

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Brandon Byers

Case No.: FEC 19-582

TO: Brandon Byers
8024 Springtree Rd
Jacksonville, FL 32210

Mike Hogan
Duval County SOE
105 East Monroe Street
Jacksonville, FL 32202

NOTICE OF HEARING (INFORMAL HEARING (IH))

A hearing will be held in this case before the Florida Elections Commission on **February 7, 2024 at 9:00 a.m.**, *or as soon thereafter as the parties can be heard*, at the following location: **402 South Monroe Street, 12 HOB, Tallahassee, Florida 32399**. Due to heightened security access requirements, please bring only essential items into the building and plan to arrive early to allow for delays coming through security.

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

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

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

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

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

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

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

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

See further instructions on the reverse side.

Tim Vaccaro
Executive Director
Florida Elections Commission
January 19, 2024

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 to 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

Florida Elections Commission,
Petitioner,

Case No.: FEC 19-582

v.

Brandon Byers,
Respondent.

_____ /

ORDER OF PROBABLE CAUSE

THIS MATTER was heard by the Florida Elections Commission (Commission) at its regularly scheduled meeting on November 15, 2023, in Tallahassee, Florida.

On June 29, 2023, 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:

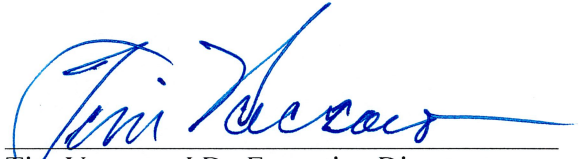
On or about April 11, 2019, Brandon Byers violated Section 106.141(1), Florida Statutes, when he failed to dispose of the funds on deposit in his campaign account within 90 days after withdrawing his candidacy.

Count 2:

On or around April 11, 2019, Brandon Byers violated Section 106.19(1)(c), Florida Statutes, when he deliberately failed to include information required by Chapter 106, Florida Statutes, on the campaign's 2019 TRQ Report.

The Commission finds that there is **no probable cause** to charge Respondent with violating Section 106.07(5), Florida Statutes.

DONE AND ORDERED by the Florida Elections Commission on November 15, 2023.



Tim Vaccaro, J.D., Executive Director
For Chad Mizelle, Chairman
Florida Elections Commission

Copies furnished to:
Stephanie J. Cunningham, General Counsel
Brandon Byers, Respondent
Mike Hogan, 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: Brandon Byers

Case No.: FEC 19-582

TO: Brandon Byers
8024 Springtree Rd
Jacksonville, FL 32210-4534

Mike Hogan, Supervisor of Elections
Duval County Supervisor of Elections
105 East Monroe Street
Jacksonville, FL 32202

NOTICE OF HEARING (PROBABLE CAUSE DETERMINATION (PCD))

A hearing will be held in this case before the Florida Elections Commission on, **November 15, 2023 at 9:00 a.m., or as soon thereafter as the parties can be heard**, at the following location: **402 South Monroe Street, 12 HOB, Tallahassee, Florida 32399**. Due to heightened security access requirements, please bring only essential items into the building and plan to arrive early to allow for delays coming through security.

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

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

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

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

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

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

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

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

See further instructions on the reverse side.

Tim Vaccaro

Executive Director
Florida Elections Commission
October 31, 2023

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

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



Florida Elections Commission

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

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

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



September 6, 2023

Brandon Byers
8024 Springtree Rd
Jacksonville, FL 32210

RE: Case No.: FEC 19-582; Respondent: Brandon Byers

Dear Mr. Byers:

The Florida Elections Commission at its August 15, 2023, virtual meeting was unable to hear this case. Therefore, this case has been rescheduled for its next meeting, which is scheduled for November 14-15, 2023, in Tallahassee. A notice of hearing indicating the exact date and time will be mailed approximately 14 days before the hearing.

If you have any questions, please contact us at the number listed above or at fec@myfloridalegal.com.

Sincerely,

Tim Vaccaro

Executive Director

TV/dm

cc: Mike Hogan, Complainant

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Brandon Byers

Case No.: FEC 19-582

TO: Brandon Byers
8024 Springtree Rd
Jacksonville, FL 32210

Mike Hogan
Duval County SOE
105 East Monroe Street
Jacksonville, FL 32202

NOTICE OF HEARING (PROBABLE CAUSE DETERMINATION)

A hearing will be held in this case before the Florida Elections Commission on, **August 15, 2023 at 2:00 p.m., or as soon thereafter as the parties can be heard**, at the following location: **Virtual Meeting**.

Register in advance for this meeting via Zoom link:

[https://us06web.zoom.us/meeting/register/tZYudumrqjgoGNJ2UhnWkz6Q8JF6AOXxKwdP](https://us06web.zoom.us/join/zoom/register/tZYudumrqjgoGNJ2UhnWkz6Q8JF6AOXxKwdP)

After registering, you will receive a confirmation email containing information about joining the meeting.

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

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

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

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

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

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

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

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

See further instructions on the reverse side.

Tim Vaccaro

Executive Director
Florida Elections Commission
August 1, 2023

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.

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Brandon Byers

Case No.: FEC 19-582

STAFF RECOMMENDATION FOLLOWING INVESTIGATION

Pursuant to Section 106.25(4)(c), Florida Statutes, undersigned staff counsel files this written recommendation for disposition of the sworn 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**, and **no probable cause** to charge Respondent with violating **Section 106.07(5), Florida Statutes**. Based upon a thorough review of the Report of Investigation submitted on March 2, 2023, the following facts and law support this staff recommendation:

1. On November 26, 2019, the Florida Elections Commission (“Commission”) received a sworn complaint from Mike Hogan (“Complainant”), alleging that Brandon Byers (“Respondent”) violated Chapter 106, Florida Statutes.

2. Respondent was a 2019 candidate for Jacksonville City Council, District 8. Respondent’s Statement of Candidate form (“DS-DE 84”) was filed on June 19, 2017. (ROI Exhibit 3)¹

3. By letter dated January 31, 2020, the Executive Director notified Respondent that Commission staff would investigate the following statutory provisions:

Section 106.07(5), Florida Statutes: Respondent, a 2019 candidate for Jacksonville City Council, District 8, may have certified one or more campaign treasurer reports were true, correct, and complete when they were not, based upon a surplus balance after the 2019 TRQ was filed, as alleged in the complaint.

Section 106.141(1), Florida Statutes: Respondent, a 2019 candidate for Jacksonville City Council, District 8, filed a 2019 Termination Report that may have failed to accurately reflect the disposition of all remaining campaign funds, based upon a surplus balance after the 2019 TRQ was filed, as alleged in the complaint.

Section 106.19(1)(c), Florida Statutes: Respondent, a 2019 candidate for Jacksonville City Council, District 8, may have falsely reported or deliberately failed to include information in one or more campaign treasurer reports, as required by Chapter 106, Florida

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

Statutes, based upon a surplus balance after the 2019 TRQ was filed, as alleged in the complaint.

4. On June 19, 2017, Respondent's filing officer provided Respondent with Chapter 106, Florida Statutes, and the *Candidate and Campaign Treasurer Handbook*. (ROI Exhibit 4, pages 2 & 3) Respondent acknowledged receipt of the materials. (ROI Exhibit 4, page 1) Additionally, on June 19, 2017, Respondent acknowledged that he had been provided access to read the requirements of Chapter 106, Florida Statutes. (ROI Exhibit 3)

Alleged Violation: Section 106.141(1), Florida Statutes

5. Complainant alleged that Respondent violated Florida's election laws by failing to dispose of the funds on deposit in his campaign account. *See* Compl., pp. 3 & 7

6. On January 11, 2019, Respondent withdrew his candidacy. (ROI Exhibit 1) Respondent was required to dispose of the funds on deposit in his campaign account within 90 days after withdrawing his candidacy.

7. A subpoena was issued to Respondent's designated campaign depository. The campaign's bank records show that Respondent had a surplus balance of \$101.93 as of the last day of the 2019 TRQ (termination) reporting period, i.e., April 11, 2019. (ROI Exhibit 6, page 4)

8. Respondent stated that he was a first-time candidate. (ROI Exhibit 9, page 3) He stated that he was inexperienced, and that he did not understand how difficult a campaign would be to run. (ROI Exhibit 9, page 4)

9. Respondent failed to dispose of the funds on deposit in his campaign account within 90 days after withdrawing his candidacy.

Alleged Violation: Section 106.19(1)(c), Florida Statutes

10. Complainant alleged that Respondent violated Florida's election laws by falsely reporting or deliberately failing to include information required by Chapter 106, Florida Statutes, on the campaign's 2019 TRQ Report. The reporting period at issue ran from January 1, 2019 – through April 11, 2019. (ROI Exhibit 5, page 3)

11. A subpoena was issued to Respondent's designated campaign depository to ascertain whether any contributions were received or expenditures were made during the relevant reporting period which were not reported or falsely reported.

