS-DE 9. (ROI Exhibit 3)

10. The investigation secured Respondent's campaign account records from his campaign depository, BB&T. According to the bank records, the balance in the campaign account as of June 24, 2016, the beginning of the TR reporting period, was \$91.04. No deposits were shown on the bank records during the TR reporting period. However, an expenditure of \$12.00 for "service charges" was made on September 21, 2016. This was the only expenditure made during the TR reporting period. The bank records show that the balance in the campaign account on September 30, 2016, was \$79.04. (ROI Exhibit 5)

11. Section 106.141(1), Florida Statutes, requires a candidate to dispose of the funds on deposit in his campaign account and file a report reflecting the disposition of all remaining funds within 90 days of withdrawing his candidacy, becoming an unopposed candidate, being eliminated as a candidate, or being elected to office.

12. Section 106.19(1)(c), Florida Statutes, prohibits a candidate from falsely reporting or deliberately failing to include any information required by Chapter 106.

13. Since a review of Respondent's bank records has revealed a balance of campaign funds and a reportable financial transaction that occurred during the 2016 TR reporting period, Respondent was required to timely file the campaign's 2016 TR reporting all transactions associated with disposition of all remaining campaign funds.

14. However, Respondent did not timely file the campaign's 2016 TR, and Division records show that as of July 17, 2017, Respondent had still not filed the campaign's 2016 TR. Furthermore, Respondent's bank records confirmed that as of September 22, 2016, the date that

the 2016 TR was due, Respondent's campaign account remained open with a balance of \$79.04. (ROI Exhibit 5 and Attachment A)<sup>2</sup>

15. Respondent did not provide a written response to the complaint. However, Respondent asserted in a telephonic interview during the investigation that he tried to file the 2016 TR. Respondent claimed that he called the Division and was told that he could not file the TR until he got a statement from the bank showing his transactions. Respondent stated he called the bank, which asked him to come in, but Respondent added that he has not had time to do so. This explanation was not supported by evidence and does not excuse Respondent from the clear statutory obligation to dispose of all remaining campaign funds and file the TR within 90 days of being eliminated as a candidate. (Attachment B)

16. Based upon the information above, it appears that Respondent failed to dispose of all funds remaining on deposit in his campaign account and file the campaign's 2016 TR by the required due date, and Respondent failed to disclose an expenditure made during the 2016 TR reporting period.

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

18. The above facts show that Respondent was a 2016 candidate for State Representative, District 13. He failed to qualify, and was thus eliminated from the race. Respondent failed to dispose of all funds on deposit in his campaign account and file the campaign's 2016 TR listing the disposition of all such funds within 90 days of being eliminated. A review of Respondent's bank records revealed that as of the due date of the 2016 TR, the campaign account remained open with a balance of funds. Further, the bank records showed an expenditure that occurred during the 2016 TR reporting period which Respondent did not disclose.

Based upon these facts and circumstances, I recommend that the Commission find probable cause to charge Respondent with the following:

**Count 1:**

On or about September 22, 2016, Respondent violated Section 106.141(1), Florida Statutes, when Respondent failed to dispose of the funds on deposit in his campaign account within 90 days of being eliminated.

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<sup>2</sup> According to Respondent's banks records, a \$12.00 service fee was charged to the account each month after September. The balance as of January 31, 2017, was \$31.04. (ROI Exhibit 5)

**Count 2:**

On or about September 22, 2016, Respondent violated Section 106.141(1), Florida Statutes, when Respondent failed to file the campaign's 2016 TR listing the disposition of all remaining campaign funds within 90 days of being eliminated.

**Count 3:**

On or about September 22, 2016, Respondent violated Section 106.19(1)(c), Florida Statutes, when Respondent deliberately failed to include information required to be reported by Chapter 106 on the campaign's 2016 TR.

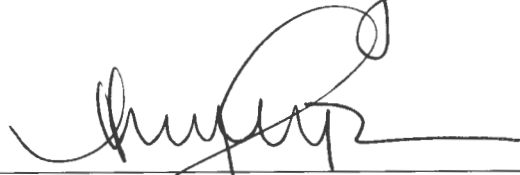
Respectfully submitted on July 17, 2017,



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Cole H. Kekelis  
Assistant General Counsel

I reviewed this Staff Recommendation this 17th day of July 2017.



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Amy McKeever Toman  
Executive Director



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Florida Department of State - Division of Elections

**Florida Election System Reports**

Candidate/Committee Lookup

**Candidate Name:** Darren Rashaud Gardner

Name:

**Account:** 66011

Election:

Acct:

Type:

Date Due	Type	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amount Paid
9/22/2016	TR		FEC	0	\$0.00		\$0.00	\$0.00
7/1/2016	P1	12/12/2016						
6/10/2016	M5	12/12/2016	DFS	185	\$25.00		\$25.00	\$0.00

ATTACHMENT A

**FLORIDA ELECTIONS COMMISSION  
PHONE LOG  
Case No.: FEC 16-607**

**Respondent:** Darren Rashaud Gardner

**Complainant:** Division of Elections

1. **Date and time:** February 6, 2017 @ 2:40 p.m.  
**Name:** Respondent  
**Phone #:** 904-330-6070  
**Summary:** I called Respondent to query why he has not filed his TR. He stated that he tried to file the report. He stated that he called the DOE and spoke with a guy on the phone. He stated that the guy at the DOE was very helpful and walked him through filing the two previous reports but when they started on the TR the guy told him that he could not file the TR until he got a statement from the bank showing his transactions. He stated that he wasn't really sure what that meant, so he called the bank. The bank asked him to come in but he has not had the time to go in. He stated he has not returned to the bank since he opened the account. He stated that he wasn't worried about it since it was only \$100, never received any contributions and never made any expenditures. He stated he would like to get this resolved. I explained the PPC CO process. He agreed to speak with the attorney about a consent order.  
**Memo to File?** No  
**Entered by:** MBW
  
2. **Date and time:** February 7, 2017 @ 8:31 p.m.  
**Name:** Darren Gardner  
**Phone #:** 904-330-6070  
**Summary:** I called Respondent to query about when (on what date) did he plan to file the TR. He stated that he would check his records and call me back.  
**Memo to File?** No  
**Entered by:** MBW
  
3. **Date and time:** February 23, 2017 @ 10:46 a.m.  
**Name:** Kelly Rodgers, BB&T  
**Phone #:** 910-272-4250  
**Summary:** Ms. Rodgers called and left a message, stating she needed additional information regarding Respondent. She stated that the bank's reference number is 89701.  
**Memo to File?** No  
**Entered by:** MBW
  
4. **Date and time:** February 23, 2017 @ 11:11 a.m.  
**Name:** Kelly Rodgers, BB&T  
**Phone #:** 910-272-4250  
**Summary:** I returned the call to Ms. Rodgers. I informed her of Respondent's mailing address. She stated that the address was sufficient to confirm that she was reviewing the correct account. She stated that she would have the records to me by March 3, 2017.  
**Memo to File?** No

ATTACHMENT B

**FLORIDA ELECTIONS COMMISSION**  
**REPORT OF INVESTIGATION**  
**Case No.: FEC 16-607**

**Respondent:** Darren Rashaud Gardner

**Complainant:** Division of Elections

Pursuant to Section 106.25, Florida Statutes, on October 21, 2016, the Florida Elections Commission (Commission) received information from the Division of Elections alleging that Respondent violated Chapter 106, Florida Statutes. Commission staff, therefore, investigated whether Respondent violated the following statutes:

Section 106.141(1), Florida Statutes, failure of a candidate to dispose of funds remaining in his campaign account within 90 days after he withdrew, became unopposed, was eliminated, or elected and to timely file a report reflecting the disposition of all remaining funds; and

Section 106.19(1)(c), Florida Statutes, prohibiting a person or organization from falsely reporting or deliberately failing to report information required by Chapter 106, Florida Statutes.

**I. Preliminary Information:**

1. Respondent was a 2016 candidate for the office of State Representative, District 13. Respondent did not qualify.
2. On May 4, 2016, Respondent filed the Appointment of Campaign Treasurer and Designation of Campaign Depository form (DS-DE 9) with the filing officer. He appointed himself as treasurer. To review the DS-DE 9 form, refer to Exhibit 1.
3. Complainant is the Division of Elections (Division).
4. Respondent's filing officer is Kristi Reid-Bronson, Chief, Bureau of Elections Records.

