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STATE OF FLORIDA
ELECTIONS COMMISSION

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,
Petitioner,**

v.

**Equal Marriage Florida,
Respondent.**

Agency Case No.: FEC 14-325

F.O. No.: FOFEC 15-129W

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(7), Florida Statutes, as alleged in the Commission's March 20, 2015 Order of Probable Cause.

PRELIMINARY STATEMENT

On September 29, 2014, the Commission received a referral from the Division of

Elections (Division) 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 13, 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 August 8, 2014, Respondent violated Section 106.07(7), Florida Statutes, when Respondent failed to notify the filing officer in writing on the prescribed reporting date that it was not filing a 2014 P5 Report;

Count 2:

On or about August 15, 2014, Respondent violated Section 106.07(7), Florida Statutes, when Respondent failed to notify the filing officer in writing on the prescribed reporting date that it was not filing a 2014 P6 Report;

Count 3:

On or about August 22, 2014, Respondent violated Section 106.07(7), Florida Statutes, when Respondent failed to notify the filing officer in writing on the prescribed reporting date that it was not filing a 2014 P7 Report;

Count 4:

On or about August 29, 2014, Respondent violated Section 106.07(7), Florida Statutes, when Respondent failed to notify the filing officer in writing on the prescribed reporting date that it was not filing a 2014 P7A Report; and

Count 5:

On or about September 5, 2014, Respondent violated Section 106 07(7), Florida Statutes, when Respondent failed to notify the filing officer in writing on the prescribed reporting date that it was not filing a 2014 G1 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 is a political committee registered with the Division.
2. On June 27, 2013, Kristi Reid Bronson, Chief, Division of Elections, Bureau of Election Records, sent Respondent, and Vanessa Brito, Respondent's chairman and treasurer a letter directing them to print a copy of the *Political Committee Handbook* (Handbook).
3. Respondent's 2014 P5 Report covering the dates of July 26, 2014, through August 1, 2014, was due on August 8, 2014. Respondent had no reportable financial transactions during the reporting period and failed to notify the filing officer in writing on the prescribed filing date that it would not be filing a 2014 P5 Report.
4. Respondent's 2014 P6 Report covering the dates of August 2, 2014, through August 8, 2014, was due on August 15, 2014. Respondent had no reportable financial transactions during the reporting period and failed to notify the filing officer in writing on the prescribed filing date that it would not be filing a 2014 P6 Report.
5. Respondent's 2014 P7 Report covering the dates of August 9, 2014, through August 21, 2014, was due on August 22, 2014. Respondent had no reportable financial

transactions during the reporting period and failed to notify the filing officer in writing on the prescribed filing date that it would not be filing a 2014 P7 Report.

6. Respondent's 2014 P7A Report covering August 22, 2014, was due on August 29, 2014. Respondent had no reportable financial transactions during the reporting period and failed to notify the filing officer in writing on the prescribed filing date that it would not be filing a 2014 P7A Report.

7. Respondent's 2014 G1 Report covering the dates of August 23, 2014, through August 29, 2014, was due on September 5, 2014. Respondent had no reportable financial transactions during the reporting period and failed to notify the filing officer in writing on the prescribed filing date that it would not be filing a 2014 G1 Report.

8. Respondent's actions were willful. Respondent knew or should have known it was required to notify its filing officer in writing on the prescribed filing date that it would not be filing a report when Respondent had no reportable transactions during a reporting period.

CONCLUSIONS OF LAW

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

10. Section 106.07(7), Florida Statutes, provides:

Notwithstanding any other provisions of this chapter, in any reporting period during which a candidate or political committee has not received funds, made any contributions, or expended any reportable funds, the filing of the required report for that period is waived. However, the next report filed must specify that the report covers the entire period between the last submitted report and the report being filed, and any candidate or political committee not reporting by virtue of this subsection on dates prescribed elsewhere in this chapter **shall notify the filing officer in writing on the prescribed reporting date that no report is being filed on that date.**

(Emphasis added)

11. Respondent committed 5 counts of violating Section 106.07(7), Florida Statutes, when it failed to notify its filing officer in writing on the prescribed due date that it did not have any reportable financial transactions during the 2014 P5, 2014 P6, 2014 P7, 2014 P7A and 2014 G1 reporting periods and would not be filing a report for the applicable reporting period.

12. 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.

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

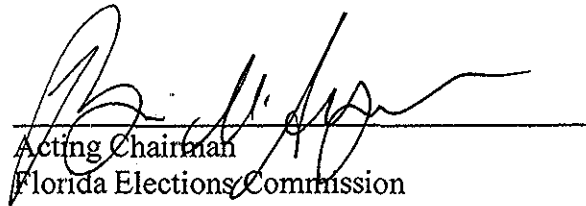
ORDER

14. The Commission finds that Respondent has violated Section 106.07(7), Florida Statutes, on 5 occasions and imposes \$200 for each violation for a total of \$1,000.

Therefore it is

ORDERED that Respondent shall remit a civil penalty in the amount of \$1,000 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
Equal Marriage Florida, Respondent
Division of Elections, 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.