12. Respondent's bank records show ten expenditures totaling \$566.51 that Respondent failed to disclose on the campaign's 2019 TRQ Report. (ROI Exhibit 6, pages 1-4; *See* ROI, pp. 2-3) Respondent did not disclose the financial activity but rather notified his filing officer that he had no reportable financial activity during the 2019 TRQ reporting period. (ROI Exhibit 5, page 3; ROI Exhibit 7) Had Respondent reported the financial activity that took place during the relevant reporting period, the report may have disclosed potential violations of the Florida Election Code

as the campaign's bank records and Respondent's description of the expenditures show that the funds were not disposed of properly pursuant to Sections 106.141(4)(a), and 106.11(5), Florida Statutes. (ROI Exhibit 6)

13. Respondent did not provide a reason why he submitted a notice of no activity for the reporting period when he was aware that he had financial activity. (ROI Exhibit 9, pages 3 & 4)

14. Chapter 106, Florida Statutes, requires candidates to report any contributions received and any expenditures made for the purpose of influencing the results of an election. Respondent deliberately failed to include information required by Chapter 106, Florida Statutes, on the campaign's 2019 TRQ Report.

Alleged Violation: Section 106.07(5), Florida Statutes

15. Complainant alleged that Respondent violated Florida's election laws by certifying that the campaign's 2019 TRQ Report was true, correct, and complete when it was not.

16. Respondent notified the filing officer in writing that he would not be filing his 2019 TRQ Report. (ROI Exhibit 5, page 3; ROI Exhibit 7) The requirement under Section 106.07(5), Florida Statutes, to certify as to the correctness of a report does not apply to notifications of no activity submitted to the filing officer pursuant to Section 106.07(7), Florida Statutes. Therefore, Respondent did not violate Section 106.07(5), Florida Statutes, with regard to the 2019 TRQ reporting period.

17. "Probable Cause" is defined as 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. 1st DCA 1995).

18. The facts set forth above show that Respondent was a 2019 candidate for Jacksonville City Council, District 8. Respondent failed to dispose of the funds on deposit in his campaign account within 90 days after withdrawing his candidacy. Respondent deliberately failed to include information required by Chapter 106, Florida Statutes, on the campaign's 2019 TRQ Report. Respondent did not violate Section 106.07(5), Florida Statutes, with regard to the 2019 TRQ reporting period.

Based upon these facts and circumstances, I recommend that the Commission find **no probable cause** to charge Respondent with violating **Section 106.07(5), Florida Statutes**, and find **probable cause** to charge Respondent with violating the following:

Count 1:

On or about April 11, 2019, Brandon Byers violated Section 106.141(1), Florida Statutes, when he failed to dispose of the funds on deposit in his campaign account within 90 days after withdrawing his candidacy.

Count 2:

On or around April 11, 2019, Brandon Byers violated Section 106.19(1)(c), Florida Statutes, when he deliberately failed to include information required by Chapter 106, Florida Statutes, on the campaign's 2019 TRQ Report.

Respectfully submitted on June 29, 2023.



Stephanie J. Cunningham
General Counsel

I reviewed this Staff Recommendation this 29th day of June 2023.



Tim Vaccaro
Executive Director

FLORIDA ELECTIONS COMMISSION

Report of Investigation for Apparent Surplus in Campaign Account

Case Number: FEC 19-582

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

Sections 106.07(5) and 106.19(1)(c), Florida Statutes, a candidate certified campaign treasurer report(s) as true, correct, and complete when they were not and falsely reported or deliberately failed to include all information required by Chapter 106, F.S., in campaign treasurer report(s).

Respondent: Brandon Byers

Respondent's Atty: N/A

Complainant: Mike Hogan, Duval County Supervisor of Elections (SOE)

Complaint Filed: November 26, 2019

Respondent Type: Candidate

Additional Section(s): None

I. Preliminary Information:

1. Respondent was a 2019 candidate for Jacksonville City Council, District 8; he withdrew his candidacy by email on January 11, 2019. Respondent was a first-time candidate. To review Respondent's withdrawal notice, refer to Exhibit 1.

2. An Appointment of Campaign Treasurer and Designation of Campaign Depository (DS-DE 9) was filed on June 19, 2017. Respondent was appointed as campaign treasurer. To review the DS-DE 9, refer to Exhibit 2.

3. Respondent filed a Statement of Candidate with the SOE on June 19, 2017, in which Respondent certified he had been provided access to read and understand Chapter 106, F.S. To review the Statement of Candidate, refer to Exhibit 3.

4. On June 19, 2017, Respondent signed a form acknowledging that he had received hard copies of *Election Laws of Florida*, the *Candidate and Campaign Treasurer Handbook*, the *Candidate Financial Reporting Manual*, and the *Calendar of Report Dates*. In an affidavit, the SOE attested that Respondent was provided copies of Chapter 106, Florida Statutes, and the *Candidate and Campaign Treasurer Handbook* on June 19, 2017. To review the acknowledgement form and the SOE's affidavit, refer to Exhibit 4.

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

5. I investigated whether Respondent violated this section of the election laws by not disposing of all remaining campaign funds within 90 days of withdrawing. To review Respondent's filing history, refer to Exhibit 5.

THIS SPACE INTENTIONALLY LEFT BLANK

6. On the date the 2019 TR was due, campaign account records reflect that the balance was \$101.93.¹ To review the relevant bank statement, refer to Exhibit 6, page 4.

7. Respondent did not respond to the complaint.

III. Alleged Violation of Sections 106.07(5), 106.141(1), and 106.19(1)(c), Florida Statutes:

8. I investigated whether Respondent violated these sections of the election laws by certifying that one or more campaign treasurer report(s) were true, correct, and complete when they were not, falsely reporting or deliberately failing to include information in one or campaign treasurer report(s), and failing to accurately reflect disposition of all remaining campaign funds in a termination report due to an apparent surplus balance after the TRQ waiver was filed.

9. I reviewed bank records from the designated campaign depository and compared them with campaign treasurer report(s) covering the following reporting period(s): 2019 TRQ.² The results of my review are reflected in the table below. To review Respondent’s filing history, refer to Exhibit 5. To review the bank records, refer to Exhibit 6.³ To review the Waiver of Report, refer to Exhibit 7. To review an email from the SOE noting the apparent surplus balance, refer to Exhibit 8.

Comparison of Campaign Treasurer Report(s) with Bank Records

Report & Dates Due/Filed	Reporting Period & Document Filed	Information on Report	Information from Bank
2019 TRQ 4/11/19 5/15/19	1/1/19 – 4/11/19 Waiver	Not Reported	\$200.00 expenditure to Loyce Dobson on 1/14/19
		Not Reported	\$7.00 expenditure for Bank Fee on 01/31/19
		Not Reported	\$72.48 expenditure to Wal-mart on 2/13/19
		Not Reported	\$7.00 expenditure for Bank Fee on 2/28/19
		Not Reported	\$43.47 expenditure to Harvey’s on 3/4/19

¹ I subpoenaed campaign account records from the designated campaign depository. The account was taken to a -49.49 balance on May 9, 2019, and the account was closed on July 9, 2019, upon issuance of a bank closing credit in the amount of \$49.49. Refer to Exhibit 6, pages 5-7.


² The review was reflective of original reports filed and applicable bank records of deposits, debits, bank fees, and checks drawn on the campaign account, but it did not reflect activity associated with online contribution platforms where the investigation was unable to obtain records itemizing the sources of such contributions. If a listed report is not included in the table, my review determined that all applicable transactions were reported.

³ This exhibit also includes a list of the expenditures reflected in the bank records in which Respondent explained the purposes of the expenditures.

		Not Reported	\$11.51 expenditure to KFC on 3/4/19
		Not Reported	\$7.00 expenditure for Bank Fee on 3/29/19
		Not Reported	\$80.18 expenditure to Ross Stores on 4/2/19
		Not Reported	\$85.60 expenditure to Ace Printing on 4/3/19
		Not Reported	\$52.27 expenditure to Rowes IGA on 4/5/19

10. Respondent did not respond to the complaint.

11. I called Respondent for the purpose of providing an opportunity to discuss the allegations made in the complaint. Respondent explained that his personal bank account at Navy Federal was meant to be a placeholder for his campaign depository, but he was not able to open a new account for a campaign depository at Navy Federal. Therefore, he created a campaign account at Regions bank, but he did not update the SOE with his new depository. Respondent stated he worked with the SOE for help regarding his campaign. According to Respondent, his campaign was small, and most contributions were from family and friends. Respondent added that he was inexperienced in how to run a campaign and did not understand how difficult it was to keep track of campaigns. Respondent acknowledged that he was provided copies of Chapter 106, Florida Statutes, and the *Candidate and Campaign Treasurer Handbook*. In a subsequent interview, I notified Respondent that the bank records from his campaign depository show he had activity during the TRQ reporting period even though he filed a waiver of the report. Respondent did not provide a reason as to why he did not report the financial activity in the 2019 TRQ. To review the phone log, refer to Exhibit 9.