**II. Alleged Violation of Section 106.141(1)(c), Florida Statutes:**

5. I investigated whether Respondent violated this section of the election laws by not disposing of funds remaining in his campaign account and not filing 2016 termination report (TR) reflecting the disposition of the funds.
6. According to Complainant, Respondent's 2016 TR was due on September 22,

2016; however, Respondent did not file the TR.

7. On September 22, 2016, the Division mailed a letter to Respondent regarding his TR. (The TR covered a period from June 24, 2016 through September 21, 2016.) The letter reads, "Our records indicated that you have not filed either your termination report or notification that no reportable activity occurred, whichever is applicable. The filing date was September 22, 2016." To review the letter, refer to Exhibit 2.

8. On October 3, 2016, the Division mailed Respondent the "Final Notice." The letter reads, "If the report or notification is not filed within 7 days of receipt of this letter, the Division will refer this matter to the Florida Elections Commission..." To review the Final Notice, refer to Exhibit 3.

9. As of the date of this report, Respondent has not filed the 2016 TR. To review Respondent's filing history, refer to Exhibit 4.

10. On February 6, 2017, I interviewed Respondent by telephone. I asked Respondent why he had not filed his TR. He stated that he tried to file the report. He stated that he called the Division and the guy he spoke with told him that he could not file the TR without a statement from the bank showing his transactions. Respondent stated that he was clear on what that meant so he called the bank. The bank suggested that he come in, but he has not had an opportunity to go to the bank. He stated that the campaign only received one contribution, which was from him and it was only \$100.

11. I subpoenaed the bank records from BB&T Bank, the campaign depository, to determine if Respondent disposed of all surplus funds during the TR period. According to bank records, the balance in the campaign account on June 24, 2016<sup>1</sup> was \$91.04. There were no deposits shown on bank records during the TR period. To review the monthly bank records, refer to Exhibit 5.

12. On September 21, 2016, an expenditure was made to the BB&T Bank for \$12 for "Service Charges." This was the only expenditure made during the TR period. The balance in the campaign account on September 30, 2016 was \$79.04. To review the bank records, refer to Exhibit 5.

13. According to bank records, a \$12 service fee was charged to the account each month after September. The account balance as of January 31, 2017, was \$31.04. To review the bank records, refer to Exhibit 5.

14. No record of Respondent having previously violated this section of the election laws was found.

### **III. Alleged Violation of Section 106.19(1)(c), Florida Statutes:**

15. I investigated whether Respondent violated this section of the election laws by

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<sup>1</sup> The beginning of the TR period.

falsely reporting or deliberately failing to include information required by Chapter 106, Florida Statutes.

16. According to Complainant, Respondent did not disclose the financial activity for his campaign during the TR period.

17. To review the information pertaining to this section of law, refer to paragraphs 6 through 13.

18. No record of Respondent having previously violated this section of the election laws was found.

#### **IV. FEC History:**

19. Respondent has no prior cases with the Commission.

#### **Conclusion:**

20. I tried to reach Respondent by telephone for a final interview; however, all attempts were unsuccessful.

21. On May 5, 2016, Ms. Bronson, Respondent's filing officer, mailed a letter to Respondent acknowledging that Respondent's name had been placed on the 2016 active candidate list. The letter reads,

**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.**

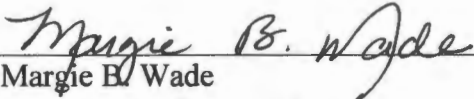
To review the acknowledgement letter, refer to Exhibit 6. To review the relevant pages of the Candidate Handbook, refer to Exhibit 7.

22. Although I interviewed Respondent on February 6, 2017, he did not confirm that he received a copy of Chapter 106, Florida Statutes or the *2016 Candidate and Campaign Treasurer Handbook*. I mailed an affidavit questionnaire to Respondent but he did not return the affidavit questionnaire. Therefore, I was not able to determine whether Respondent has read Chapter 106 and/or the *2016 Candidate and Campaign Treasurer Handbook*.

23. On May 3, 2016, Respondent signed the Statement of Candidate form certifying that he had been provided access to read and understand the requirements of Chapter 106, Florida Statutes. To review the Statement of Candidate form, refer to Exhibit 8.



Respectfully submitted on June 16, 2017.

  
Margie B. Wade  
Investigation Specialist

**Current address of Respondent**

Mr. Darren Rashaud Gardner  
9132 Jennifer Boulevard  
Jacksonville, Florida 32222

**Current Address of Complainant**

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

**Name and Address of Filing Officer:**

Ms. Kristi Reid-Bronson, Chief  
Bureau of Election Records  
500 South Bronough Street, Room 316  
Tallahassee, Florida 32399

Copy furnished to:

Mr. David Flagg, Investigations Manager

**DFLORIDA ELECTIONS COMMISSION**  
**REPORT OF INVESTIGATION**  
**Darren Rashaud Gardner -- FEC 16-607**

<b>LIST OF EXHIBITS</b>	
<b>Exhibits #s</b>	<b>Description of Exhibits</b>
Exhibit 1	DS-DE 9
Exhibit 2	Letter from the Division
Exhibit 3	Final Notice
Exhibit 4	Filing History
Exhibit 5	Bank Records
Exhibit 6	Acknowledgement Letter
Exhibit 7	Relevant Pages from the Candidate Handbook
Exhibit 8	Statement of Candidate

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

(PLEASE PRINT OR TYPE)

NOTE: This form must be on file with the qualifying officer before opening the campaign account.

RECEIVED  
DEPARTMENT OF STATE  
2016 MAY -4 AM 10:12

DIVISION OF ELECTIONS  
TALLAHASSEE, FL

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)

Darren Rashaud Gardner

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

9132 Jennifer Blvd  
Jacksonville, Florida 3222

4. Telephone

(904) 330-6070

5. E-mail address

thegardnerempire@gmail.com

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

State Representative District 13

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     Republican    Party candidate.

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

10. Name of Treasurer or Deputy Treasurer

Darren Rashaud Gardner

11. Mailing Address

9132 Jennifer Blvd

12. Telephone

(904) 330-6070

13. City

Jacksonville

14. County

Duval

15. State

FL

16. Zip Code

32222

17. E-mail address

thegardnerempire@gmail.com

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

19. Name of Bank

BB&T

20. Address

4781 TownCenter Parkway

21. City

Jacksonville

22. County

Duval

23. State

Florida

24. Zip Code

32246

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

05/03/2016

26. Signature of Candidate

X Darren Gardner

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

I, Darren Rashaud Gardner, do hereby accept the appointment  
(Please Print or Type Name)

designated above as:  Campaign Treasurer     Deputy Treasurer.

05/03/2016  
Date

X Darren Gardner  
Signature of Campaign Treasurer or Deputy Treasurer



FLORIDA DEPARTMENT OF STATE

**Ken Detzner**  
Secretary of State

DIVISION OF ELECTIONS

September 23, 2016

Darren Rashaud Gardner  
9132 Jennifer Boulevard  
Jacksonville, FL 32222-2222

CAN 66011

Dear Mr. Gardner:

Our records indicate that you have not filed either your termination report or notification that no reportable activity occurred, whichever is applicable. The filing date was September 22, 2016.

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

- If reportable activity occurred and you have not filed a report, statutory fines are automatically assessed as \$50 per day until you file your report. The total fine for the untimely report cannot exceed 25% of the total receipts or expenditures, whichever is greater, for the cover period. Even if you end up filing your report late, we cannot waive the statutory fines. We will notify you of the specific amount of fines owed once you file your report. You have 20 days from the day you receive the notice to pay the fine or to appeal the fine to the Florida Elections Commission.
- If no reportable activity occurred for the report date(s), you are still required to notify us in writing, via the Division's Electronic Filing System, that no reportable activity occurred. No automatic fines are statutorily assessed.

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

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

Sincerely,

Kristi Reid Bronson, Chief  
Bureau of Election Records

EXHIBIT 2



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

**Final Notice**  
**Delivery Confirmation:**

USPS TRACKING # **9114 9014 9645 0630 6774 13**  
& CUSTOMER RECEIPT For Tracking or Inquiries go to USPS.com  
or call 1-800-222-1811.

