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STATE OF FLORIDA
ELECTIONS COMMISSION

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,
Petitioner,**

v.

**Lisa McDermott,
Respondent.**

**Agency Case No.: FEC 14-105
F.O. No.: FOFEC 15-126W**

FINAL ORDER

THIS MATTER was heard at an informal hearing held before the Florida Elections Commission (Commission) on May 20, 2015

APPEARANCES

For Commission	Eric M. Lipman General Counsel 107 West Gaines Street Collins Building, Suite 224 Tallahassee, FL 32399
For Respondent	No Appearance

STATEMENT OF THE ISSUE

Whether Respondent violated Sections 106.07(5) and 106.19(1)(c), Florida Statutes, as alleged in the Commission's March 20, 2015 Order of Probable Cause.

PRELIMINARY STATEMENT

On April 15, 2015, the Commission received a sworn complaint alleging violations of

Florida's election laws. Staff of the Commission conducted an investigation to determine whether the facts alleged in the complaint constituted probable cause to believe that Respondent violated the Florida Election Code.

On January 16, 2015, staff recommended to the Commission that there was probable cause to believe that the Florida Election Code was violated. On March 20, 2015, the Commission entered an Order of Probable Cause finding that there was probable cause to charge Respondent with the following violations:

Count 1:

On or about October 10, 2013, Respondent violated Section 106.07(5), Florida Statutes, when Respondent certified her 2013 Q3 Report was true, correct, and complete when it was not; and

Count 2:

On or about October 10, 2013, Respondent violated Section 106.19(1)(c), Florida Statutes, when Respondent falsely reported or deliberately failed to include information required to be reported by Chapter 106, Florida Statutes, on her 2013 Q3 Report.

Respondent did not timely elect to have a formal administrative hearing before an administrative law judge from the Division of Administrative Hearings and, therefore, the matter was set for an informal hearing before the Commission. At the informal hearing, the Commission adopted the undisputed facts set forth in the Staff's Recommendation as its findings of fact.

FINDINGS OF FACT

1. Respondent was a candidate for the Brevard County Commission, District 4, in the 2014 primary election. Respondent withdrew her candidacy on June 12, 2014.

2. Respondent received a copy of the Chapter 106, Florida Statutes, and the *Candidate and Campaign Treasurer Handbook* (Handbook). When asked if she read the

Handbook, Respondent did not provide a response.

3. On her 2013 Q3 Report, Respondent listed receiving 12 in-kind contributions on September 20, 2013. The in-kind contributions were gift cards and other items Respondent claimed she gave to campaign volunteers as a way of expressing her thanks for their help. Respondent certified her 2013 Q3 Report was true, correct, and complete when it was not.

4. Respondent failed to completely report the full description of in-kind contributions and Respondent falsely reported or deliberately failed to include information required by Chapter 106, Florida Statutes, on her 2013 Q3 Report.

5. Respondent's actions were willful. Respondent received a copy of Chapter 106, Florida Statutes, and the Handbook. Respondent knew or should have known that she was required to list the complete description of the in-kind contribution, but she did not

CONCLUSIONS OF LAW

6. The Commission has jurisdiction over the parties to and subject matter of this cause, pursuant to Section 106.26, Florida Statutes.

7. Respondent's conduct was willful. Respondent committed the acts while knowing that, or showing reckless disregard for whether, the acts were prohibited, or failed to perform the acts while knowing that, or showing reckless disregard for whether, the acts were required.

8. Respondent committed 1 count of violating Section 106.07(5), Florida Statutes, when she certified her 2013 Q3 Report was true, correct, and complete when it was not; and Respondent committed 1 count of violating Section 106.19(1)(c), Florida Statutes, when she falsely reported or deliberately failed to include information required by Chapter 106, Florida Statutes, on her 2013 Q3 Report.

9. In determining the amount of the civil penalty, the Commission considered the mitigating and aggravating circumstances set forth in Section 106.265, Florida Statutes.

ORDER

10. The Commission finds that Respondent has violated the following provisions of Chapter 106, Florida Statutes, and imposes the following fines:

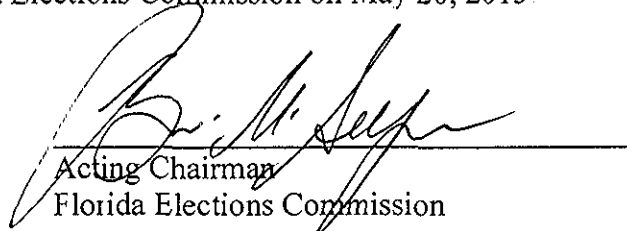
A. Respondent violated Section 106.07(5), Florida Statutes, on 1 occasion for certifying her 2013 Q3 Report was true, correct, and complete when it was not. Respondent is fined \$250 for violation; and

B. Respondent violated Section 106.19(1)(c), Florida Statutes, on 1 occasion for falsely reporting or deliberately failing to include information required by Chapter 106, Florida Statutes, on her 2013 Q3 Report. Respondent is fined \$250 for the violation.

Therefore it is

ORDERED that Respondent shall remit a civil penalty in the amount of \$500, inclusive of fees and costs. The civil penalty shall be paid to the Florida Elections Commission, Collins Building, Suite 224, 107 West Gaines Street, Tallahassee, Florida 32399, within 30 days of the date this Final Order is filed with the Commission and must be paid by money order, cashier's check or attorney trust account check.

DONE AND ORDERED by the Florida Elections Commission on May 20, 2015.



Acting Chairman
Florida Elections Commission

Copies furnished to:
Eric M. Lipman, General Counsel
Lisa McDermott, Respondent
Terry Tears, Complainant

NOTICE OF RIGHT TO APPEAL

This order is final agency action. Any party who is adversely affected by this order has the right to seek judicial review pursuant to Section 120.68, Florida Statutes, by filing a notice of administrative appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Florida Elections Commission at 107 West Gaines Street, Suite 224, Collins Building, Tallahassee, Florida 32399-1050 and by filing a copy of the notice of appeal with the appropriate district court of appeal. The party must attach to the notice of appeal a copy of this order and include with the notice of appeal filed with the district court of appeal the applicable filing fees. **The notice of administrative appeal must be filed within 30 days of the date this order is filed with the Commission.** The date this order was filed appears in the upper right-hand corner of the first page of the order.