SIGNATURE OF INVESTIGATOR:  **Date:** March 2, 2023

FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Brandon Byers – FEC 19-582

LIST OF EXHIBITS	
Exhibits #s	Description of Exhibits
Exhibit 1	Withdrawal Letter
Exhibit 2	Appointment of Campaign Treasurer and Designation of Campaign Depository (DS-DE 9)
Exhibit 3	Statement of Candidate (DS-DE 84)
Exhibit 4	Acknowledgment of Materials & Affidavit from Supervisor of Elections
Exhibit 5	Filing History
Exhibit 6	Bank Records
Exhibit 7	2019 TRQ
Exhibit 8	Notice of Surplus Balance
Exhibit 9	Phone Log

Self, Lana

From: Brandon Byers <enfinitycatering@gmail.com>
Sent: Friday, January 11, 2019 11:54 AM
To: Self, Lana
Subject: When I joined the race as a candidate for City Council District 8...

EXTERNAL EMAIL: This email originated from a non-COJ email address. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

When I joined the race as a candidate for City Council District 8, it was my desire to see true transformational change in the community I knew and loved. Change that would come through safer streets, economically developed land and engaged communities. I started this journey to be the change agent for businesses and to bring about a better District 8 for us all.

I realize the amount of time, talent and treasure it takes to make any initiative successful, including candidate campaigns. However, as a business owner, it is my current desire to devote more time and effort in providing quality services to our customers. I am very appreciative of the donors to my campaign and the many supporters along the way. However, after much thought and consideration, I have decided to withdraw as a candidate for City Council District 8.

After much prayer and experiencing blessings of success for my restaurant, The Cookbook, I have decided not to pursue the District 8 seat. Let it be clear, I'm not quitting or giving up but simply will revisit this opportunity in the future. I will continue to make myself available and assessable to the community in any way possible.

Brandon Byers
Former Candidate, City Council District 8 Owner, Enfinity Catering LLC Home Of The Cookbook Restaurant

B. Gerard Byers



RECEIVED
JAN 11 2019
DUVAL COUNTY ELEC.
BY _____

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

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

(PLEASE PRINT OR TYPE)

RECEIVED

JUN 19 2017

DUVAL COUNTY ELEC.

By LB

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

OFFICE USE ONLY

1. CHECK APPROPRIATE BOX(ES):

Initial Filing of Form Re-filing to Change: Treasurer/Deputy Depository Office Party

2. Name of Candidate (in this order: First, Middle, Last)

Brandon Gerard Byers

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

8024 Springtree Rd
Jax. FL. 32210

4. Telephone

(904) 472-1380

5. E-mail address

bgerardrod101@gmail.com

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

CC 8

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 Dem Party candidate.

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

10. Name of Treasurer or Deputy Treasurer

Brandon Gerard Byers

11. Mailing Address

8024 Springtree Rd

12. Telephone

(904) 472-1380

13. City

Jacksonville

14. County

USA

15. State

FL

16. Zip Code

32210

17. E-mail address

bgerardrod101@gmail.com

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

19. Name of Bank

Navy Federal

20. Address

150 Riverside Ave, Jacksonville, FL

21. City

Jax

22. County

Wv

23. State

FL

24. Zip Code

32202

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

25. Date

6/19/2017

26. Signature of Candidate

X 

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

I, Brandon Gerard Byers, do hereby accept the appointment
(Please Print or Type Name)

designated above as: Campaign Treasurer Deputy Treasurer.

6/17/2017
Date

X 
Signature of Campaign Treasurer or Deputy Treasurer

**STATEMENT OF
CANDIDATE**

(Section 106.023, F.S.)

(Please print or type)

OFFICE USE ONLY
RECEIVED

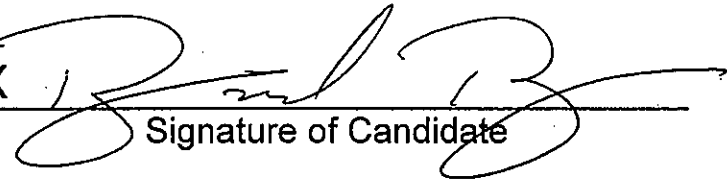
JUN 19 2017

DUVAL COUNTY ELEC.

By LS

I, Brandon Gerard Byers
candidate for the office of CC 8;

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

X 
Signature of Candidate

6/19/2017
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).

AFFIDAVIT OF FILING OFFICER
Case Number: FEC 19-582

STATE OF FLORIDA
County of Duval

Mike Hogan, Duval County Supervisor of Elections, being duly sworn, says:

1. This affidavit is made upon my personal knowledge.
2. I am of legal age and competent to testify to the matters stated herein. I am currently employed by Duval County Supervisor of Elections Candidate & Records Assistant
3. Please provide copies of the listed items from the following candidate's campaign file:
Brandon Byers, Candidate for City Council, District 8.

Check	ITEM
✓	The Statement of Candidate form for the 2019 campaign.
✓	Appointments of Treasurers and Designation of Campaign Depository form (Form DS-DE 9) for the 2019 campaign.
✓	Campaign treasurer's reports, waivers, and amendments for the 2019 campaign.
✓	Addendum requests and proof of compliance for the 2019 campaign.
	The candidate's and campaign treasurers' acknowledgment whereby candidates and treasurers declare, under penalties of perjury, electronically filing a CTR is same as signing the report under oath, and to have certified the correctness of the report in accordance with sections 106.07(5) or 106.29(2), Florida Statutes, as applicable; such as an Application and Acknowledgement of Electronic Filing Information form (if applicable).
✓	Form(s) for all campaigns whereby candidate acknowledges receipt of instructions and/or campaign materials.
	All checks issued by the candidate's campaign to your office (qualifying fee, maps, etc.). Please do <u>not</u> redact the bank routing and account numbers.

4. Please check each item provided to the candidate, and list the date that the candidate was provided the item.

Check	ITEM	DATE
✓	<i>A Compilation of The Election Laws of the State of Florida</i>	6-19-17
✓	Chapter 104, <i>Florida Statutes</i>	6-19-17
✓	Chapter 106, <i>Florida Statutes</i>	6-19-17

	Candidate & Campaign Treasurer Handbook. Please provide revision date of publication. _____	6-19-17
	Other: ¹ _____	

5. Relative to Chapter 106, *Florida Statutes*, and the *Candidate & Campaign Treasurer Handbook*, please indicate how these publications are provided to the candidate.

- A candidate packet, or similar material, is given to the candidate. The candidate packet includes links to the Division of Elections' website, or our website, where these documents are available for review.
- Publications are provided on a CD or thumb/flash drive that is given to the candidate.
- Other, please explain. _____

6. Did your office² offer any candidate workshops, campaign skills or training seminars prior to the 2019 election? Yes or No. If yes, please list all workshops/training seminars that were attended by the candidate, along with the date of attendance. If a staff member attended for the candidate, list his/her name and position. If available, please attach a copy of any attendance sheets from the workshops/training seminars and if available, please provide a copy of the syllabus and outline or PowerPoint presentation for the workshops/seminars.

Candidate Workshop - to my knowledge, Mr. Byers did not attend the workshop - attached attendance sheet and passport.

7. Does your office have any record of Brandon Byers having sought elective office within your jurisdiction prior to the 2019 election? Yes or No. If yes, please list the previous office(s) he/she ran for, the date(s) of the election(s), and the result(s) of the election(s). If the candidate withdrew her/his candidacy for election, please indicate if the withdrawal was before or after qualifying.

¹ Any local publications relative to the Election laws that may have been provided by your office in lieu of the *Candidate & Campaign Treasurer Handbook* published by the Division of Elections. If your office published the item(s), please send a copy of the item(s) with the affidavit.

² If your County elections or ethics office offered candidate workshops/campaign skills or training seminars, please identify the office providing the workshops/seminars and provide copies of any notices that were sent to candidates within your jurisdiction.

8. Does your office have any record of Brandon Byers having been named as a chairperson or campaign treasurer of a political committee (PC or PAC) or electioneering communications organization (ECO) within your jurisdiction? Yes or No. If yes, please list the name(s) of the committees.

9. Did you or any member of your staff have any conversations with Brandon Byers concerning a provision of Chapter 106, Florida Statutes, relative to the candidate's 2019 TRQ, at any time during the 2019 campaign? Yes or No. If yes, please indicate whether the conversation was in person, in writing, or by telephone and the subject matter of the conversation. If applicable, please provide copies of records documenting the discussion.