October 3, 2016

Darren Rashaud Gardner  
9132 Jennifer Boulevard  
Jacksonville, FL 32222-2222

CAN 66011

Dear Mr. Gardner:

A recent review of the Division's records show that the Division has not yet received your termination report or the required notification that no reportable activity occurred, whichever is applicable.

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

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

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

Sincerely,

A handwritten signature in black ink that reads "Kristi Reid Bronson".

Kristi Reid Bronson, Chief  
Bureau of Election Records

EXHIBIT 3 page 1 of 2

English

Customer Service

USPS Mobile

Register / Sign In



# USPS Tracking®

Still Have Questions?  
Browse our FAQs



Tracking Number: **9114901496450630677413**

Updated Delivery Day: **Wednesday, October 5, 2016**

## Product & Tracking Information

Available Services

Postal Product:

Features:  
USPS Tracking®

Text Updates

Email Updates

DATE & TIME	STATUS OF ITEM	LOCATION
October 5, 2016 , 11:53 am	Delivered, In/At Mailbox	JACKSONVILLE, FL 32222

Your item was delivered in or at the mailbox at 11:53 am on October 5, 2016 in JACKSONVILLE, FL 32222.

October 5, 2016 , 10:39 am	Out for Delivery	JACKSONVILLE, FL 32222
October 5, 2016 , 4:02 am	Arrived at Post Office	JACKSONVILLE, FL 32244
October 4, 2016 , 4:17 am	Arrived at USPS Facility	VALDOSTA, GA 31601
October 4, 2016 , 2:21 am	Departed USPS Facility	TALLAHASSEE, FL 32301
October 3, 2016 , 7:52 pm	Arrived at USPS Facility	TALLAHASSEE, FL 32301

## Track Another Package

Manage Inquiries

Tracking (or receipt) number

Track all your packages  
No tracking number?

Track It

Sign up for My Alerts

EXHIBIT 3 page 2 of 3



[search](#) | [directory](#) | [contact us](#) | [411](#) | [subscribe](#) | [tour](#) | [help](#)

Florida Department of State - Division of Elections

Florida Election System Reports

Candidate/Committee Lookup

**Candidate Name:** Darren Rashaud Gardner

Name:

**Account:** 66011

Election:

Acct:

Type:

Date Due	Type	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amount Paid
9/22/2016	TR		FEC	0	\$0.00		\$0.00	\$0.00
7/1/2016	P1	12/12/2016						
6/10/2016	M5	12/12/2016	DFS	185	\$25.00		\$25.00	\$0.00

EXHIBIT 4



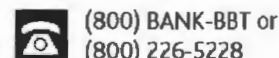
Page 1 of 2 05/31/16  
FL [REDACTED]

859-21-01-00 10505 0 C 001 30 50 004  
DARREN GARDNER FOR FLORIDA STATE HOUSE 0  
9132 JENNIFER BLVD  
JACKSONVILLE FL 32222-1928

## Your account statement

For 05/31/2016

## Contact us



### Earn Up To \$400 – Refer Other Businesses!

From now through June 30, 2016, BB&T business checking account holders who refer other businesses can earn up to \$400 - \$100 for each newly established business checking account with BB&T (limit four). In addition, as an added bonus each business referred will also receive a \$100 deposit in their newly opened checking account\*.

To find out more, contact your local relationship manager or visit your nearest BB&T financial center for details.

\* This offer applies to clients that open a new business checking account at a participating BB&T financial center between January 1, 2016 and June 30, 2016. The new business checking account must be the first checking account in the household to be eligible for the offer. Business checking accounts opened through BBT.com or BB&T Phone24, savings accounts and personal checking accounts are not eligible. Information will be reported to the IRS as required. Referred individuals must present and submit a referral form at account opening. See your financial center for a supply of referral forms. By providing and accepting and using the coupon included in the referral form, each party acknowledges that the other party may be a client of BB&T. All measures to protect client-sensitive information and confidentiality apply. In addition, each party understands that failure to receive an account bonus means that a referred account did not meet the offer criteria and does not imply that an account application was denied.

BB&T, Member FDIC.  
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### ■ BUSINESS VALUE [REDACTED]

#### Account summary

Your previous balance as of 05/04/2016	\$0.00
Checks	- 0.00
Other withdrawals, debits and service charges	- 33.42
Deposits, credits and interest	+ 124.46
<b>Your new balance as of 05/31/2016</b>	<b>= \$91.04</b>

#### Other withdrawals, debits and service charges

DATE	DESCRIPTION	AMOUNT(\$)
05/09	BB&T CHECK CARD PURCHASE-PIN 05-06-16 JACKSONVILLE FL 8900 OFFICE DEPOT 00 8653 BA	32.93
05/10	INTERNET PAYMENT 160510A2 Square Inc M1138178272	0.49
<b>Total other withdrawals, debits and service charges</b>		<b>= \$33.42</b>

#### Deposits, credits and interest

DATE	DESCRIPTION	AMOUNT(\$)
05/05	COUNTER DEPOSIT	100.00
05/10	160510A2 Square Inc 4558 Darren Gardner for Flo	0.49
05/20	160520P2 Square Inc 0134 Darren Gardner for Flo	23.97
<b>Total deposits, credits and interest</b>		<b>= \$124.46</b>

EXHIBIT 5 page 1 of 9





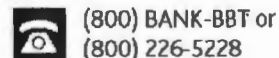
Page 1 of 2 06/30/16  
FL [REDACTED]

859-21-01-00 10505 0 C 001 30 50 004  
DARREN GARDNER FOR FLORIDA STATE HOUSE 0  
9132 JENNIFER BLVD  
JACKSONVILLE FL 32222-1928

## Your account statement

For 06/30/2016

## Contact us



### Earn Up To \$400 – Refer Other Businesses!

From now through June 30, 2016, BB&T business checking account holders who refer other businesses can earn up to \$400 - \$100 for each newly established business checking account with BB&T (limit four). In addition, as an added bonus each business referred will also receive a \$100 deposit in their newly opened checking account\*.

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### ■ BUSINESS VALUE 200 [REDACTED]

#### Account summary

Your previous balance as of 05/31/2016	\$91.04
Checks	- 0.00
Other withdrawals, debits and service charges	- 0.00
Deposits, credits and interest	+ 0.00
Your new balance as of 06/30/2016	= \$91.04

EXHIBIT 5 page 2 of 7



859-21-01-00 10505 0 C 001 30 50 004  
DARREN GARDNER FOR FLORIDA STATE HOUSE 0  
9132 JENNIFER BLVD  
JACKSONVILLE FL 32222-1928

# Your account statement

For 07/29/2016

## Contact us



(800) BANK-BBT or  
(800) 226-5228

### Earn Up To \$400 - Refer Other Businesses!

From now through December 31, 2016, BB&T business checking account holders who refer other businesses can earn up to \$400 - \$100 for each newly established business checking account with BB&T (limit four). In addition, as an added bonus each business referred will also receive a \$100 deposit in their newly opened checking account\*.

To find out more, contact your local relationship manager or visit your nearest BB&T financial center for details.

\* This offer applies to clients that open a new business checking account at a participating BB&T financial center between January 1, 2016 and December 31, 2016. The new business checking account must be the first checking account in the household to be eligible for the offer. Business checking accounts opened through BBT.com or BB&T Phone24, savings accounts and personal checking accounts are not eligible. Information will be reported to the IRS as required. Referred individuals must present and submit a referral form at account opening. See your financial center for a supply of referral forms. By providing and accepting and using the coupon included in the referral form, each party acknowledges that the other party may be a client of BB&T. All measures to protect client-sensitive information and confidentiality apply. In addition, each party understands that failure to receive an account bonus means that a referred account did not meet the offer criteria and does not imply that an account application was denied.

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### ■ BUSINESS VALUE [REDACTED]

#### Account summary

Your previous balance as of 06/30/2016	\$91.04
Checks	- 0.00
Other withdrawals, debits and service charges	- 0.00
Deposits, credits and interest	+ 0.00
Your new balance as of 07/29/2016	= \$91.04

### AMENDMENT TO THE BUSINESS SERVICES PRICING GUIDE

Effective September 1, 2016

The following changes are being made to the Business Services Pricing Guide that applies to your BB&T account. You may not be impacted by the fee changes listed, depending on your account activity and the services that you use. Custom pricing agreements will not be affected.

