

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

FILED
12 AUG 31 2:19:00
STATE OF FLORIDA
ELECTIONS COMMISSION

**Florida Elections Commission,
Petitioner,**

v.

**Agency Case No.: FEC 11-189
F.O. No.: FOFEC 12-082W**

**Mary Brandenburg,
Respondent.**

FINAL ORDER

THIS CAUSE came on to be heard at an informal hearing held before the Florida Elections Commission (Commission) on August 14, 2012.

APPEARANCES

For Commission	Jacqueline M. Davison Assistant General Counsel 107 W. Gaines Street Collins Building, Suite 224 Tallahassee, FL 32399
For Respondent	No appearance

STATEMENT OF THE ISSUE

Whether the Respondent violated Section 106.141(8), Florida Statutes, when she failed to timely file her 2010 Q4 Office Account Report, after receiving notice from the filing officer.

PRELIMINARY STATEMENT

On August 25, 2011, the Commission received a referral from the Department of State, 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 the Respondent violated The Florida Election Code.

On March 19, 2012, staff drafted a Staff Recommendation recommending to the Commission that there was probable cause to believe that The Florida Election Code was violated. On May 22, 2012, the Commission entered an Order of Probable Cause finding that there was probable cause to charge the Respondent with the following violation:

Count 1:

On or about January 10, 2011, Respondent violated Section 106.141(8), Florida Statutes, when she failed timely file her Q4 Office Account Report.

Respondent did not elect to have a formal or informal hearing conducted before the Commission, and did not elect to settle the case with a consent order within 30 days after the filing of the Commission's allegations. Therefore, an informal hearing was scheduled, and Respondent was noticed to appear before the Commission on August 14, 2012. At the informal hearing, staff presented the undisputed facts contained in the Staff Recommendation. Respondent did not attend the hearing.

FINDINGS OF FACT

1. Respondent was a State Representative, District 89. Her term expired in 2010.
2. Respondent's 2010 Q4 Office Account Report was due on January 10, 2011.
3. By letters dated January 21, 2011, and June 15, 2011, Respondent received notice that the Division did not receive Respondent's 2011 Q2 report.
4. On September 6, 2011, Respondent filed her 2010 Q4 Office Account Report with the Division, which was 239 days late.

5. Respondent's conduct was willful.

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. Respondent's actions were willful.

10. The Respondent committed one count of violating Section 106.141(8), Florida Statutes, when she failed to timely file her 2010 Q4 Office Account Report, after receiving notice from the Division.

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

12. Respondent has the financial resources to pay the imposed fine.

ORDER

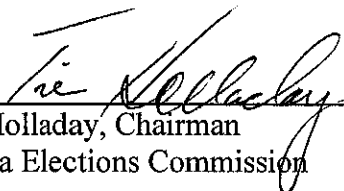
WHEREFORE the Commission finds that Respondent has violated Section 106.141(8), Florida Statutes, and imposes a \$250 fine for the violation.

Therefore, it is

ORDERED and **ADJUDGED** that Respondent shall remit a civil penalty in the amount of \$250. The civil penalty shall be paid by money order, cashier's check, or attorney trust account check and sent 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 Respondent.

DONE AND ORDERED by the Florida Elections Commission on

August 14, 2012.



Tim Holladay, Chairman
Florida Elections Commission

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 of 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.

Copies furnished to:

Jacqueline M. Davison, Assistant General Counsel
Mary Brandenburg, Respondent (certified mail)
Kristi Reid Bronson, Filing Officer