

**FILED**

15 JUN 16 AM 2:34

STATE OF FLORIDA  
ELECTIONS COMMISSION

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,  
Petitioner,**

v.

**Robert F. Small,  
Respondent.**

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**Agency Case No.: FEC 13-322  
F.O. No.: FOFEC 15-117W**

**FINAL ORDER**

**THIS MATTER** was heard at an informal hearing held before the Florida Elections Commission (Commission) on May 20, 2015.

**APPEARANCES**

For Commission	Jaakan A. Williams 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 February 5, 2014, the Commission received a sworn complaint 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 September 19, 2014, 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 violation:

**Count 1:**

On or about December 10, 2013, Respondent violated Section 106.07(1), Florida Statutes, when he failed to timely file his 2013 M11 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.

Respondent did not appear at the informal hearing.

**FINDINGS OF FACT**

1. Respondent was a candidate for Commissioner of South Pasadena, Florida, during the 2014 election cycle.

2. Respondent filed his State of Florida Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates form on November 5, 2013, and appointed himself as campaign treasurer.

3. Respondent's 2013 M11 Report was due to be filed by December 10, 2013; however, Respondent failed to file the report.

4. On or about December 17, 2013, Respondent filed his 2013 M11 Report seven days after it was due.

### 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 one violation of Section 106.07(1), Florida Statutes, when he failed to timely file his 2013 M11 Report.

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.

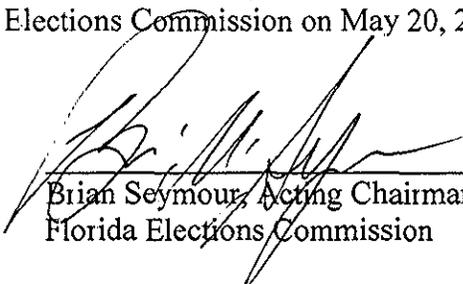
### ORDER

The Commission finds that Respondent has violated the following provision of Chapter 106, Florida Statutes

A. Respondent violated Section 106.07(1), Florida Statutes, on one occasion when he failed to timely file his 2013 M11 Report

B. The Commission imposes a fine of \$0 for the violation.

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

  
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Brian Seymour, Acting Chairman  
Florida Elections Commission

Copies furnished to:

- Jaakan A. Williams, Assistant General Counsel
- Robert F. Small, Respondent
- Arthur Penny, 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 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.