Continued use of your account after September 1, 2016, constitutes your acceptance of these changes. Except for the changes in this Amendment, the remainder of the Business Services Pricing Guide with BB&T is unchanged. If you do not have a copy of the Business

EXHIBIT 5 page 3 of 9



Page 1 of 2 08/31/16  
FL [REDACTED]

859-21-01-00 10505 0 C 001 30 50 004  
DARREN GARDNER FOR FLORIDA STATE HOUSE 0  
9132 JENNIFER BLVD  
JACKSONVILLE FL 32222-1928

## Your account statement

For 08/31/2016

## Contact us



BBT.com



(800) BANK-BBT or  
(800) 226-5228

### Earn Up To \$400 - Refer Other Businesses!

From now through December 31, 2016, BB&T business checking account holders who refer other businesses can earn up to \$400 - \$100 for each newly established business checking account with BB&T (limit four). In addition, as an added bonus each business referred will also receive a \$100 deposit in their newly opened checking account\*.

To find out more, contact your local relationship manager or visit your nearest BB&T financial center for details.

\* This offer applies to clients that open a new business checking account at a participating BB&T financial center between January 1, 2016 and December 31, 2016. The new business checking account must be the first checking account in the household to be eligible for the offer. Business checking accounts opened through BBT.com or BB&T Phone24, savings accounts and personal checking accounts are not eligible. Information will be reported to the IRS as required. Referred individuals must present and submit a referral form at account opening. See your financial center for a supply of referral forms. By providing and accepting and using the coupon included in the referral form, each party acknowledges that the other party may be a client of BB&T. All measures to protect client-sensitive information and confidentiality apply. In addition, each party understands that failure to receive an account bonus means that a referred account did not meet the offer criteria and does not imply that an account application was denied.

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### ■ BUSINESS VALUE [REDACTED]

#### Account summary

Your previous balance as of 07/29/2016	\$91.04
Checks	- 0.00
Other withdrawals, debits and service charges	- 0.00
Deposits, credits and interest	+ 0.00
Your new balance as of 08/31/2016	= \$91.04

EXHIBIT 5 page 4 of 9



Page 1 of 2 09/30/16  
FL [REDACTED]

859-21-01-00 10505 0 C 001 30 50 004  
DARREN GARDNER FOR FLORIDA STATE HOUSE 0  
9132 JENNIFER BLVD  
JACKSONVILLE FL 32222-1928

## Your account statement

For 09/30/2016

## Contact us



BBT.com



(800) BANK-BBT or  
(800) 226-5228

**You've built a solid business network.**  
Now BB&T introduces a way to make it work for you:

**Refer up to 4 small businesses and receive \$400!** \* Refer fellow small businesses to open their first BB&T business checking account and you each receive \$100 deposited directly into your business checking accounts once offer requirements are met.

To participate in this incentive program, stop by your closest local financial center before December 31, 2016 to pick up a registration form. Visit us online at [BBT.com/Business](http://BBT.com/Business) for more information or call us at 800-BANK-BBT.

\* This offer applies to referrals that open a new business checking account onsite at a participating BB&T financial center between January 1, 2016 and December 31, 2016. The new referred business checking account must be the first BB&T business checking account to be eligible for the offer. Business checking accounts opened through BBT.com or BB&T Phone24, savings accounts and personal checking accounts are not eligible. Information will be reported to the IRS as required. Referred individuals must present and submit a referral form at account opening. See your financial center for a supply of referral forms. By providing and accepting and using the coupon included in the referral form, each party acknowledges that the other party may be a client of BB&T. All measures to protect client-sensitive information and confidentiality apply. In addition, each party understands that failure to receive an account bonus means that an account was not opened and does not imply that an account application was denied.

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### ■ BUSINESS VALUE [REDACTED]

#### Account summary

Your previous balance as of 08/31/2016	\$91.04
Checks	- 0.00
Other withdrawals, debits and service charges	- 12.00
Deposits, credits and interest	+ 0.00
Your new balance as of 09/30/2016	= \$79.04

#### Other withdrawals, debits and service charges

DATE	DESCRIPTION	AMOUNT(\$)
09/21	SERVICE CHARGES - PRIOR PERIOD	12.00
Total other withdrawals, debits and service charges		= \$12.00

EXHIBIT 5 page 5 of 9



Page 1 of 2 10/31/16  
FL [REDACTED]

859-21-01-00 10505 0 C 001 30 50 004  
DARREN GARDNER FOR FLORIDA STATE HOUSE 0  
9132 JENNIFER BLVD  
JACKSONVILLE FL 32222-1928

## Your account statement

For 10/31/2016

## Contact us



(800) BANK-BBT or  
(800) 226-5228

### October is National Cyber Security Awareness Month.

BB&T puts the highest priority on protecting your personal information--and giving you tools and confidence to protect yourself from identity thieves.

Find powerful and practical fraud protection tips you can use every day at [BBT.com/Security](http://BBT.com/Security).

BB&T, Member FDIC.

### ■ BUSINESS VALUE [REDACTED]

#### Account summary

Your previous balance as of 09/30/2016	\$79.04
Checks	- 0.00
Other withdrawals, debits and service charges	- 12.00
Deposits, credits and interest	+ 0.00
Your new balance as of 10/31/2016	= \$67.04

#### Other withdrawals, debits and service charges

DATE	DESCRIPTION	AMOUNT(\$)
10/21	SERVICE CHARGES - PRIOR PERIOD	12.00
Total other withdrawals, debits and service charges		= \$12.00

EXHIBIT 5 page 6 of 9



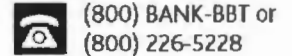
Page 1 of 2 11/30/16  
FL [REDACTED]

859-21-01-00 10505 0 C 001 30 50 004  
DARREN GARDNER FOR FLORIDA STATE HOUSE 0  
9132 JENNIFER BLVD  
JACKSONVILLE FL 32222-1928

## Your account statement

For 11/30/2016

## Contact us



**You've built a solid business network.**  
**Now BB&T introduces a way to make it work for you:**

**Refer up to 4 small businesses and receive \$400!** \* Refer fellow small businesses to open their first BB&T business checking account and you each receive \$100 deposited directly into your business checking accounts once offer requirements are met.

To participate in this incentive program, stop by your closest local financial center before December 31, 2016 to pick up a registration form. Visit us online at [BBT.com/Business](http://BBT.com/Business) for more information or call us at 800-BANK-BBT.

\* This offer applies to referrals that open a new business checking account onsite at a participating BB&T financial center between January 1, 2016 and December 31, 2016. The new referred business checking account must be the first BB&T business checking account to be eligible for the offer. Business checking accounts opened through BBT.com or BB&T Phone24, savings accounts and personal checking accounts are not eligible. Information will be reported to the IRS as required. Referred individuals must present and submit a referral form at account opening. See your financial center for a supply of referral forms. By providing and accepting and using the coupon included in the referral form, each party acknowledges that the other party may be a client of BB&T. All measures to protect client-sensitive information and confidentiality apply. In addition, each party understands that failure to receive an account bonus means that an account was not opened and does not imply that an account application was denied.

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### ■ BUSINESS VALUE [REDACTED]

#### Account summary

Your previous balance as of 10/31/2016	\$67.04
Checks	- 0.00
Other withdrawals, debits and service charges	- 12.00
Deposits, credits and interest	+ 0.00
Your new balance as of 11/30/2016	= \$55.04

#### Other withdrawals, debits and service charges

DATE	DESCRIPTION	AMOUNT(\$)
11/21	SERVICE CHARGES - PRIOR PERIOD	12.00
Total other withdrawals, debits and service charges		= \$12.00

EXHIBIT 5 page 7 of 9



859-21-01-00 10505 0 C 001 30 50 004  
DARREN GARDNER FOR FLORIDA STATE HOUSE 0  
9132 JENNIFER BLVD  
JACKSONVILLE FL 32222-1928

## Your account statement

For 12/30/2016

## Contact us



BBT.com



(800) BANK-BBT or  
(800) 226-5228

Thank you for being a valued client. BB&T asks that you review all BB&T statements you receive each month and report any errors by calling 1-888-820-7160. BB&T statements reflect our record of your deposit relationship with BB&T. As a reminder, BB&T offers many different deposit account options to meet your financial needs. Contact your local BB&T financial center should you like to evaluate whether your existing deposit account(s) is/are the best match for your current needs.

