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STATE OF FLORIDA
ELECTIONS COMMISSION

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,
Petitioner,**

v.

**Agency Case No.: FEC 14-098
F.O. No.: FOEC 15-123W**

**Richard Charbonneau,
Respondent.**

FINAL ORDER

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

APPEARANCES

For Commission Stephanie J. Cunningham
Assistant 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 106.1405, and 106 19(1)(d), Florida Statutes, as alleged in the 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 October 29, 2014, 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 November 26, 2013, Richard Charbonneau violated Section 106.1405, Florida Statutes, when he used funds on deposit in his campaign account to defray his normal living expenses.

Count 2:

On or about November 26, 2013, Richard Charbonneau violated Section 106.19(1)(d), Florida Statutes, when he made or authorized an expenditure prohibited by Chapter 106, Florida Statutes.

Count 3:

On or about December 13, 2013, Richard Charbonneau violated Section 106.19(1)(d), Florida Statutes, when he made or authorized an expenditure prohibited by Chapter 106, Florida Statutes.

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.

The Respondent did not appear at the hearing.

FINDINGS OF FACT

1. Respondent was a 2014 candidate for the Brevard County Commission, District

4.

2. Respondent used campaign funds to purchase two movie tickets for his daughter and her friend.

3. Respondent used campaign funds to pay membership fees to the Florida Roofing and Sheetmetal Association in exchange for political support.

CONCLUSIONS OF LAW

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

5. 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 commit an act while knowing that, or showing reckless disregard for whether, the acts were required.

6. Respondent committed 1 count of violating Section 106.1405, Florida Statutes, when he used funds on deposit in his campaign account to defray normal living expenses by purchasing two movie tickets for his daughter and her friend.

7. Respondent committed 2 counts of violating Section 106.19(1)(d), Florida Statutes, when he made expenditures prohibited by this chapter by purchasing two movie tickets for his daughter and her friend, and by paying membership fees to the Florida Roofing and Sheetmetal Association in exchange for political support.

8. 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

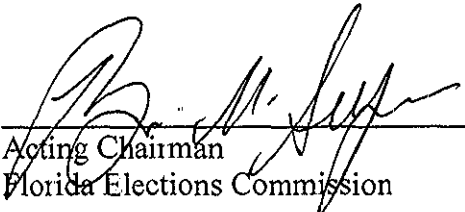
The Commission finds that Respondent has violated Section 106.1405, Florida Statutes,

on 1 occasion, and Section 106.19(1)(d), Florida Statutes, on 2 occasions, and imposes a \$1,500.00 fine.

Therefore it is

ORDERED that Respondent shall remit a civil penalty in the amount of \$1,500.00, 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:
Stephanie J Cunningham, Assistant General Counsel
Richard Charbonneau, 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.