

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: Cory Nichols

Case No.: FEC 16-864

TO: Cory Nichols
1107 1st Street South, Unit C
Jacksonville Beach, FL 32250

City of Jacksonville Beach Clerk's Office
11 North 3rd Street
Jacksonville, FL 32250

NOTICE OF HEARING (AUTOMATIC FINE)

A hearing will be held in this case before the Florida Elections Commission on, **May 17, 2017 at 8:30 am, or as soon thereafter as the parties can be heard**, at the following location: **Augustus B. Turnbull Conference Center, 555 West Pensacola Street, Room 214, Tallahassee, Florida 32301**

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
May 1, 2017

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

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

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

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

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

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

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



Fw: Penalty Late Fee Notice

Florida Elections Commission to: Erin Riley
Sent by: Donna Malphurs

10/26/2016 02:40 PM

please process

----- Forwarded by Donna Malphurs/OAG on 10/26/2016 02:40 PM -----

From: Cory Nichols <cory4mayor@gmail.com>
To: Laurie Scott <lscott@jaxbchfl.net>, fec@myfloridalegal.com, jatkins@coj.net
Date: 10/26/2016 02:15 PM
Subject: Fwd: Penalty Late Fee Notice

Erin,

Please see the attached and the email below. I believe that this is the first time this appeal has been sent to you.

Can someone please acknowledge that my official APPEAL of this late fee has been received by the correct party?

Thank you,

Cory Nichols

----- Forwarded message -----

From: **Cory Nichols** <cory4mayor@gmail.com>
Date: Mon, Oct 24, 2016 at 3:32 PM
Subject: Fwd: Penalty Late Fee Notice
To: Laurie Scott <lscott@jaxbchfl.net>, jatkins@coj.net, DivElections@dos.myflorida.com

Ms. Scott and others,

Please see the attached letter from Ms. Scott related to the Penalty Late Fee Notice. I would officially like to APPEAL this late fee.

Ms. Scott did an excellent job outlining the issues that caused this late payment associated with hurricane Matthew.

Please let me know if there are others that I need to contact within the 20 days.

Feel free to call me if there are concerns. (904)614-4800

Thank you,

Cory Nichols, P.E.

Jacksonville Beach candidate for Mayor

On Tue, Oct 18, 2016 at 1:24 PM, Laurie Scott <lscott@jaxbchfl.net> wrote:

Hi Cory,

I have attached the Penalty Late Fee Notice regarding Campaign Treasurer's Report Summary 2016-G3.

I will be sending the Original notice through USPS mail.

Thank you,

Laurie

Laurie Scott

City Clerk

City of Jacksonville Beach

11 N. 3rd Street

Jacksonville Beach, Florida 32250

Office: (904)247-6299

Email: LSCOTT@JAXBCHFL.NET



Penalty Late Fee Notice - Nichols.pdf



City of

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6299 ext. 10

904.247.6250 ext. 11

Fax: 904.247.6256

E-Mail: cityclerk@jaxbchfl.net

www.jacksonvillebeach.org

October 18, 2016

Cory Nichols
1107 1st Street South, Unit C
Jacksonville Beach, Florida 32250

Dear Mr. Nichols,

The Campaign Treasurer's Report Summary 2016-G3, covering the period from September 17th, 2016, to September 30th, 2016, was due on Friday, October 7th, 2016. *The report was received in the City Clerk's Office on Monday, October 10th, 2016 – one day late.*

On October 5, 2016, the City declared a state of emergency in advance of the arrival of Hurricane Matthew. An evacuation was ordered for Duval County's beaches and anyone who lived in evacuation zones A, B, and C on October 6. The City of Jacksonville Beach's City Hall was closed on Friday, October 7th, 2016.

On Wednesday, October 5th, 2016, I reached out to the Office of the Supervisors of Election (SOE) to determine what effect City Hall being closed would have on the candidates' Campaign Treasurer's Reports not being able to be submitted by the required deadline of Friday, October 7th, 2016.

The response from Jean Atkins, Director of Voter Administration, SOE was there were no provisions allowing reports to be submitted after their due date "for circumstances beyond our control" and recommended that the candidates be encouraged to file their reports before City Hall's closing on Friday, October 7, 2016.

An email, along with the Office of Supervisor of Elections response, was sent to all candidates on Wednesday, October 5, 2016, (excluding P. Vogelsang and K. Loftus who had already turned in their reports).