BB&T, Member FDIC.

### ■ BUSINESS VALUE [REDACTED]

#### Account summary

Your previous balance as of 11/30/2016	\$55.04
Checks	- 0.00
Other withdrawals, debits and service charges	- 12.00
Deposits, credits and interest	+ 0.00
Your new balance as of 12/30/2016	= \$43.04

#### Other withdrawals, debits and service charges

DATE	DESCRIPTION	AMOUNT(\$)
12/21	SERVICE CHARGES - PRIOR PERIOD	12.00
Total other withdrawals, debits and service charges		= \$12.00

### IMPORTANT INFORMATION REGARDING YOUR BUSINESS VALUE 200 OR BASIC PUBLIC FUND CHECKING ACCOUNT

At BB&T, we appreciate the opportunity to serve you and help you meet your financial needs. It is our goal to do what is in the best interests of our clients and provide them with exceptional banking products and services. Part of our commitment is to make you aware of changes that will take place with your accounts.

Effective February 1, 2017, BB&T is introducing a new qualifier to help you avoid the monthly maintenance fee - BB&T business debit card and/or BB&T credit card (details below). The new qualifier will replace the combined \$6,000 deposit and loan balance qualifier, which will no longer be applicable to offset the maintenance fee on your Business Value 200 Checking account. The monthly maintenance fee for the account remains unchanged at \$12.

Effective February 1, 2017, the monthly maintenance fee of \$12 is waived if you maintain ONE of the following qualifiers per monthly statement cycle:

- \$1,500 average monthly checking balance OR
- A qualifying transaction from a BB&T Merchant Services account<sup>1</sup> OR
- Use your BB&T business debit card and/or business credit card to make at least \$1,000 in eligible purchases each month<sup>2</sup> (New)

EXHIBIT 5 page 8 of 9



859-21-01-00 10505 0 C 001 30 50 004  
DARREN GARDNER FOR FLORIDA STATE HOUSE 0  
9132 JENNIFER BLVD  
JACKSONVILLE FL 32222 - 1928

## Your account statement

For 01/31/2017

## Contact us



BBT.com



(800) BANK-BBT or  
(800) 226-5228

**You've built a solid business network.  
Now BB&T introduces a way to make it work for you:**

**Refer up to 4 small businesses and receive \$400!** \* Refer fellow small businesses to open their first BB&T business checking account and you each receive \$100 deposited directly into your business checking accounts once offer requirements are met.

To participate in this incentive program, stop by your closest local financial center to pick up a registration form. Visit us online at [BBT.com/Business](http://BBT.com/Business) for more information or call us at 800-BANK-BBT.

\* Referring Client Incentive: Up to a maximum of four (4) \$100 incentives (for a total of \$400) is available to a referring client for each referred business that meets qualifiers. Existing clients must have a BB&T business checking account in good standing with a balance greater than or equal to \$250 within 90 days after the referred account qualifies for the incentive. Accounts are only reviewed once.

Referred Client Incentive: A \$100 incentive will be paid to a referred client who meets the requirements of this offer. Offer is available for new business checking accounts when a referral coupon is submitted at account opening. The client's account must be in good standing with a balance greater than or equal to \$250 or have a minimum of 5 BB&T Business Debit Card purchase transactions totaling at least \$250 within 90 days from account opening to be eligible. Accounts are only reviewed once. Normal account opening balances apply. All referral and account opening bonuses will be credited to eligible accounts via Direct Deposit within 120 days from account opening and reported to the IRS as required by law. This offer cannot be combined with any other offer or promotion. In addition to all qualifiers listed above, Non-Resident Alien clients must also submit a valid Form W-8, NRA Certification Statement and a copy of their passport to BB&T by the time the account is reviewed for incentive eligibility as described above.

BB&T, Member FDIC.  
© 2017, Branch Banking and Trust Company. All rights reserved

### ■ BUSINESS VALUE [REDACTED]

#### Account summary

Your previous balance as of 12/30/2016	\$43.04
Checks	- 0.00
Other withdrawals, debits and service charges	- 12.00
Deposits, credits and interest	+ 0.00
<b>Your new balance as of 01/31/2017</b>	<b>= \$31.04</b>

#### Other withdrawals, debits and service charges

DATE	DESCRIPTION	AMOUNT(\$)
01/23	SERVICE CHARGES - PRIOR PERIOD	12.00
<b>Total other withdrawals, debits and service charges</b>		<b>= \$12.00</b>

EXHIBIT 5 page 9 of 9





## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

May 5, 2016

Darren Rashaud Gardner  
9132 Jennifer Boulevard  
Jacksonville, Florida 32222

Dear Mr. Gardner:

This will acknowledge receipt of the Appointment of Campaign Treasurer and Designation of Campaign Depository for the office of State Representative, which was placed on file in our office on May 4, 2016. Your name has been placed on the 2016 active candidate list.

### Campaign Treasurer's Reports

Your first campaign treasurer's report will be due on **June 10, 2016**. The report will cover the period of May 1-31, 2016 (M5). All candidates who file reports with the Division of Elections are required to file by means of the Division's Electronic Filing System (EFS).

### Credentials and Sign-ons

Below is the web address to access the EFS and your user identification number. The enclosed sealed envelope contains your initial password. Once you have logged in using the initial password, you will be immediately prompted to change it to a confidential sign-on. You, your campaign treasurer, and deputy treasurers are responsible for protecting these passwords from disclosure and are responsible for all filings using these credentials, unless the Division is notified that your credentials have been compromised.

**EFS Website Address:** <https://efs.dos.state.fl.us>  
**Identification Number:** 66011

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

FLORIDA  
DIVISION OF  
ELECTIONS

EXHIBIT 6 page 1 of 3

Darren Gardner  
May 5, 2016  
Page Two

### **Pin Numbers**

Pin numbers are confidential secure credentials that allow you to submit reports and update personal information. The enclosed sealed envelope contains your confidential pin numbers.

Each candidate is required to provide the Division of Elections with confidential personal information that may be used to allow access in the event that password is forgotten or lost. When you enter the campaign account screen, there will be a drop down box where you pick a question (such as *What is your mother's maiden name?*) and supply an answer. All passwords and answers to questions are stored as encrypted data and cannot be viewed by Division staff and given out over the phone. Please notify the Division if your credentials have been compromised.

### **Timely Filing**

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

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

### **Electronic Receipts**

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

Darren Gardner  
May 5, 2016  
Page Three

**Instructions and Assistance**

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

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

Please let me know if you need additional information.

Sincerely,



Kristi Reid Bronson, Chief  
Bureau of Election Records

KRB/zjs

Enclosures

2016  
Candidate  
& Campaign  
Treasurer  
● Handbook

Florida Department of State  
Division of Elections  
R. A. Gray Building, Room 316  
500 South Bronough Street  
Tallahassee, FL 32399-0250  
850.245.6240

(Rev. 01/22/16)

Table of Contents

Chapter 1: Background ..... 1

Chapter 2: The Campaign Financing Act ..... 2

Chapter 3: Offices to be Elected in 2016 ..... 3

Chapter 4: Glossary of Terms..... 4

Chapter 5: Becoming a Candidate ..... 7

    What to File..... 7

    Filing Officer..... 8

    Resign-to-Run ..... 8

    Federal Hatch Act for State and Local Employees ..... 9

    Federal Hatch Act for Federal Employees..... 9

    Changing Parties for Partisan Offices..... 10

    Changing the Designation of Office ..... 10

    Pro Rata Refund Example ..... 11

Chapter 6: Statement of Solicitation ..... 12

    Who Must File Form DS-DE 102, Statement of Solicitation ..... 12

    When to File ..... 12

    Penalty for Late Filing ..... 12

    Public Website and Mission Statement..... 12

    Additional Reporting..... 12

Chapter 7: Prohibited Acts..... 13

    Speaking at Political Meetings..... 13

    Using State-Owned Aircraft or Motor Vehicle..... 13

    Using Services of State, County, Municipal, or District Officers or Employees..... 13

