

**FILED**

15 JUN 16 AM 2:35

STATE OF FLORIDA  
ELECTIONS COMMISSION

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,  
Petitioner,**

v.

**Lisa McDermott,  
Respondent.**

**Agency Case No.: FEC 14-101  
F.O. No.: FOFEC 15-124W**

**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 Section 106.09(1)(a), Florida Statutes, as alleged in the Commission's March 20, 2015 Order of Probable Cause.

**PRELIMINARY STATEMENT**

On April 14, 2014, 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 September 19, 2014, 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 February 15, 2013, Respondent violated Section 106.09(1)(a), Florida Statutes, when she made a \$100 cash contribution to her campaign; and

**Count 2:**

On or about February 22, 2013, Respondent violated Section 106.09(1)(a), Florida Statutes, when she contributed \$50 in cash to her campaign.

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.
2. Respondent received a copy of the Chapter 106, Florida Statutes, and the 2014 *Candidate and Campaign Treasurer Handbook* (Handbook). Page 22 of the Handbook

specifically addresses limits of the amount of cash that a candidate may accept from the same contributor.

3. On July 1, 2013, Respondent filed an amended 2013 Q1 Report. On her amended 2013 Q1 Report, Respondent listed making a February 15, 2013 \$100 cash contribution to her campaign and a February 22, 2013 \$50 cash contribution to her campaign.

4. Section 106 09(1)(a), Florida Statutes, prohibits any person from contributing more than \$50 in cash to the same candidate per election. However, Respondent made two excessive cash contributions to her campaign during the 2013 Q3 reporting period.

5. Respondent's actions were willful. Respondent knew or should have known that she was only allowed to contribute \$50 in cash to her own campaign.

#### **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 2 counts of violating Section 106 09(1)(a), Florida Statutes, when she made 2 cash contributions to her campaign that were more than \$50 in the aggregate.

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.

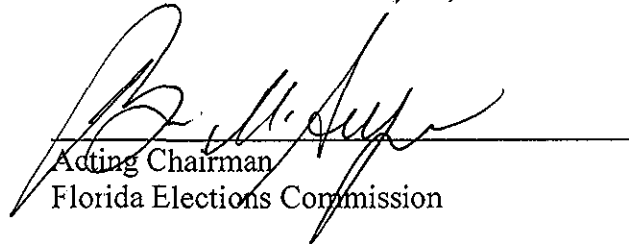
**ORDER**

10. The Commission finds that Respondent violated Section 106.09(1)(a), Florida Statutes, on 2 occasions and imposes a \$300 fine for the violations.

Therefore it is

**ORDERED** that Respondent shall remit a civil penalty in the amount of \$300, 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 chec

**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