Emails - copies provided

I SWEAR OR AFFIRM THAT THE INFORMATION CONTAINED IN THIS DOCUMENT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

Brenda Byers
Signature of Affiant

Brenda Byles
Print or type name of Affiant on line above.

Sworn to (or affirmed) and subscribed before me this 11th day of February, 2020

Julie Law White
Signature of Notary Public - State of Florida
Print, Type, or Stamp Commissioned Name of Notary Public

JULIE LAW WHITE
Notary Public, State of Florida
My Comm. Expires 03/22/2021
Commission No. GG86220

Personally Known or Produced Identification
Type of Identification Produced: _____

Case investigator: B.A.

Candidate: Brandon Byers

Office: City Council District 8

Show only financial reports (Hides bio)



Contact Information

Address 1214 W. 13th Street
Jacksonville, FL - 32209

Email make8great@brandonbyersforccdistrict8.com

Phone 904-472-1380

Website <https://www.facebook.com/byersforcc8/>

Available reports...

- M6 7/10/2017
- M7 8/10/2017
- M8 9/11/2017
- M9 10/10/2017
- M10 11/13/2017
- M11 12/11/2017
- M12 1/10/2018
- M1 2/12/2018
- M2 3/12/2018
- M3 4/10/2018
- M4 5/10/2018
- M5 6/12/2018
- M6 7/10/2018
- M7 8/10/2018
- M8 9/10/2018
- M9 10/10/2018
- M10 11/13/2018
- M11 12/10/2018
- M12 1/10/2019
- TRQ 4/11/2019

The following financial reports are available:

Report	Monetary	In-Kind	Expenditures
View Transactions	Contributions	Contributions	and Distributions
M6 (6/1/2017 - 6/30/2017)	\$200.00	\$0.00	\$0.00

Report View Transactions	Monetary Contributions	In-Kind Contributions	Expenditures and Distributions
M7 (7/1/2017 - 7/31/2017)	\$0.00	\$0.00	\$0.00
M8 (8/1/2017 - 8/31/2017)	\$0.00	\$40.00	\$0.00
M9 (9/1/2017 - 9/30/2017)	\$0.00	\$0.00	\$0.00
M10 (10/1/2017 - 10/31/2017)	\$0.00	\$0.00	\$0.00
M11 (11/1/2017 - 11/30/2017)	\$0.00	\$0.00	\$0.00
M12 (12/1/2017 - 12/31/2017)	\$0.00	\$0.00	\$0.00
M1 (1/1/2018 - 1/31/2018)	\$0.00	\$0.00	\$0.00
M2 (2/1/2018 - 2/28/2018)	\$525.00	\$0.00	\$0.00
M3 (3/1/2018 - 3/31/2018)	\$0.00	\$0.00	\$163.71
M4 (4/1/2018 - 4/30/2018)	\$0.00	\$0.00	\$0.00
M5 (5/1/2018 - 5/31/2018)	\$0.00	\$0.00	\$0.00
M6 (6/1/2018 - 6/30/2018)	\$0.00	\$0.00	\$0.00
M7 (7/1/2018 - 7/31/2018)	\$0.00	\$0.00	\$0.00
M8 (8/1/2018 - 8/31/2018)	\$0.00	\$0.00	\$0.00
M9 (9/1/2018 - 9/30/2018)	\$0.00	\$0.00	\$0.00
M10 (10/1/2018 - 10/31/2018)	\$0.00	\$0.00	\$0.00
M11 (11/1/2018 - 11/30/2018)	\$0.00	\$0.00	\$0.00

Report View Transactions	Monetary Contributions	In-Kind Contributions	Expenditures and Distributions
M12 (12/1/2018 - 12/31/2018)	\$0.00	\$0.00	\$0.00
TRQ (1/1/2019 - 4/11/2019)	\$0.00	\$0.00	\$0.00

Candidate qualifying forms and miscellaneous documents
Appt_of_Campaign_Treas
Statement_of_Candidate



Regions Bank
 Avondale Office
 1604 Margaret ST
 Jacksonville, FL 32204

BRANDON BYERS FOR CC DIST 8
 1827 N PEARL ST
 JACKSONVILLE FL 32206-3663

ACCOUNT #

Cycle 092
 Enclosures 26
 Page 0
 1 of 2

LIFEGREEN BUSINESS SIMPLE CHECKING

January 1, 2019 through January 31, 2019

SUMMARY

Beginning Balance	\$668.44	Minimum Balance	\$468
Deposits & Credits	\$0.00 +	Average Balance	\$552
Withdrawals	\$200.00 -		
Fees	\$7.00 -		
Automatic Transfers	\$0.00 +		
Checks	\$0.00 -		
Ending Balance	\$461.44		

WITHDRAWALS

01/14	Card Purchase Sq *Loyce Dobso 5399 877-417-4551 FL 32206 6948	200.00
-------	---	--------

FEEES

01/31	Monthly Fee	7.00
-------	-------------	------

DAILY BALANCE SUMMARY

Date	Balance	Date	Balance
01/14	468.44	01/31	461.44

You may request account disclosures containing terms, fees, and rate information (if applicable) for your account by contacting any Regions office.

You may save a considerable amount of money by refinancing your mortgage. If you haven't checked it out, call your PFS officer for Regions' low rates today!

For all your banking needs, please call 1-800-REGIONS (734-4667) or visit us on the Internet at www.regions.com. (TTY/TDD 1-800-374-5791)



Thank You For Banking With Regions!
 2019 Regions Bank Member FDIC. All loans subject to credit approval.



Regions Bank
 Avondale Office
 1604 Margaret ST
 Jacksonville, FL 32204

BRANDON BYERS FOR CC DIST 8
 1827 N PEARL ST
 JACKSONVILLE FL 32206-3663

ACCOUNT #

Cycle 092
 Enclosures 26
 Page 0
 1 of 2

LIFEGREEN BUSINESS SIMPLE CHECKING

February 1, 2019 through February 28, 2019

SUMMARY

Beginning Balance	\$461.44	Minimum Balance	\$388
Deposits & Credits	\$0.00 +	Average Balance	\$420
Withdrawals	\$72.48 -		
Fees	\$7.00 -		
Automatic Transfers	\$0.00 +		
Checks	\$0.00 -		
Ending Balance	\$381.96		

WITHDRAWALS

02/13	PIN Purchase Wal-Mart #6978	5411 Jacksonville FL	6948	72.48
-------	-----------------------------	----------------------	------	-------

FEEES

02/28	Monthly Fee			7.00
-------	-------------	--	--	------

DAILY BALANCE SUMMARY

Date	Balance	Date	Balance
02/13	388.96	02/28	381.96

You may request account disclosures containing terms, fees, and rate information (if applicable) for your account by contacting any Regions office.

You may save a considerable amount of money by refinancing your mortgage. If you haven't checked it out, call your PFS officer for Regions' low rates today!

For all your banking needs, please call 1-800-REGIONS (734-4667) or visit us on the Internet at www.regions.com. (TTY/TDD 1-800-374-5791)



Thank You For Banking With Regions!
 2019 Regions Bank Member FDIC. All loans subject to credit approval.



Regions Bank
 Avondale Office
 1604 Margaret ST
 Jacksonville, FL 32204

BRANDON BYERS FOR CC DIST 8
 1827 N PEARL ST
 JACKSONVILLE FL 32206-3663

ACCOUNT #

Cycle 092
 Enclosures 26
 Page 0
 1 of 2

LIFEGREEN BUSINESS SIMPLE CHECKING

March 1, 2019 through March 29, 2019

SUMMARY

Beginning Balance	\$381.96	Minimum Balance	\$326
Deposits & Credits	\$0.00 +	Average Balance	\$332
Withdrawals	\$54.98 -		
Fees	\$7.00 -		
Automatic Transfers	\$0.00 +		
Checks	\$0.00 -		
Ending Balance	\$319.98		

WITHDRAWALS

03/04	PIN Purchase Harveys #1692	5411 Jacksonville FL	6948	43.47
03/04	Card Purchase KFC G410068	5814 Jacksonville FL	32210 6948	11.51
Total Withdrawals				\$54.98

FEES

03/29	Monthly Fee	7.00
-------	-------------	------

DAILY BALANCE SUMMARY

Date	Balance	Date	Balance
03/04	326.98	03/29	319.98

You may request account disclosures containing terms, fees, and rate information (if applicable) for your account by contacting any Regions office.

You may save a considerable amount of money by refinancing your mortgage. If you haven't checked it out, call your PFS officer for Regions' low rates today!

For all your banking needs, please call 1-800-REGIONS (734-4667) or visit us on the Internet at www.regions.com. (TTY/TDD 1-800-374-5791)



Thank You For Banking With Regions!
 2019 Regions Bank Member FDIC. All loans subject to credit approval.



