

FILED

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STATE OF FLORIDA
ELECTIONS COMMISSION

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,
Petitioner,**

v.

**Vanessa Brito, as chairman and treasurer
of Equal Marriage Florida,
Respondent.**

**Agency Case No.: FEC 14-054
F.O. No.: FOFEC 15-048W**

FINAL ORDER

THIS MATTER was heard at an informal hearing held before the Florida Elections Commission ("Commission") on February 25, 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 106.07(1), Florida Statutes, as alleged in the Commission's Order of Probable Cause

PRELIMINARY STATEMENT

On March 3, 2014, the Commission received a referral from the Florida 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 June 16, 2014, staff recommended to the Commission that there was probable cause to believe that the Florida Election Code was violated. On October 28, 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 January 10, 2014, Respondent violated Section 106.07(1), Florida Statutes, when Respondent failed to file timely Equal Marriage Florida's 2013 M12 Report with the Florida Division of Elections.

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 the chairperson and treasurer of Equal Marriage Florida ("EMF" or "Committee"), a political committee registered with the Division of Elections ("Division")

2. EMF's 2013 M12 Report was due on January 10, 2014. However, Respondent failed to file the Committee's report on the reporting due date

3. The Division sent Respondent notification letters on January 13, 2014, January 22, 2014, and January 31, 2014, that Equal Marriage Florida's 2013 M12 Report had not been filed.

4. Respondent's actions were willful. After Respondent received three letters from the Division notifying her that she had not filed EMF's 2013 M12 Report, Respondent knew or should have known that she was required to file the Committee's 2014 M12 Report. However, Respondent failed to file the report.

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 committed 1 count of violating Section 106.07(1), Florida Statutes, when she failed to file EMF's 2013 M12 Report after receiving three notifications from the Division.

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.

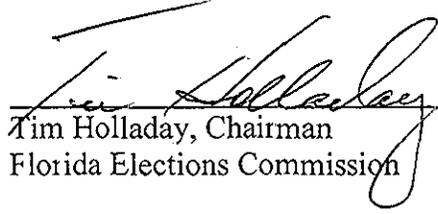
ORDER

The Commission finds that Respondent violated Section 106.07(1), Florida Statutes, on one occasion, and imposes a fine of \$500 for the violation.

Therefore it is

ORDERED that Respondent shall remit a civil penalty in the amount of \$500, 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 February 25, 2015.


Tim Holladay, Chairman
Florida Elections Commission

Copies furnished to:

Eric M. Lipman, General Counsel

Vanessa Brito, Respondent

Division of Elections, Complainant or Attorney for 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.