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STATE OF FLORIDA
ELECTIONS COMMISSION

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,
Petitioner,**

v.

**Agency Case No.: FEC 14-092
F.O. No.: FOFEC 15-122W**

**Benjamin Pollara,
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 Section 106 07(1), Florida Statutes, as alleged in the Order of Probable Cause.

PRELIMINARY STATEMENT

On March 31, 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 referral constituted probable cause to believe that Respondent violated the Florida Election Code.

On December 30, 2014, staff recommended to the Commission that there was probable cause to believe that the Florida Election Code was violated. On February 25, 2015, 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 February 10, 2014, Benjamin Pollara violated Section 106.07(1), Florida Statutes, when he failed to timely file with the filing officer, Saving Floridas Future's 2014 M1 Report, listing all contributions received and all expenditures made, by or on behalf of the committee.

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 is the chairperson and treasurer for Saving Floridas Future, a political committee registered with the Division.
2. Saving Floridas Future's 2014 M1 Report was due February 10, 2014.
3. By letters dated February 11, 2014, February 20, 2014, and March 3, 2014, the Division notified Respondent that the committee's 2014 M1 Report had not been filed. The March 3, 2014 letter was confirmed delivered.

4. Despite having received 3 notifications, Respondent still has not filed the committee's 2014 M1 Report.

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 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.

7. Respondent committed 1 count of violating Section 106.07(1), Florida Statutes, when he failed to timely file Saving Floridas Future's 2014 M1 Report with 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.

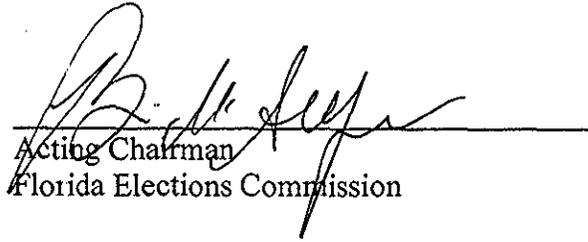
ORDER

The Commission finds that Respondent has violated Section 106.07(1), Florida Statutes, on 1 occasion, and imposes a \$500.00 fine.

Therefore it is

ORDERED that Respondent shall remit a civil penalty in the amount of \$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
Benjamin Pollara, 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.