Regions Bank
 Avondale Office
 1604 Margaret ST
 Jacksonville, FL 32204

BRANDON BYERS FOR CC DIST 8
 1827 N PEARL ST
 JACKSONVILLE FL 32206-3663

ACCOUNT #

Cycle 092
 Enclosures 26
 Page 0
 1 of 3

LIFEGREEN BUSINESS SIMPLE CHECKING

March 30, 2019 through April 30, 2019

SUMMARY

Beginning Balance	\$319.98	Minimum Balance	\$101
Deposits & Credits	\$0.00 +	Average Balance	\$129
Withdrawals	\$218.05 -		
Fees	\$7.00 -		
Automatic Transfers	\$0.00 +		
Checks	\$0.00 -		
Ending Balance	\$94.93		

WITHDRAWALS

04/02	PIN Purchase Ross Stores #1	5310 Jacksonville FL	6948	80.18
04/03	Card Purchase Ace Printing	2741 Jacksonville FL 32206	6948	85.60
04/05	PIN Purchase Rowe S Iga 543	5411 Jacksonville FL	6948	52.27
Total Withdrawals				\$218.05

FEEES

04/30	Monthly Fee	7.00
-------	-------------	------

DAILY BALANCE SUMMARY

Date	Balance	Date	Balance	Date	Balance
04/02	239.80	04/05	101.93	04/30	94.93
04/03	154.20				

You may request account disclosures containing terms, fees, and rate information (if applicable) for your account by contacting any Regions office.

For all your banking needs, please call 1-800-REGIONS (734-4667) or visit us on the Internet at www.regions.com. (TTY/TDD 1-800-374-5791)



Thank You For Banking With Regions!
 2019 Regions Bank Member FDIC. All loans subject to credit approval.



Regions Bank
 Avondale Office
 1604 Margaret ST
 Jacksonville, FL 32204

BRANDON BYERS FOR CC DIST 8
 1827 N PEARL ST
 JACKSONVILLE FL 32206-3663

ACCOUNT #

Cycle 092
 Enclosures 26
 Page 0
 1 of 2

LIFEGREEN BUSINESS SIMPLE CHECKING

May 1, 2019 through May 31, 2019

SUMMARY

Beginning Balance	\$94.93	Minimum Balance	\$49 -
Deposits & Credits	\$0.00 +	Average Balance	\$12 -
Withdrawals	\$108.42 -		
Fees	\$36.00 -		
Automatic Transfers	\$0.00 +		
Checks	\$0.00 -		
Ending Balance	\$49.49 -		

WITHDRAWALS

05/09	PIN Purchase Wm Superc Wal-	5411 Jacksonville FL	6948	108.42
-------	-----------------------------	----------------------	------	--------

FEEES

05/09	Paid Overdraft Item Fee			36.00
-------	-------------------------	--	--	-------

DAILY BALANCE SUMMARY

Date	Balance
05/09	49.49 -

YOU MAY RECEIVE AUTOMATED ALERTS ABOUT UNUSUAL OR SUSPICIOUS ACTIVITY ON YOUR REGIONS VISA CHECKCARD, ATM CARD, CREDIT CARD, NOW CARD AND HOME EQUITY LINE OF CREDIT ACCESS PLATINUM CARD. WE MAY TEXT, EMAIL AND/OR CALL TO NOTIFY YOU OF A SUSPICIOUS CARD TRANSACTION AND YOU CAN RESPOND TO CONFIRM WHETHER YOU AUTHORIZED THE TRANSACTION. LEARN MORE AT REGIONS.COM/CARDALERTS.

For all your banking needs, please call 1-800-REGIONS (734-4667) or visit us on the Internet at www.regions.com. (TTY/TDD 1-800-374-5791)



Thank You For Banking With Regions!
 2019 Regions Bank Member FDIC. All loans subject to credit approval.



Regions Bank
 Avondale Office
 1604 Margaret ST
 Jacksonville, FL 32204

BRANDON BYERS FOR CC DIST 8
 1827 N PEARL ST
 JACKSONVILLE FL 32206-3663

ACCOUNT #

Cycle 092
 Enclosures 26
 Page 0
 1 of 2

LIFEGREEN BUSINESS SIMPLE CHECKING

June 1, 2019 through June 28, 2019

SUMMARY

Beginning Balance	\$49.49 -	Minimum Balance	\$49 -
Deposits & Credits	\$0.00 +	Average Balance	\$49 -
Withdrawals	\$0.00 -		
Fees	\$0.00 -		
Automatic Transfers	\$0.00 +		
Checks	\$0.00 -		
Ending Balance	\$49.49 -		

You may request account disclosures containing terms, fees, and rate information (if applicable) for your account by contacting any Regions office.

For all your banking needs, please call 1-800-REGIONS (734-4667)
 or visit us on the Internet at www.regions.com. (TTY/TDD 1-800-374-5791)



Thank You For Banking With Regions!

2019 Regions Bank Member FDIC. All loans subject to credit approval.



Regions Bank
 Avondale Office
 1604 Margaret ST
 Jacksonville, FL 32204

BRANDON BYERS FOR CC DIST 8
 1827 N PEARL ST
 JACKSONVILLE FL 32206-3663

ACCOUNT #

Cycle 092
 Enclosures 26
 Page 0
 1 of 2

LIFEGREEN BUSINESS SIMPLE CHECKING

June 29, 2019 through July 31, 2019

SUMMARY

Beginning Balance	\$49.49 -	Minimum Balance	\$49 -
Deposits & Credits	\$49.49 +	Average Balance	\$14 -
Withdrawals	\$0.00 -		
Fees	\$0.00 -		
Automatic Transfers	\$0.00 +		
Checks	\$0.00 -		
Ending Balance	\$0.00		

DEPOSITS & CREDITS

07/09 Bank Closing Credit 49.49

DAILY BALANCE SUMMARY

Date	Balance
07/09	0.00

You may request account disclosures containing terms, fees, and rate information (if applicable) for your account by contacting any Regions office.

For all your banking needs, please call 1-800-REGIONS (734-4667) or visit us on the Internet at www.regions.com. (TTY/TDD 1-800-374-5791)



Thank You For Banking With Regions!
 2019 Regions Bank Member FDIC. All loans subject to credit approval.

**Please email documents to
Brian.ayres@myfloridaleagal.com**

Expenditures

03/01/2018

Eventbrite Inc. \$60.00 Campaign launch event.

03/13/2018

Donation Deposit \$585.00

04/13/2018

Donation Deposit \$200

06/11/2018

Recreation & Co Kick Violence Community Kick Ball Game. \$58.85

01/14/2019

Loyce Dobson (Graphic Designer) \$200.00 Car Magnets, Business Cards, and Post Card Mailers.

02/13/2019

Community Cleanup Walmart \$72.48
Rakes, Garbage bags, shovels, and gloves.

03/04/2019

Harvey's food for "Meeting of the Minds" strategy meeting.

03/04/2019 KFC large mashed potatoes and gravy. With a side of biscuits to go with dinner items for meeting.

04/02/2019

Ross purchased polo shirts on clearance for marketing and canvassing purposes.

04/04/2019

Ace Printing purchase marketing material for community canvassing.

04/05/2019

Rowes IGA Food for The Community stakeholder Dinner.

05/09/2019

Walmart \$108.42

Music in the park (Lonnie Miller Park)

WAIVER OF REPORT

(Section 106.07(7), F.S.)

(PLEASE TYPE)

ONLINE SUBMISSION

Id: 768 [1188003]

Submitted on:

5/15/2019 23:10:57 (eastern)

OFFICE USE ONLY

Brandon Byers

Name

City Council District 8

Office Sought

1214 W. 13th Street

Address

Jacksonville, FL 32209

City

State

Zip Code

Candidate

Political Committee

Party Executive Committee

NOTE: This form does not apply to an electioneering communications organization (ECO). An ECO must file a report (not a waiver) that no reportable contributions or expenditures were made during the reporting period (s. 106.0703(8), F.S.).

Check here if address has changed since last report.

Check here if PC has DISBANDED and will no longer file reports.

TYPE OF REPORT (Check Appropriate Box and Complete Applicable Line beneath Box)

MONTHLY REPORT

PRIMARY ELECTION

GENERAL ELECTION

OTHER REPORT TYPE

Indicate report #

M _____

Indicate report #

P _____

Indicate report #

G _____

Indicate report type and # as applicable:

TRQ

TERMINATION REPORT

SPECIAL ELECTION

NOTIFICATION OF NO ACTIVITY IN CAMPAIGN ACCOUNT FOR THE REPORTING PERIOD OF

1/1/2019

THROUGH

4/11/2019

X

Signature

Date

X

Signature

Date

REQUIRED SIGNATURES FOR:

Candidates:

Candidate and Campaign Treasurer or Deputy Treasurer (s. 106.07(5), F.S.)