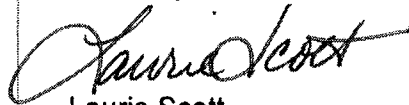
On Monday, October 10th, 2016, two candidates submitted either their Campaign Treasurer's Report Summary or Waiver of Report [late] to the



City Clerk's Office. I contacted Ms. Atkins, to further discuss the Penalty Late Fee for submitting the reports late. Ms. Adkins suggested requesting an opinion from the Florida Elections Commission (FEC) to determine if there was a stipulation to waive late fees under such circumstances. Ms. Atkins contacted Florida Elections Commission and received an opinion from Kristin R. Bronson, Chief, Division of Elections. Ms. Bronson opinioned there were no provisions [to waive late fees], and the fees are mandatory. *The process is for the candidate to appeal the Penalty Late Fee to the FEC.*

Your report was submitted upon the opening of City Hall on Monday, October 10th, 2016. As the filing officer, I am required to assess a one-day late fee of \$500 as described in Florida State Statute 106.07. Please submit a check, payable to the City of Jacksonville Beach, for the amount of \$500 within 20 days after receipt of this notice of payment due, unless an appeal is made to the Florida Elections Commission. If you choose to appeal, you are required to notify the filing officer in writing of your intent to bring the matter before the commission. Please refer to Florida State Statute 106.07 for further detailed instructions.

Sincerely,



Laurie Scott
City Clerk

Jodilynn Byrd

From: Jodilynn Byrd
Sent: Tuesday, October 04, 2016 10:34 AM
Subject: G3 Campaign Treasurer's Report
Attachments: Campaign Treasurer's Report - Contributions.pdf; Campaign Treasurer's Report - Expenditures.pdf; Campaign Treasurer's Report - Waiver report.pdf; Campaign Treasurer's Report Summary.pdf

Good Morning Candidates and Treasurers,

This is a reminder that your 2016 Campaign Treasurer's Report (G3) is **due Friday (10/07/16) for reporting periods 09/17/16 – 09/30/16.** These forms should be turned into the City Clerk's Office, and will be date stamped.

For your convenience, I am attaching the following forms:

- Treasurer's Report Summary*
- Treasurer's Report – Contributions*
- Treasurer's Report – Expenditures*
- Treasurer's Report – Waiver*

I will continue to send out reminder emails three days before each reporting period.

Thank you and have a **GREAT** week!

Jodilynn Byrd

City Clerk's Office

City of Jacksonville Beach

11 North 3rd Street

Jacksonville Beach, FL 32250

☎ (904) 247-6299, ext. 10

✉ jbyrd@jaxbchfl.net

www.jacksonvillebeach.org



File Message ADOBE PDF Tell me what you want to do...

Ignore X Delete Reply Reply All Forward More Meeting Rules Actions Mark Unread Categorize Follow Up Translate Select Zoom

Delete Respond Move Tags Editing Zoom

Jodylynn Byrd B# Stevens; Cory Nichols; CPAAA - Charlie Lathan; CPAAA - Chris Hoffman; Joel Chamberlain (CN Treasurer); Jonathan McGowan (BS Treasurer); + 9 10/4/2016

G3 Campaign Treasurer's Report

- Campaign Treasurer's... 56 KB
- Campaign Treasurer's... 43 KB
- Campaign Treasurer's... 38 KB
- Campaign Treasurer's... 56 KB

Good Morning Candidates and Treasurers,

This is a reminder that your 2016 Campaign Treasurer's Report (G3) is **due Friday (10/07/16) for reporting periods 09/17/16 – 09/30/16**. These forms should be turned into the City Clerk's Office, and will be date stamped.

For your convenience, I am attaching the following forms:

- Treasurer's Report Summary
- Treasurer's Report – Contributions
- Treasurer's Report – Expenditures
- Treasurer's Report – Waiver

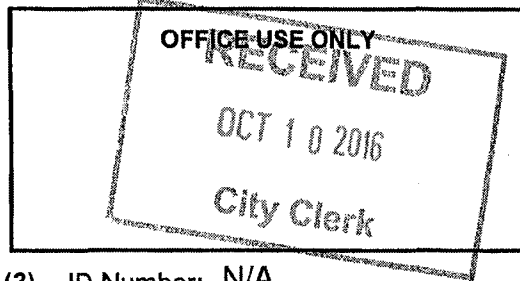
I will continue to send out reminder emails three days before each reporting period.

Thank you and have a GREAT week!