    Making Contributions in the Name of Another..... 13

    Solicitation from Religious, Charitable and Civic Organizations..... 13

    Accepting Contributions in a Government- Owned Building ..... 14

    Making Malicious Statements ..... 14

    Making False Representation of Military Service ..... 14

    Certifying a False Report..... 14

    Limitations on Political Activity for Judicial Candidates ..... 14

    Judicial Candidates and the Judicial Ethics Advisory Committee (JEAC) ..... 15

Chapter 8: Campaign Treasurers ..... 16

    Appointing Campaign Treasurers and Deputy Treasurers ..... 16

    Duties and Responsibilities..... 16

Resignation or Removal.....	18
Chapter 9: Campaign Depositories .....	19
Primary Campaign Depository.....	19
Secondary Campaign Depository.....	19
Separate Interest-Bearing Accounts and Certificates of Deposit.....	20
Campaign Checks.....	20
Debit Cards .....	21
Credit Cards .....	21
Chapter 10: Contributions .....	22
Unauthorized Contributions.....	22
Anonymous Contributions.....	22
In-Kind Contributions.....	23
Loans.....	23
Cash Contributions .....	23
Debit and Credit Card Contributions .....	24
Contribution Limits for Candidates .....	24
Foreign Contributions.....	25
Violations .....	25
Deadlines for Accepting Contributions.....	25
Chapter 11: Expenditures .....	26
Definition .....	26
General Requirements.....	26
Checks.....	26
Living Expenses .....	27
Petty Cash Funds .....	27
Limits on Petty Cash Fund Amounts.....	27
Independent Expenditures .....	27
Credit Cards .....	29
Debit Cards .....	29
Electioneering Communications.....	30
Expenditures for Electioneering Communications.....	31
Chapter 12: Political Advertising.....	32
Candidate Disclaimers .....	32
Exceptions to Disclaimer Requirements.....	33
Disclaimer for Write-in Candidates .....	35

Non-incumbent Advertisements ..... 36

Advertisement Provided In-kind..... 36

Chapter 13: Other Disclaimers..... 37

    Endorsements in Political Advertisements..... 37

    Independent Expenditure Disclaimers ..... 38

    Disclaimers for Other than Independent Expenditures ..... 39

    Disclaimers on Novelty Items ..... 40

    Language Other Than English ..... 40

    Electioneering Communications Disclaimers ..... 40

    Other Political Disclaimer Examples..... 41

    Miscellaneous Advertisements..... 42

    Use of Closed Captioning and Descriptive Narrative in all Television Broadcasts ..... 42

Chapter 14: Fund Raisers ..... 43

    Contributions from Fund Raisers..... 43

    Expenditures for Fund Raisers..... 43

    Tickets..... 43

Chapter 15: Telephone Solicitation ..... 44

    Telephone Solicitation..... 44

    Registered Agent ..... 45

Chapter 16: Filing Campaign Reports..... 46

    Where to File ..... 46

    When to File ..... 46

    Penalty for Late Filing ..... 47

    Notice of No Activity..... 47

    Incomplete Reports ..... 47

    Reporting Total Sums ..... 48

    Reporting Contributions ..... 48

    Returning Contributions ..... 48

    Reporting Expenditures ..... 49

    Special Requirements for Judicial Retention Candidates..... 49

Chapter 17: Termination Reports ..... 51

    Prior to Disposing of Surplus Funds..... 51

    Disposing of Surplus Funds..... 51

    Money from Separate Interest-Bearing Account or Certificate of Deposit..... 52

    Campaign Loans Report..... 52

Chapter 18: Reporting for Individuals Seeking a Publicly Elected Position on a Party Executive Committee... 54

- Where to File ..... 54
- When to File ..... 54
- Termination Reports Not Required ..... 54
- Penalty for Late Filing ..... 54
- Incomplete Reports ..... 55
- Reporting Requirements ..... 55

Chapter 19: Electronic Filing of Campaign Reports ..... 56

- Accessing the EFS..... 56
- Creating Reports..... 56
- Submitting Reports..... 56
- Electronic Receipts ..... 57

Chapter 20: Office Accounts ..... 58

- Using the Office Account ..... 58
- Reporting Office Account Funds..... 59

Chapter 21: Carryover Campaign Funds ..... 61

Chapter 22: Recordkeeping ..... 62

- Contributions..... 62
- Expenditures..... 62
- Preservation of Accounts..... 63
- Inspections..... 63

Chapter 23: Bookkeeping Suggestions..... 64

Chapter 24: Florida Elections Commission ..... 65

- Automatic Fine Appeal Process ..... 65
- Complaint Process ..... 65

Appendix A: Frequently Asked Questions..... 66

- Candidates ..... 66
- Campaign Finance..... 68

Appendix B: 2016 Deadlines for Accepting Contributions..... 73



## Chapter 1: Background

The information contained in this publication is intended as a quick reference guide only and is current upon publication. To the extent that this handbook covers material beyond that contained in law or rule, the Division of Elections (Division) offers such material to candidates as guidelines. Chapters 97-106, Florida Statutes, the Constitution of the State of Florida, Division of Elections' opinions and rules, Attorney General opinions, county charters, city charters and ordinances, and other sources should be reviewed in their entirety for complete information regarding campaign financing and qualifying.

In addition, the following publications produced by the Division should be reviewed for further information:

- State Qualifying Handbook
- Candidate Petition Handbook
- Candidate Electronic Filing System User's Guide
- Calendar of Reporting Dates

All forms and publications mentioned in this handbook are available on the Division's website at:

<http://dos.myflorida.com/elections/forms-publications/>

Other helpful websites are:

### Florida Elections Commission:

<http://www.fec.state.fl.us>

### Florida Elected Officials:

<http://dos.myflorida.com/elections/contacts/elected-officials/>

### Florida Supervisors of Elections:

<http://dos.myflorida.com/elections/contacts/supervisor-of-elections/>

### Florida Association of City Clerks:

<http://www.floridaclerks.org>

### Florida Attorney General:

<http://myfloridalegal.com>

### Federal Election Commission:

<http://www.fec.gov>

## Chapter 17: Termination Reports

Once a candidate withdraws, becomes unopposed, is eliminated, or elected to office, he or she may **only** expend funds from the campaign account to:

- Purchase "thank you" advertising for up to 75 days after he or she withdraws, becomes unopposed, is eliminated, or elected to office.
- Pay for items which were obligated before he or she withdrew, became unopposed, was eliminated, or elected to office.
- Pay for expenditures necessary to close down the campaign office and to prepare final campaign reports.
- Dispose of surplus funds as provided in Section 106.141, F.S.

*(Section 106.11(5), F.S.)*

Because individuals who seek election to a political party executive committee are not "candidates," they do not file termination reports.

### Prior to Disposing of Surplus Funds

A candidate may be reimbursed by the campaign for any previously reported contributions by the candidate to the campaign, in full or in part.

A candidate who filed an oath stating that he or she was unable to pay the fee for verification of petition signatures without

imposing an undue burden on his or her personal resources or on resources otherwise available to him or her, must reimburse the state or local government entity, whichever is applicable, for such waived fee prior to disposing of any funds under the surplus provisions contained in Section 106.141(4), F.S.

*(Section 106.141, F.S.)*

### Disposing of Surplus Funds

Once a candidate withdraws, becomes unopposed, is eliminated, or elected to office, the candidate must dispose of the funds on deposit in his or her campaign account and file a campaign treasurer's report (termination report) reflecting the disposition of funds.

A candidate required to dispose of surplus funds must, at the option of the candidate, dispose of such funds within 90 days by any of the following means, or a combination thereof:

1. Return pro rata to each contributor the funds that have not been spent or obligated.
2. Donate the funds that have not been spent or obligated to a charitable organization or organizations that meet the qualifications of Section 501(c)(3) of the Internal Revenue Code.
3. Give not more than \$25,000 of the funds that have not been spent or obligated to the political party of which such candidate is a member.

4. Give the funds that have not been spent or obligated:

a. In the case of a candidate for state office, to the state to be deposited in the General Revenue Fund; or

b. In the case of a candidate for office of a political subdivision, to such political subdivision, to be deposited in the general fund thereof.