Political Committees:

Chairman and Campaign Treasurer or Deputy Treasurer (s. 106.07(5), F.S.)

Party Executive Committees:

Treasurer and Chairman (s. 106.29(2), F.S.)

Except as noted above for an ECO, in any reporting period when there has been no activity in the account (no funds expended or received) the filing of the required report is waived. However, the filing officer must be notified in writing on the prescribed reporting date that no report is being filed.

Self, Lana

From: Self, Lana
Sent: Thursday, May 16, 2019 8:25 AM
To: Byers, Brandon
Cc: Byles, Brenda
Subject: termination report

Brandon,

We received your campaign treasurer reports. I rejected all but M12 and TRQ reports. The others were not necessary.

The termination report is not in balance. You received \$725.00 in contributions, but only show \$163.71 being spent. The purpose of the termination report is to show any other expenses paid once a candidate withdraws, is elected or defeated. It will also show the disposition of the remaining funds. Did you pay yourself back the \$561.29, did you return money to your contributors?

Please amend your termination report to show how you disposed of the \$561.29.

Katrina Brown (DEM)	(Active- DEFEATED)	\$11,305.00	\$500.00
Brandon Byers (DEM)	(Active-WITHDRAWN)	\$725.00	\$40.00

Lana Self
Candidate and Records Director
Ph (904) 630-8010 Fax (904) 630-1894
Duval County Supervisor of Elections Office
105 E. Monroe Street
Jacksonville, FL 32202
www.duval elections.com



Please note that under Florida's very broad public records law, e-mail communications to and from city officials are subject to public disclosure.

UPCOMING ELECTION DATES
Presidential Preference Primary
March 17, 2020
Primary Election
August 25, 2010
General Election
November 3, 2020

**FLORIDA ELECTIONS COMMISSION
PHONE LOG
Case No.: FEC 19-582**

Respondent: Brandon Byers

Complainant: Duval County Supervisor of Elections

1. **Date and time:** October 7, 2021 @ 10:52 am
Name: Brandon Byers - Respondent
Phone #: 904-472-1380
Summary: I called Respondent about bank record information and the complaint filed against him. Respondent's account showed an excess balance at the TRQ reporting deadline and needs to be audited. Respondent's bank records show no campaign finances that can be associated with what he reported when he reported. Call was unsuccessful as he number is no longer in service.
Entered by: Brian Ayres
2. **Date and time:** October 7, 2021 @ 11:40 am
Name: Brandon Byers - Respondent
Phone #: 407-402-4251
Summary: I attempted to reach Respondent at updated phone number via Accurint request. Phone number appears to be out of service. I will try this number again.
Entered by: Brian Ayres
3. **Date and time:** October 12, 2021 @
Name: Brandon Byers - Respondent
Phone #: 904-420-9695
Summary: Respondent called after receiving the letter for more information I sent. Respondent would like me to call him back when it is possible. He updated his phone number to 904-420-9695
Entered by: Brian Ayres
4. **Date and time:** October 13, 2021 @ 12:38 pm
Name: Brandon byers
Phone #: 904-420-9695
Summary: I called Respondent back to interview him regarding his case. Phone call went to voicemail immediately and I left a generic email asking for him to call me back.
Entered by: Brian Ayres
5. **Date and time:** October 13, 2021
Name: Brandon Byers
Phone #: 904-420-9695
Summary: I left a voicemail with R stating who I am and how to contact me.
Entered by: Brian Ayres
6. **Date and time:** October 14, 2021 @ 9:30 am
Name: Brandon Byers - Respondent

Phone #: 904-563-0591

Summary: Respondent called and clarified his case. Respondent described his campaign as he was a young man who did not know what he was getting into. He stated he did receive a campaign handbook from his FO and did speak with his FO about his campaign depository and that once he started to collect funds he needed to update her about what the new depository would be since his navy federal credit union would not accept a new account for as a designated campaign account. His Navy Federal account was his personal account he penciled in until he his Regions Bank account became active; that was intended to be his campaign depository. Respondent stated he never submitted an updated DS-DE 6 and never received more than \$300 in contributions. Respondent agreed to send me copies of his Regions bank statements and will send them to me today or tomorrow morning. Respondent stated he did receive paperwork from Lana Self, Supervisor of Elections Assistant, and went to her for help when needed.

Entered by: Brian Ayres

7. **Date and time:** October 20, 2021 @ 2:15 pm

Name: Brandon Byers

Phone #: 904-563-0591

Summary: I called the previous number R called from and the call was unsuccessful. I left a message for R to call back. R was supposed to provide bank records but has not at the time of the call.

Entered by: Brian Ayres

8. **Date and time:** October 20, 2021 @ 3:08 pm

Name: Brandon Byers, Denise Hunt (Campaign Associate)

Phone #: 904-563-0591

Summary: Respondent called back once he received my message earlier in the day. He said he had sent the bank records but may have done so to the wrong email address. Respondent then conferenced in Ms. Hunt and accepted me being able to speak with her about the case as he was on the line. We all spoke together. I clarified my scope of investigation and the report that will be made available to them once we receive Regions bank information. Respondent stated that he will resend his bank records. Respondent stated he had only a couple hundred dollars in his account at any given time and wanted to see the complaint we received. I told Respondent I can send the complaint and LS letter to him via email.

Entered by: Brian Ayres

9. **Date and time:** October 20, 2021 @ 3:08 pm

Name: Brandon Byers

Phone #: 904-563-0591

Summary: I attempted to reach Respondent to discuss not receiving his bank records and to provide the complaint that was filed against him. Call was unsuccessful and I left a voicemail.

Entered by: Brian Ayres

10. **Date and time:** November 2, 2021 @ 1:24 pm

Name: Brandon Byers

Phone #: 904-563-0591

Summary: I attempted to reach Respondent to discuss not receiving his bank records and to provide the complaint that was filed against him. And whether he created a campaign depository underneath another's account at Regions. Call was unsuccessful and I left a voicemail.

Entered by: Brian Ayres

11. **Date and time:** November 17, 2021 @ 1:15 pm

Name: Brandon Byers

Phone #: 904-563-0591

Summary: I discussed to Respondent that we had received bank records for his campaign account at Regions and there was activity even though he filed a waiver the TR period. Respondent stated that he would like to go into negotiations to finalize this matter as soon as possible.

Entered by: Brian Ayres

12. **Date and time:** January 23, 2023 @ 1:30 pm

Name: Brandon Byers

Phone #: 904-563-0591

Summary: I attempted to call Respondent. Call was not successful.

Entered by: Brian Ayres

RESPONDENT INTERVIEW MEMO – Call details at #6 & 8

Type and ask your case specific question(s) first, then ask the remaining questions.

- Which Navy Federal Credit Union Bank account was used for tour campaign depository?
None- Regions bank was his actual campaign depository.
- Did you refund all contributions back to your contributors? What did you do with the excess amount of contributions?
He never received anything near \$700 in contributions, most was from family and friends.
- Have you filed an amended Termination Report?
No
- Was your Regions account closed out?
yes
- Have you ever run for public office? If so, please name each office you ran for and state what year each election occurred.
This was his first attempt to run a campaign and he had no additional staff for assistance.
- Have you ever been appointed to act as a campaign treasurer for a candidate? If so, please name each such candidate, the office each ran for, and state what year each election occurred.
Never
- Have you ever held the office of chairperson, treasurer, or other similar position for a political committee or electioneering communications organization? If so, please name each committee, state the office you held for each, and state when you held each office.
Never

- Have you ever prepared or signed a campaign treasurer's report? If so, please state the name of the candidate or committee whose report you prepared or signed.
This was the only time doing so
- What action have you taken to determine your responsibilities under Florida's election laws?
He was provided the election code and Campaign Handbook from Ms. Lana (Filing officer).
- Do you possess a copy of Chapter 106, Florida Statutes? If so, when did you first obtain it?
Have you read it?
He was provided a copy from the filing officer
- Do you possess a copy of the *Candidate and Campaign Treasurer Handbook*? If so, when did you first obtain it? Have you read it?
He was provided a copy from the filing officer
- Did you receive any other materials from your filing officer? If so, please describe them.
Not to his recollection
- Do you have anything else to add for the Commission's consideration regarding the charges specified in the letter of legal sufficiency in this case?
He was inexperienced in how to run a campaign and felt as though it was a mistake in hindsight. This was all due to him not understanding how big and hard campaigns are to keep track of.
- Why didn't you report your TR expenditures and file a waiver instead? (January to April)
-

