

**FILED**

15 JUN 16 AM 2:34

STATE OF FLORIDA  
ELECTIONS COMMISSION

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,  
Petitioner,**

v.

**Eric L. Haynes,  
Respondent.**

**Agency Case No.: FEC 13-232**

**F.O. No.: FOFEC 15-116W**

**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 104.011(1), Florida Statutes, as alleged in the Commission's November 21, 2014 Order of Probable Cause.

**PRELIMINARY STATEMENT**

On September 4, 2013, the Commission received a sworn complaint alleging a violation

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 November 21, 2014, the Commission entered an Order of Probable Cause finding that there was probable cause to charge Respondent with the following violation:

**Count 1:**

On or about November 3, 2012, Respondent violated Section 104.011(1), Florida Statutes, when he falsely swore or affirmed an oath, in connection with or arising out of voting or an election.

Respondent timely elected to have a formal administrative hearing before an administrative law judge (ALJ) from the Division of Administrative Hearings. Thereafter, Respondent chose to have the Commission determine willfulness at an informal hearing. On March 10, 2015, the ALJ entered an order closing its file and the case 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 Lauderdale Lakes City Commissioner.
2. The 2012 general election was held on November 6, 2012. Respondent voted on November 3, 2012, during early voting at the Main Library, downtown Fort Lauderdale.
3. Before receiving his ballot, Respondent signed an oath or affirmation on an Early Voting Certificate stating that he resided at 4701 NW 41<sup>st</sup> Court, Lauderdale Lakes, FL 33319 even though Respondent knew he lived at 3880 NW 39<sup>th</sup> Street, Lauderdale Lakes, Florida

Florida 33309.

4. Respondent's actions were willful. Respondent signed an oath or affirmation that he lived at 4701 NW 41<sup>st</sup> Court, Lauderdale Lakes, FL 33319, even though he knew he lived at 3880 NW 39<sup>th</sup> Street, Lauderdale Lakes, Florida 33309

### CONCLUSIONS OF LAW

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

6. Respondent's conduct was willful. Respondent committed the act while knowing that, or showing reckless disregard for whether, the act was prohibited, or failed to perform the act while knowing that, or showing reckless disregard for whether, the act was required.

7. Respondent committed 1 count of violating Section 104.011(1), Florida Statutes, when he falsely swore or affirmed an oath or affirmation in connection with or arising out of voting or an election.

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

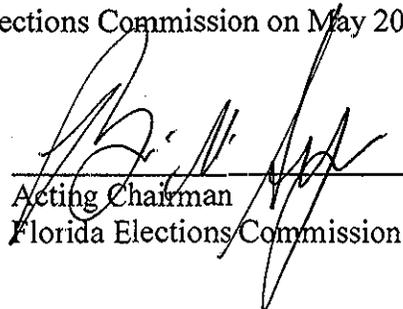
9. The Commission finds that Respondent has violated Section 104.011(1), Florida Statutes, on 1 occasion and imposes a \$500 penalty for the violation.

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 chec

**DONE AND ORDERED** by the Florida Elections Commission on May 20, 2015.



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Acting Chairman  
Florida Elections Commission

Copies furnished to:  
Eric M. Lipman, General Counsel  
Gregory Durden, Attorney for Respondent  
Michael Mee, 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.