5. Transfer funds to an office account (*See Chapter 20, Office Accounts*).

6. In the case of a candidate elected to state office, retain up to \$20,000 in the campaign account for re-election to the same office. (*See Chapter 21, Carryover Campaign Funds*)

The termination report must include:

1. The name and address of each person or unit of government to whom any of the funds were distributed and the amounts thereof;
2. The name and address of each person to whom an expenditure was made together with the amount and purpose; and
3. The amount of such funds transferred to an office account together with the name and address of the bank in which the office account is located.

**If a refund check is received after all surplus funds have been disposed of**, the check may be endorsed by the candidate and the refund disposed of pursuant to Section

106.141, F.S. An amended termination report must be filed with the filing officer.

All reports must be signed by the candidate and the campaign treasurer and certified as true and correct.

(Section 106.141, F.S.)

### Money from Separate Interest-Bearing Account or Certificate of Deposit

A campaign treasurer of any candidate who withdraws, becomes unopposed, or is eliminated, or elected to office, and who has funds on deposit in any interest-bearing account or certificate of deposit, must, within seven days, transfer such funds and accumulated interest earned thereon to the primary campaign account for disposal. However, when funds are in an account in which penalties will apply for withdrawal within the seven day period, the campaign treasurer must transfer such funds and accumulated interest earned thereon as soon as the funds can be withdrawn without penalty, or within 90 days after the candidate becomes unopposed, withdraws his or her candidacy, or is elected, or eliminated, whichever comes first.

(Section 106.141, F.S.)

### Campaign Loans Report

A person elected to office must report all loans, exceeding \$500 in value, made to him or her and used for campaign purposes, and made in the twelve months preceding his or her election to office, to the filing officer. The report must be made on **Forms DS-DE 73 and 73A, Campaign Loan Report** within ten

**HAND DELIVERED**

**STATEMENT OF  
CANDIDATE**

(Section 106.023, F.S.)

(Please print or type)

**OFFICE USE ONLY**

RECEIVED  
DEPARTMENT OF STATE

2016 MAY -3 PM 1:02

DIVISION OF ELECTIONS  
TALLAHASSEE, FL

I, Darren Rashaud Gardner,

candidate for the office of State Representative District 13;

have been provided access to read and understand the requirements of

Chapter 106, Florida Statutes.

\*Darren Gardner  
Signature of Candidate

05/03/2016  
Date

Each candidate must file a statement with the qualifying officer within 10 days after the Appointment of Campaign Treasurer and Designation of Campaign Depository is filed. Willful failure to file this form is a first degree misdemeanor and a civil violation of the Campaign Financing Act which may result in a fine of up to \$1,000, (ss. 106.19(1)(c), 106.265(1), Florida Statutes).



## FLORIDA ELECTIONS COMMISSION

107 W. Gaines Street,  
Suite 224 Collins Building  
Tallahassee, Florida 32399-1050  
Telephone: (850) 922-4539  
Fax: (850) 921-0783

January 27, 2017

Darren Rashaud Gardner  
9132 Jennifer Boulevard  
Jacksonville, FL 32222

**RE: Case No.: FEC 16-607; Respondent: Darren Rashaud Gardner**

Dear Mr. Gardner:

On October 21, 2016, 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 violations:

**Section 106.141(1), Florida Statutes:** As alleged in the complaint, Respondent, a 2016 candidate for State Representative, failed to timely file his 2016 Termination Report reflecting the disposition of all remaining campaign funds.

**Section 106.19(1)(c), Florida Statutes:** As alleged in the complaint, Respondent, a 2016 candidate for State Representative, may have falsely reported or deliberately failed to include information in his 2016 Termination Report, as required by Chapter 106.

You may respond to the allegations above by filing a notarized statement providing any information regarding the facts and circumstances surrounding the allegations. Your response will be included as an attachment to the investigator's report.

When we conclude the investigation, a copy of the Report of Investigation will be mailed to you at the above address. You may file a response to the report within 14 days from the date the report is mailed to you. Based on the results of the investigation, legal staff will make a written recommendation to the Commission on whether there is probable cause to believe you have violated Chapter 104 or 106, Florida Statutes. A copy of the Staff Recommendation will be mailed to you and you may file a response within 14 days from the date the recommendation is mailed to you. Your timely filed response(s) will be considered by the Commission when determining probable cause.

The Commission will then hold a hearing to determine whether there is probable cause to believe you have violated Chapters 104 or 106, Florida Statutes. You and the complainant will receive a notice of hearing at least 14 days before the hearing. The notice of hearing will indicate the location, date, and time of your hearing. You will have the opportunity to make a brief oral statement to the Commission, but you will not be permitted to testify or call others to testify, or introduce any documentary or other evidence.

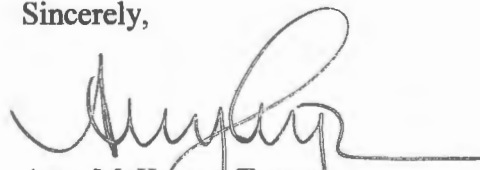
At any time before a probable cause finding, you may notify us in writing that you want to enter into negotiations directed towards reaching a settlement via consent agreement.

**The Report of Investigation, Staff Recommendation, and Notice of Hearing will be mailed to the above address as this letter. Therefore, if your address changes, you must notify this office of your new address. Otherwise, you may not receive these important documents. Failure to receive the documents will not delay the probable cause hearing.**

Under section 106.25, Florida Statutes, complaints, Commission investigations, investigative reports, and other documents relating to an alleged violation of Chapters 104 and 106, Florida Statutes, are confidential until the Commission finds probable cause or no probable cause. The confidentiality provision does not apply to the person filing the complaint. However, it does apply to you unless you waive confidentiality in writing. The confidentiality provision does not preclude you from seeking legal counsel. However, if 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.

If you have any questions or need additional information, please contact **Margie Wade**, the investigator assigned to this case.

Sincerely,



Amy McKeever Toman  
Executive Director

AMT/dam

**DIVISION OF ELECTIONS  
FEC NOTICE FORM**

To FEC from Division of Elections

RECEIVED

2016 OCT 21 P 2:08

STATE OF FLORIDA  
ELECTIONS COMMISSION

---

---

**Name:** Darren Rashaud Gardner  
**Account Number:** 66011  
**Treasurer:** Darren Rashaud Gardner

---

---

The Division of Elections hereby provides this notice to the Florida Elections Commission pursuant to Sections 106.07(8)(d), 106.22(7) and 106.25, Florida Statutes. An apparent violation of Chapter 106, F.S., has occurred based upon the candidate's alleged failure to file a report after notice as required by section 106.07(8)(d), Florida Statutes, or failure to notify the filing officer on the prescribed reporting date that no report was to be filed as required by Section 106.07(7), Florida Statutes.

The following report or notice is outstanding after notification:

2016 TR

---

**Sent By:** Kristi Reid Bronson  
**Date:** October 20, 2016



ejr

## AFFIDAVIT

**STATE OF FLORIDA**

**County of Leon**

**Kristi Reid Bronson, being duly sworn, says:**

1. I am the Chief of the Bureau of Election Records of the Division of Elections (Division). In that capacity, I oversee the Division's duties related to the filing of campaign finance reports.
2. This affidavit is made upon my personal knowledge, including information obtained from review of the attached records, of which I am the custodian.
3. I am of legal age and competent to testify to the matters stated herein.
4. Darren Rashaud Gardner (66011) was a 2016 candidate for the office of State Representative.
5. On May 4, 2016, Mr. Gardner filed the Appointment of Campaign Treasurer and Designation of Campaign Depository with the Division. He appointed himself as treasurer. (See attached documents and acknowledgment letter.)
6. The 2016 TR campaign treasurer's report was due on September 22, 2016. On September 23, 2016, the Division mailed Mr. Gardner notification that the 2016 TR treasurer's report had not been filed. (See attached letter.)
7. On October 3, 2016, the Division mailed Mr. Gardner final notification with delivery confirmation that the 2016 TR treasurer's report had not been filed. (See attached letter with delivery confirmation.)
8. Mr. Gardner did not notify the Division of Elections prior to or on the prescribed reporting date for the 2016 TR report that no report was to be filed.