**FLORIDA ELECTIONS COMMISSION
PHONE LOG
Case No.: FEC 19-582**

Respondent: Brandon Byers

Complainant: Duval County Supervisor of Elections

1. **Date and time:** October 7, 2021 @ 10:52 am
Name: Brandon Byers - Respondent
Phone #: 904-472-1380
Summary: I called Respondent about bank record information and the complaint filed against him. Respondent's account showed an excess balance at the TRQ reporting deadline and needs to be audited. Respondent's bank records show no campaign finances that can be associated with what he reported when he reported. Call was unsuccessful as he number is no longer in service.
Entered by: Brian Ayres
2. **Date and time:** October 7, 2021 @ 11:40 am
Name: Brandon Byers - Respondent
Phone #: 407-402-4251
Summary: I attempted to reach Respondent at updated phone number via Accurint request. Phone number appears to be out of service. I will try this number again.
Entered by: Brian Ayres
3. **Date and time:** October 12, 2021 @
Name: Brandon Byers - Respondent
Phone #: 904-420-9695
Summary: Respondent called after receiving the letter for more information I sent. Respondent would like me to call him back when it is possible. He updated his phone number to 904-420-9695
Entered by: Brian Ayres
4. **Date and time:** October 13, 2021 @ 12:38 pm
Name: Brandon byers
Phone #: 904-420-9695
Summary: I called Respondent back to interview him regarding his case. Phone call went to voicemail immediately and I left a generic email asking for him to call me back.
Entered by: Brian Ayres
5. **Date and time:** October 13, 2021
Name: Brandon Byers
Phone #: 904-420-9695
Summary: I left a voicemail with R stating who I am and how to contact me.
Entered by: Brian Ayres
6. **Date and time:** October 14, 2021 @ 9:30 am
Name: Brandon Byers - Respondent

Phone #: 904-563-0591

Summary: Respondent called and clarified his case. Respondent described his campaign as he was a young man who did not know what he was getting into. He stated he did receive a campaign handbook from his FO and did speak with his FO about his campaign depository and that once he started to collect funds he needed to update her about what the new depository would be since his navy federal credit union would not accept a new account for as a designated campaign account. His Navy Federal account was his personal account he penciled in until he his Regions Bank account became active; that was intended to be his campaign depository. Respondent stated he never submitted an updated DS-DE 6 and never received more than \$300 in contributions. Respondent agreed to send me copies of his Regions bank statements and will send them to me today or tomorrow morning. Respondent stated he did receive paperwork from Lana Self, Supervisor of Elections Assistant, and went to her for help when needed.

Entered by: Brian Ayres

7. **Date and time:** October 20, 2021 @ 2:15 pm

Name: Brandon Byers

Phone #: 904-563-0591

Summary: I called the previous number R called from and the call was unsuccessful. I left a message for R to call back. R was supposed to provide bank records but has not at the time of the call.

Entered by: Brian Ayres

8. **Date and time:** October 20, 2021 @ 3:08 pm

Name: Brandon Byers, Denise Hunt (Campaign Associate)

Phone #: 904-563-0591

Summary: Respondent called back once he received my message earlier in the day. He said he had sent the bank records but may have done so to the wrong email address. Respondent then conferenced in Ms. Hunt and accepted me being able to speak with her about the case as he was on the line. We all spoke together. I clarified my scope of investigation and the report that will be made available to them once we receive Regions bank information. Respondent stated that he will resend his bank records. Respondent stated he had only a couple hundred dollars in his account at any given time and wanted to see the complaint we received. I told Respondent I can send the complaint and LS letter to him via email.

Entered by: Brian Ayres

9. **Date and time:** October 20, 2021 @ 3:08 pm

Name: Brandon Byers

Phone #: 904-563-0591

Summary: I attempted to reach Respondent to discuss not receiving his bank records and to provide the complaint that was filed against him. Call was unsuccessful and I left a voicemail.

Entered by: Brian Ayres

10. **Date and time:** November 2, 2021 @ 1:24 pm

Name: Brandon Byers

Phone #: 904-563-0591

Summary: I attempted to reach Respondent to discuss not receiving his bank records and to provide the complaint that was filed against him. And whether he created a campaign depository underneath another's account at Regions. Call was unsuccessful and I left a voicemail.

Entered by: Brian Ayres

11. **Date and time:** November 17, 2021 @ 1:15 pm

Name: Brandon Byers

Phone #: 904-563-0591

Summary: I discussed to Respondent that we had received bank records for his campaign account at Regions and there was activity even though he filed a waiver the TR period. Respondent stated that he would like to go into negotiations to finalize this matter as soon as possible.

Entered by: Brian Ayres

12. **Date and time:** January 23, 2023 @ 1:30 pm

Name: Brandon Byers

Phone #: 904-563-0591

Summary: I attempted to call Respondent. Call was not successful.

Entered by: Brian Ayres

RESPONDENT INTERVIEW MEMO – Call details at #6 & 8

Type and ask your case specific question(s) first, then ask the remaining questions.

- Which Navy Federal Credit Union Bank account was used for your campaign depository?
None- Regions bank was his actual campaign depository.
- Did you refund all contributions back to your contributors? What did you do with the excess amount of contributions?
He never received anything near \$700 in contributions, most was from family and friends.
- Have you filed an amended Termination Report?
No
- Was your Regions account closed out?
yes
- Have you ever run for public office? If so, please name each office you ran for and state what year each election occurred.
This was his first attempt to run a campaign and he had no additional staff for assistance.
- Have you ever been appointed to act as a campaign treasurer for a candidate? If so, please name each such candidate, the office each ran for, and state what year each election occurred.
Never
- Have you ever held the office of chairperson, treasurer, or other similar position for a political committee or electioneering communications organization? If so, please name each committee, state the office you held for each, and state when you held each office.
Never

- Have you ever prepared or signed a campaign treasurer's report? If so, please state the name of the candidate or committee whose report you prepared or signed.
This was the only time doing so
- What action have you taken to determine your responsibilities under Florida's election laws?
He was provided the election code and Campaign Handbook from Ms. Lana (Filing officer).
- Do you possess a copy of Chapter 106, Florida Statutes? If so, when did you first obtain it?
Have you read it?
He was provided a copy from the filing officer
- Do you possess a copy of the *Candidate and Campaign Treasurer Handbook*? If so, when did you first obtain it? Have you read it?
He was provided a copy from the filing officer
- Did you receive any other materials from your filing officer? If so, please describe them.
Not to his recollection
- Do you have anything else to add for the Commission's consideration regarding the charges specified in the letter of legal sufficiency in this case?
He was inexperienced in how to run a campaign and felt as though it was a mistake in hindsight. This was all due to him not understanding how big and hard campaigns are to keep track of.
- Why didn't you report your TR expenditures and file a waiver instead? (January to April)
-



Florida Elections Commission

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

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

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



January 31, 2020

Brandon Byers
8024 Springtree Rd
Jacksonville, FL 32210-4534

RE: Case No.: FEC 19-582; Respondent: Brandon Byers

Dear Mr. Byers:

On November 26, 2019, the Florida Elections Commission received a complaint alleging that you violated Florida's election laws. I have reviewed the complaint and find that it contains one or more **legally sufficient allegations**. The Commission staff will investigate the following alleged violations:

Section 106.07(5), Florida Statutes: Respondent, a 2019 candidate for Jacksonville City Council, District 8, may have certified one or more campaign treasurer reports were true, correct, and complete when they were not, based upon a surplus balance after the 2019 TRQ was filed, as alleged in the complaint.

Section 106.141(1), Florida Statutes: Respondent, a 2019 candidate for Jacksonville City Council, District 8, filed a 2019 Termination Report that may have failed to accurately reflect the disposition of all remaining campaign funds, based upon a surplus balance after the 2019 TRQ was filed, as alleged in the complaint.

Section 106.19(1)(c), Florida Statutes: Respondent, a 2019 candidate for Jacksonville City Council, District 8, may have falsely reported or deliberately failed to include information in one or more campaign treasurer reports, as required by Chapter 106, Florida Statutes, based upon a surplus balance after the 2019 TRQ was filed, as alleged in the complaint.

When we conclude the investigation, a copy of the Report of Investigation (ROI) will be mailed to you at the above address. Based on the results of the investigation, a staff attorney will prepare and present a written Staff Recommendation (SR) to the Commission as to whether there is probable cause to charge you, the Respondent, with violating Chapters 104 or 106, Florida Statutes. You will have an opportunity to respond to both the ROI and the SR. The Commission will then hold one or more hearings to determine whether the alleged violations occurred and, if

Brandon Byers
January 31, 2020
Page 2
FEC 19-582

so, the amount of the fine to be imposed upon you. Notice will be mailed to you and the Complainant at least 14 days before any hearing at which your case is to be considered.

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

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

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

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

For additional information, please refer to the "Frequently Asked Questions" section of the Commission's website.

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

Sincerely,

A handwritten signature in blue ink that reads "Tim Vaccaro". The signature is written in a cursive, flowing style.