Jodylynn Byrd
 City Clerk's Office
 City of Jacksonville Beach
 11 North 3rd Street
 Jacksonville Beach, FL 32250
 ☎ (904) 247-6299, ext. 10
 ✉ jbyrd@jaxbchfl.net
 www.jacksonvillebeach.org

CAMPAIGN TREASURER'S REPORT SUMMARY

(1) Cory Nichols, P.E.
 Name
 (2) 1107 1st Street S, Unit C
 Address (number and street)
Jacksonville Beach, FL 32250
 City, State, Zip Code



Check here if address has changed

(3) ID Number: N/A

(4) Check appropriate box(es):

- Candidate Office Sought: Mayor, City of Jacksonville Beach
- Political Committee (PC)
- Electioneering Communications Org. (ECO) Check here if PC or ECO has disbanded
- Party Executive Committee (PTY) Check here if PTY has disbanded
- Independent Expenditure (IE) (also covers an individual making electioneering communications) Check here if no other IE or EC reports will be filed

(5) Report Identifiers

Cover Period: From 09 / 17 / 16 To 09 / 30 / 16 Report Type: 2016-G3

Original Amendment Special Election Report

(6) Contributions This Report

Cash & Checks \$, 1 , 125 . 00

Loans \$, , 0 . 00

Total Monetary \$, 1 , 125 . 00

In-Kind \$, , 0 . 00

(7) Expenditures This Report

Monetary Expenditures \$, 5 , 164 . 03

Transfers to Office Account \$, , 0 . 00

Total Monetary \$, 5 , 164 . 03

(8) Other Distributions

\$, , 0 . 00

(9) TOTAL Monetary Contributions To Date

\$, 64 , 692 . 40

(10) TOTAL Monetary Expenditures To Date

\$, 25 , 775 . 71

(11) Certification

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

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

(Type name) Joel Chamberlain, CPA
 Individual (only for IE or electioneering comm.) Treasurer Deputy Treasurer

X Cory Nichols
 Signature

(Type name) Cory Nichols, P.E.
 Candidate Chairperson (only for PC and PTY)

X Cory Nichols
 Signature

CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

(1) Name Cory Nichols, P.E. (2) I.D. Number N/A

(3) Cover Period 09 / 17 / 2016 through 09 / 30 / 2016 (4) Page 1 of 1

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor Type Occupation		(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
(6) Sequence Number		Type	Occupation	Type	Description	Amendment	Amount
09 / 29 / 2016 1	Oceans LLC 115 5th Avenue South Jacksonville Beach, FL 32250	B	Engineering	CHE			\$500.00
09 / 22 / 2016 2	David R. McGraw II 891 16th Avenue South Jacksonville Beach, FL 32250	I	Consultant	RTC			\$100.00
09 / 22 / 2016 3	Andrew Cummings 12568 Linjohn Road Jacksonville, FL 32223	I	Project Mana	RTC			\$500.00
09 / 23 / 2016 4	Brenna Cook 611 Beach Blvd, Apt 3105 Jacksonville Beach, FL 32250	I	Supplier	RTC			\$25.00
/ /							
/ /							
/ /							
/ /							

CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES

(1) Name Cory Nichols, P.E.

(2) I.D. Number N/A

(3) Cover Period 09 / 17 / 2016 through 09 / 30 / 2016

(4) Page 1 of 1

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
(6) Sequence Number					
09 / 19 / 2016	The Home Depot 3790 3rd Street South Jacksonville Beach, FL 32250	Advertising Marketing	CAN		\$13.04
1					
09 / 20 / 2016	Facebook 1 Hacker Way Menlo Park, CA 94025	Advertising Marketing	CAN		\$750.05
2					
09 / 27 / 2016	Kessler Creative 12276 San Jose Blvd Jacksonville, FL 32223	Advertising Marketing	CAN		\$1,570.94
3					
09 / 29 / 2016	Beaches Leader PO Box 50129 Jacksonville Beach, FL 32240	Advertising Marketing	CAN		\$130.00
4					
09 / 30 / 2016	Creating Caring Communities 1015 Atlantic Blvd, Suite 511 Atlantic Beach, FL 32233	Campaign Consulting	CAN		\$2,700.00
5					
/ /					
/ /					
/ /					
/ /					

Cory Nichols

Period	Due Date	Date Received
2016 – P1	7/1/16	7/1/16
2016 – P2	7/15/16	7/15/16
2016 – P3	7/29/16	7/29/16
2016 – P4	8/5/16	8/4/16
2016 – P5	8/12/16	8/12/16
2016 – P6	8/19/16	8/17/16
2016 – P7	8/26/16	8/26/16
2016 – G1	9/9/16	9/8/16
2016 – G2	9/23/16	9/23/16
2016 – G3	10/7/16	10/10/16
2016 – G4	10/14/16	10/13/16
2016 – G5	10/21/16	10/21/16
2016 – G6	10/28/16	10/26/16
2016 – G7	11/4/16	11/4/16
2016 – TRG	2/6/17	12/28/16