

**FILED**

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STATE OF FLORIDA  
ELECTIONS COMMISSION

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,  
Petitioner,**

v.

**William D. Rankin,  
Respondent.**

Agency Case No.: FEC 13-313  
F.O. No.: FOFEC 15-021W

**FINAL ORDER**

**THIS MATTER** was heard at an informal hearing held before the Florida Elections Commission ("Commission") on February 24, 2014.

**APPEARANCES**

For Commission      Eric M Lipman  
                                 General Counsel  
                                 107 West Gaines Street  
                                 Collins Building, Suite 224  
                                 Tallahassee, FL 32399

For Respondent      Mark Herron  
                                 Messer Caparello  
                                 2618 Centennial Place  
                                 Tallahassee, FL 32308

**STATEMENT OF THE ISSUE**

Whether Respondent violated Section 106.07(5), Florida Statutes, as alleged in the Commission's Order of Probable Cause

**PRELIMINARY STATEMENT**

On December 9, 2013, 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 June 23, 2014, staff recommended to the Commission that there was probable cause to believe that the Florida Election Code was violated. On September 2, 2014, the Commission entered an Order of Probable Cause finding that there was probable cause to charge Respondent with the following violation:

**Count 1:**

On or about December 11, 2013, Respondent violated Section 106 07(5), Florida Statutes, when he certified his 2013 M11 Report was true, correct, and complete when it was not

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 Chief Financial Officer in the 2014 election.
2. On or about November 12, 2013, Dixie Printing and Letterpress, Inc. ("Dixie") issued an Invoice for \$227.90 for political advertisement cards for Respondent's campaign. The description of the item on the invoice was "Rack Cards (Rankin for CFO/ 2 sided/color)."
3. Respondent authorized the expenditure; however, when the cards were ready, Respondent was out of town. As a favor to Respondent, Jim Gibbs agreed to pay for the cards if Respondent reimbursed Gibbs upon returning home.

4. When Respondent returned from his trip, he reimbursed Mr. Gibbs for the campaign cards with a \$227.90 personal check dated November 14, 2013.

5. Respondent's 2011 M11 Report listed the \$227.90 purchase as campaign expenditure to Dixie for Campaign Flyers and Envelopes from Respondent's campaign account.

6. On December 27, 2013, Respondent filed an amended 2013 M11 Report changing the transaction to reflect that it was a \$227.90 in-kind contribution from himself to his campaign.

7. Respondent's actions in this case were not willful.

### CONCLUSIONS OF LAW

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

9. Respondent did not commit a violation of Section 106.07(5), Florida Statutes, as alleged in the Commission's September 2, 2014 Order of Probable Cause.

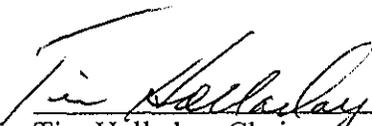
### ORDER

The Commission finds that Respondent did not violate Section 106.07(5), Florida Statutes, as alleged in the complaint.

Therefore it is

**ORDERED** that this case is **DISMISSED**.

**DONE AND ORDERED** by the Florida Elections Commission on February 24, 2015.

  
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Tim Holladay, Chairman  
Florida Elections Commission

Copies furnished to:  
Eric M. Lipman, General Counsel  
Mark Herron, Attorney for Respondent  
Timothy Stevens, 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.