Tim Vaccaro
Executive Director

TV/med

COMPLAINT

The Commission's records and proceedings in a case are confidential until the Commission rules on probable cause. A copy of the complaint will be provided to the person against whom it is brought.

1. PERSON BRINGING COMPLAINT:

Name: Mike Hogan Work Phone: (904) 630-1414
Address: 105 East Monroe Street Home Phone: ()
City: Jacksonville County: Duval State: FL Zip Code: 32202

2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:

If you intend to name more than one individual or entity, please file multiple complaints. A person can be an individual, political committee, political party, electioneering communication organization, club, corporation, partnership, company, association, or other type of organization.

Name of individual or entity: Brandon Byers
Address: 1214 W. 13th Street Phone: (904) 472-1380
City: Jacksonville County: Duval State: FL Zip Code: 32202

If individual is a candidate, list the office or position sought: _____

Have you filed this complaint with the State Attorney's Office? (check one) Yes No
Are you alleging a violation of Section 104.271(2), F.S.? (check one) Yes No
Are you alleging a violation of Section 104.2715, F.S.? (check one) Yes No

3. ALLEGED VIOLATION(S):

Please attach a **concise** narrative statement in which you list the provisions of the Florida Election Code that you believe the person named above may have violated. The Commission has jurisdiction only to investigate provisions of Chapter 104 and Chapter 106, Florida Statutes. Please include the following items as part of your attached statement:

- The facts and actions that you believe support the violations you allege;
- The names/telephone numbers of persons whom you believe may be witnesses to the facts;
- A copy or picture of any political advertisement(s) you mention in your statement;
- A copy of each document you mention in your statement;
- An explanation of why you believe information you reference from websites is relevant; and
- Any other evidence supporting your allegations.

SEE REVERSE SIDE OF DOCUMENT FOR ADDITIONAL INFORMATION

Any person who files a complaint while knowing that the allegations are false or without merit commits a misdemeanor of the first degree, punishable as provided in Sections 775.082 and 775.083, Florida Statutes.

Duval County Supervisor of Elections
105 East Monroe Street
Jacksonville, FL 32202

September 7, 2019

The termination report for Brandon Byers, candidate for City Council District 8 is incomplete because it reflects a difference of \$561.29. This is in violation of F.S. 106.7(4) requiring the names, addresses and amounts of all contributions and expenditures.

A certified letter was sent on July 15, 2019, pursuant to F.S. 106.7(2). Email communications were also sent notifying the candidate of the incomplete report.

WAIVER OF REPORT

(Section 106.07(7), F.S.)

(PLEASE TYPE)

ONLINE SUBMISSION

Id: 768 [1188003]

Submitted on:

5/15/2019 23:10:57 (eastern)

OFFICE USE ONLY

Brandon Byers

City Council District 8

Name

Office Sought

1214 W. 13th Street

Jacksonville, FL 32209

Address

City

State

Zip Code

Candidate

Political Committee

Party Executive Committee

NOTE: This form does not apply to an electioneering communications organization (ECO). An ECO must file a report (not a waiver) that no reportable contributions or expenditures were made during the reporting period (s. 106.0703(6), F.S.).

Check here if address has changed since last report.

Check here if PC has DISBANDED and will no longer file reports.

TYPE OF REPORT (Check Appropriate Box and Complete Applicable Line beneath Box)

MONTHLY REPORT

PRIMARY ELECTION

GENERAL ELECTION

OTHER REPORT TYPE

Indicate report #

M _____

Indicate report #

P _____

Indicate report #

G _____

Indicate report type and #
as applicable:

TRQ _____

TERMINATION REPORT

SPECIAL ELECTION

NOTIFICATION OF NO ACTIVITY IN CAMPAIGN ACCOUNT FOR THE REPORTING PERIOD OF

1/1/2019

THROUGH

4/11/2019

X

Signature

Date

X

Signature

Date

REQUIRED SIGNATURES FOR:

Candidates:

Candidate and Campaign Treasurer or Deputy Treasurer (s. 106.07(5), F.S.)

Political Committees:

Chairman and Campaign Treasurer or Deputy Treasurer (s. 106.07(5), F.S.)

Party Executive Committees:

Treasurer and Chairman (s. 106.29(2), F.S.)

Except as noted above for an ECO, in any reporting period when there has been no activity in the account (no funds expended or received) the filing of the required report is waived. However, the filing officer must be notified in writing on the prescribed reporting date that no report is being filed.

~~11/11/19 8/11/19~~

DATE: July 12, 2019
TO: Brandon Byers
1214 West 13th Street
Jacksonville, FL 32209

COPY

Batch #: 608,960
Article #: 92148969009997901777039412
Date/Time: 7/15/2019 11:29:11 AM

FROM: Mike Hogan
Supervisor of Elections
RE: Incomplete Campaign Treasurer's Report
Certified Mail Tracking #:

Cert Mail

Internal File #:
Internal Code:

Del. 7-22-19

emailed 8-7-19

The Campaign Treasurer's Report containing contributions and expenditures which covers the period of 00/00/00 through 00/00/00, does not comply with the requirements of Chapter 106, Florida Statutes for the reason(s) stated below:

Report Type: TRQ *1/1/19 - 4/11/19*

Itemized Contributions:

Sequence #	Information Needed to Make Contribution Reporting Complete

Itemized Expenditures:

Sequence #	Information Needed to Make Expenditure Reporting Complete

Itemized Distributions:

Sequence #	Information Needed to Make Distribution Reporting Complete

Summary Page:

Total Expenditures & Contributions Are Not Balanced		
Contributions=\$725.00	Expenditures=\$163.71	Difference=\$561.29

An amended report must be filed in this office within seven (7) days of receipt of this notice as stated in Section 106.07(2)(b)(1), Florida Statutes. Failure to file a completed report after such notice shall constitute a violation of this chapter. Please call our office if you should have any questions.

CERTIFIED MAIL™ WILLIE

MIKE HOGAN
Supervisor of Elections
105 E. Monroe Street
Jacksonville, Florida 32202

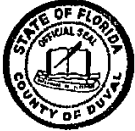


9214 8969 0099 9790 1777 0394 12

Hasler FIRST-CLASS MAIL
07/15/2019
US POSTAGE \$005.60



ZIP 32202
011E11682860



Brandon Byers
Candidate for City Council, Dist. 8
1214 W. 13th Street
Jacksonville, FL 32209

RECEIVED

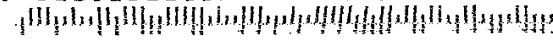
JUL 22 2019
DUVAL COUNTY ELEC.
By _____

NIXIE 322 FE 1 0007/19/19

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 32202322899 *1638-00242-15-46

UTF
32202 32228
32209-001014



Self, Lana

From: Self, Lana
Sent: Thursday, May 16, 2019 8:25 AM
To: Byers, Brandon
Cc: Byles, Brenda
Subject: termination report

Brandon,

We received your campaign treasurer reports. I rejected all but M12 and TRQ reports. The others were not necessary.

The termination report is not in balance. You received \$725.00 in contributions, but only show \$163.71 being spent. The purpose of the termination report is to show any other expenses paid once a candidate withdraws, is elected or defeated. It will also show the disposition of the remaining funds. Did you pay yourself back the \$561.29, did you return money to your contributors?

Please amend your termination report to show how you disposed of the \$561.29.

Katrina Brown (DEM)	(Active- DEFEATED)	\$11,305.00	\$500.00
Brandon Byers (DEM)	(Active- WITHDRAWN)	\$725.00	\$40.00

Lana Self
Candidate and Records Director
Ph (904) 630-8010 Fax (904) 630-1894
Duval County Supervisor of Elections Office
105 E. Monroe Street
Jacksonville, FL 32202
www.duval elections.com



Please note that under Florida's very broad public records law, e-mail communications to and from city officials are subject to public disclosure.

UPCOMING ELECTION DATES
Presidential Preference Primary
March 17, 2020
Primary Election
August 25, 2010
General Election
November 3, 2020

Self, Lana

From: Self, Lana
Sent: Monday, June 03, 2019 9:14 AM
To: Byers, Brandon
Subject: TRQ report

Good morning Brandon. I hope you are well.

Your final report had a difference of \$561.29. You need to check your entries against your bank statements to see if any errors were made or something was omitted.

If you need assistance, I will be glad to help you.

Lana Self

Candidate and Records Director

Ph (904) 630-8010 Fax (904) 630-1894

Duval County Supervisor of Elections Office

105 E. Monroe Street

Jacksonville, FL 32202

www.duvalelections.com



Please note that under Florida's very broad public records law, e-mail communications to and from city officials are subject to public disclosure.

UPCOMING ELECTION DATES

Presidential Preference Primary

March 17, 2020

Primary Election

August 25, 2020

General Election

November 3, 2020