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STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

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ELECTIONS COMMISSION

FLORIDA ELECTIONS COMMISSION,  
PETITIONER,

v.

AGENCY CASE No.: FEC 04-436

F.O. No.: DOSFEC 06-017W

BILL WILLIAMS,  
RESPONDENT.

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**FINAL ORDER OF DEFAULT**

**THIS CAUSE** came on to be heard before the Florida Elections Commission (Commission) at its regularly scheduled meeting held on February 16, 2006, in Tallahassee, Florida.

**FINDINGS OF FACT**

1. The Respondent, Bill Williams, was a first-time candidate for Gulf County Commission District three. He was elected on November 2, 2004. The Complainant was Respondent's opponent in the November 2, 2004 election.

2. On October 14, 2005, the staff of the Commission drafted a Staff Recommendation recommending to the Commission that there was probable cause to believe that the Respondent committed violations of The Florida Election Code.

3. On December 2, 2005, the Commission entered an Order of Probable Cause finding that there was probable cause to charge the Respondent with the following violations:

**Count 1:**

On or about October 1, 2004, Respondent violated Section 106.07(5), Florida Statutes, by certifying to the correctness of his 2004 G2 CTR that was incorrect, false, or incomplete, when he incorrectly reported an expense reimbursement to OFC Depot by J. Schweizer when the reimbursement was actually made to Kim McFarland.

**Count 2:**

On or about October 29, 2004, Respondent violated Section 106.08(3)(a), Florida Statutes, by failing to return a contribution received on the day of the election or less than five days before the election when Respondent had opposition in an election on November 2, 2004 and failed to return a contribution received on October 29, 2004 from Alan McNair for \$100.

**Count 3:**

On or about April 21, 2004, Respondent violated Section 106.11(4), Florida Statutes, by incurring an expense for the purchase of goods or services without sufficient funds on deposit in the primary depository account, when the Respondent ordered signs from The Forgotten Coast Company for \$4,773.86.

4. On December 3, 2005, the Respondent was served by certified mail with a copy of the Commission's Order of Probable Cause to which the Staff Recommendations was attached and incorporated by reference.

5. The Respondent failed to request a hearing before the Commission within 30 days of receiving the Order of Probable Cause. Respondent was provided a clear point of entry to the administrative process. By failing to exercise his right to seek administrative review within the time specified in the notice, Respondent has waived the right to a hearing. *See, Lamar Advertising Company v. Department of Transportation*, 523 So.2d 712 (Fla. 1<sup>st</sup> DCA 1988); *Environmental Resource Associates of Florida, Inc., v. State of Florida, Department of General Services*, 624 So.2d 330 (Fla. 1<sup>st</sup> DCA 1993); and *Eric Patz M.D. v. Department of Health, Florida Board of Medicine*, 864 So.2d 79 (Fla. 3<sup>rd</sup> DCA 2003)(affirming a default judgment entered by the Board).

6. On January 10, 2006, the staff filed a Motion for Default that was sent to Respondent by U. S. mail.

7. On January 27, 2006, the Commission issued a Notice of Hearing on the Motion for Default notifying the Respondent that the Commission would hear the Motion for Default on

February 16, 2006, in Tallahassee, Florida. Neither the Respondent nor anyone on Respondent's behalf responded to the motion or appeared at the Commission's meeting.

### **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. Based on the information in the Staff Recommendation, the Commission finds that Respondent committed the violations set forth in the Order of Probable Cause and this order.

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

### **ORDER**

Based upon the foregoing facts and conclusions of law, the Commission finds that the Respondent committed one count of violating Section 106.07(5), Florida Statutes; one count of violating Section 106.08(3)(a), Florida Statutes; and one count of violating Section 106.11(4), Florida Statutes. Therefore, it is

**ORDERED** that the Respondent shall remit a civil penalty in the amount of \$1,000, exclusive of fees and costs, for Count 1; \$1,200 for Count 2; and \$1,000 for Count 3. The civil penalty in the amount of \$3,200 shall be paid to the Florida Elections Commission, 107 W. Gaines Street, Collins Building, Suite 224, Tallahassee, Florida, 32399-1050, within 30 days of the date this Final Order is received by the Respondent.

**DONE AND ENTERED** by the Florida Elections Commission and filed with the Clerk of the Commission on February 24, 2006, in Tallahassee, Florida.

*Chance Irvine*

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Chance Irvine, Chairman  
Florida Elections Commission  
107 W. Gaines Street  
Collins Building, Suite 224  
Tallahassee, FL 32399-1050

**NOTICE OF RIGHT TO APPEAL**

Pursuant to Section 120.68, Florida Statutes, the Respondent may appeal the Commission's Final Order to the appropriate district court of appeal by filing a notice of appeal both with the Clerk of the Florida Elections Commission and the Clerk of the district court of appeal. The notice must be filed within 30 days of the date this Final Order was filed and must be accompanied by the appropriate filing fee.

Copies furnished to:

Charles A. Finkel, Assistant General Counsel  
Bill Williams, Respondent (certified mail)  
Bo Williams, Complainant  
Gulf County Supervisor of Elections, Filing Officer