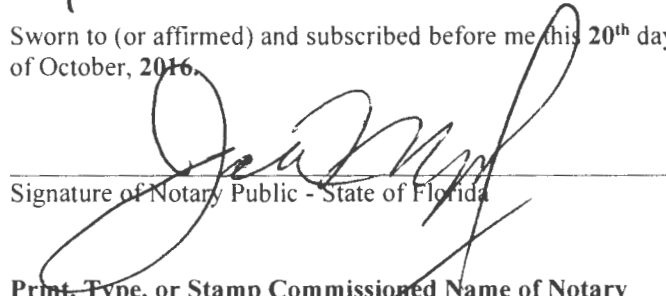


9. As of October 20, 2016, Mr. Gardner has not filed the 2016 TR report.

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

  
Signature of Affiant

Sworn to (or affirmed) and subscribed before me this 20<sup>th</sup> day of October, 2016.

  
Signature of Notary Public - State of Florida

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known \_\_\_\_\_



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

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

(PLEASE PRINT OR TYPE)

**NOTE: This form must be on file with the qualifying officer before opening the campaign account.**

RECEIVED  
DEPARTMENT OF STATE  
2016 MAY -4 AM 10:12

DIVISION OF ELECTIONS  
TALLAHASSEE, FL

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)  
Darren Rashaud Gardner

3. Address (include post office box or street, city, state, zip code)  
9132 Jennifer Blvd  
Jacksonville, Florida 3222

4. Telephone  
(904) 330-6070

5. E-mail address  
thegardnerempire@gmail.com

6. Office sought (include district, circuit, group number)  
State Representative District 13

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     Republican    Party candidate.

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

10. Name of Treasurer or Deputy Treasurer  
Darren Rashaud Gardner

11. Mailing Address  
9132 Jennifer Blvd

12. Telephone  
(904) 330-6070

13. City  
Jacksonville

14. County  
Duval

15. State  
FL

16. Zip Code  
32222

17. E-mail address  
thegardnerempire@gmail.com

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

19. Name of Bank  
BB&T

20. Address  
4781 TownCenter Parkway

21. City  
Jacksonville

22. County  
Duval

23. State  
Florida

24. Zip Code  
32246

**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  
05/03/2016

26. Signature of Candidate  
X Darren Gardner

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

designated above as:  Campaign Treasurer     Deputy Treasurer.  
05/03/2016      X Darren Gardner  
Date      Signature of Campaign Treasurer or Deputy Treasurer

**HAND DELIVERED**

**STATEMENT OF  
CANDIDATE**

(Section 106.023, F.S.)  
(Please print or type)

**OFFICE USE ONLY**

RECEIVED  
DEPARTMENT OF STATE

2016 MAY -3 PM 1:02

DIVISION OF ELECTIONS  
TALLAHASSEE, FL

I, Darren Rashaud Gardner,

candidate for the office of State Representative District 13;

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

\*Darren Gardner  
Signature of Candidate

05/03/2016  
Date

Each candidate must file a statement with the qualifying officer within 10 days after the Appointment of Campaign Treasurer and Designation of Campaign Depository is filed. Willful failure to file this form is a first degree misdemeanor and a civil violation of the Campaign Financing Act which may result in a fine of up to \$1,000, (ss. 106.19(1)(c), 106.265(1), Florida Statutes).



## FLORIDA DEPARTMENT OF STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

May 5, 2016

Darren Rashaud Gardner  
9132 Jennifer Boulevard  
Jacksonville, Florida 32222

Dear Mr. Gardner:

This will acknowledge receipt of the Appointment of Campaign Treasurer and Designation of Campaign Depository for the office of State Representative, which was placed on file in our office on May 4, 2016. Your name has been placed on the 2016 active candidate list.

### **Campaign Treasurer's Reports**

Your first campaign treasurer's report will be due on **June 10, 2016**. The report will cover the period of May 1-31, 2016 (M5). All candidates who file reports with the Division of Elections are required to file by means of the Division's Electronic Filing System (EFS).

### **Credentials and Sign-ons**

Below is the web address to access the EFS and your user identification number. The enclosed sealed envelope contains your initial password. Once you have logged in using the initial password, you will be immediately prompted to change it to a confidential sign-on. You, your campaign treasurer, and deputy treasurers are responsible for protecting these passwords from disclosure and are responsible for all filings using these credentials, unless the Division is notified that your credentials have been compromised.

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

**Identification Number:** 66011

Darren Gardner  
May 5, 2016  
Page Two

### **Pin Numbers**

Pin numbers are confidential secure credentials that allow you to submit reports and update personal information. The enclosed sealed envelope contains your confidential pin numbers.

Each candidate is required to provide the Division of Elections with confidential personal information that may be used to allow access in the event that password is forgotten or lost. When you enter the campaign account screen, there will be a drop down box where you pick a question (such as *What is your mother's maiden name?*) and supply an answer. All passwords and answers to questions are stored as encrypted data and cannot be viewed by Division staff and given out over the phone. Please notify the Division if your credentials have been compromised.

### **Timely Filing**

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

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

### **Electronic Receipts**

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

Darren Gardner  
May 5, 2016  
Page Three

**Instructions and Assistance**

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

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

Please let me know if you need additional information.

Sincerely,



Kristi Reid Bronson, Chief  
Bureau of Election Records

KRB/zjs

Enclosures



FLORIDA DEPARTMENT OF STATE

**Ken Detzner**  
Secretary of State

DIVISION OF ELECTIONS

September 23, 2016

Darren Rashaud Gardner  
9132 Jennifer Boulevard  
Jacksonville, FL 32222-2222

CAN 66011

Dear Mr. Gardner:

Our records indicate that you have not filed either your termination report or notification that no reportable activity occurred, whichever is applicable. The filing date was September 22, 2016.

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

- If reportable activity occurred and you have not filed a report, statutory fines are automatically assessed as \$50 per day until you file your report. The total fine for the untimely report cannot exceed 25% of the total receipts or expenditures, whichever is greater, for the cover period. Even if you end up filing your report late, we cannot waive the statutory fines. We will notify you of the specific amount of fines owed once you file your report. You have 20 days from the day you receive the notice to pay the fine or to appeal the fine to the Florida Elections Commission.
- If no reportable activity occurred for the report date(s), you are still required to notify us in writing, via the Division's Electronic Filing System, that no reportable activity occurred. No automatic fines are statutorily assessed.

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

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

Sincerely,

Kristi Reid Bronson, Chief  
Bureau of Election Records



FLORIDA DEPARTMENT OF STATE

**Ken Detzner**  
Secretary of State

DIVISION OF ELECTIONS

**Final Notice**  
**Delivery Confirmation:**

USPS TRACKING # **9114 9014 9645 0630 6774 13**  
& CUSTOMER RECEIPT For Tracking or inquiries go to USPS.com  
or call 1-800-222-1811.

October 3, 2016

Darren Rashaud Gardner  
9132 Jennifer Boulevard  
Jacksonville, FL 32222-2222

CAN 66011

Dear Mr. Gardner:

A recent review of the Division's records show that the Division has not yet received your termination report or the required notification that no reportable activity occurred, whichever is applicable.

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

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

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

Sincerely,

Kristi Reid Bronson, Chief  
Bureau of Election Records



English

Customer Service

USPS Mobile

Register / Sign In



# USPS Tracking®

Still Have Questions?  
Browse our FAQs



**Tracking Number: 9114901496450630677413**

**Updated Delivery Day: Wednesday, October 5, 2016**

## Product & Tracking Information

Available

Postal Product:

Features:  
USPS Tracking®

Text Updates

Email Updates

DATE & TIME	STATUS OF ITEM	LOCATION
October 5, 2016 , 11:53 am	Delivered, In/At Mailbox	JACKSONVILLE, FL 32222
Your item was delivered in or at the mailbox at 11:53 am on October 5, 2016 in JACKSONVILLE, FL 32222.		
October 5, 2016 , 10:39 am	Out for Delivery	JACKSONVILLE, FL 32222
October 5, 2016 , 4:02 am	Arrived at Post Office	JACKSONVILLE, FL 32244
October 4, 2016 , 4:17 am	Arrived at USPS Facility	VALDOSTA, GA 31601
October 4, 2016 , 2:21 am	Departed USPS Facility	TALLAHASSEE, FL 32301
October 3, 2016 , 7:52 pm	Arrived at USPS Facility	TALLAHASSEE, FL 32301

## Track Another Package

Tracking (or receipt) number

Track It

## Manage Inquiries

Track all your packages  
No tracking number?

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