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STATE OF FLORIDA
ELECTIONS COMMISSION

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,
Petitioner,**

v.

**Michelle Williams,
Respondent.**

**Agency Case No.: FEC 12-119
F.O. No.: FOFEC 13-165W**

FINAL ORDER

THIS CAUSE came on to be heard at an informal hearing held before the Florida Elections Commission ("Commission") on August 14, 2013.

APPEARANCES

For Commission Eric Lipman
 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(1), *Florida Statutes*, as charged in the Commission's May 31, 2013 Order of Probable Cause.

PRELIMINARY STATEMENT

On June 26, 2012, 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 complaint constituted probable

cause to believe that the Respondent violated The Florida Election Code.

On March 16, 2013, staff drafted a Staff Recommendation recommending to the Commission that there was probable cause to believe that Respondent violated the Florida Election Code. On March 1, 2010, 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 18, 2012, Michelle Williams violated Section 106.141(1), *Florida Statutes*, when she failed to timely file with the filing officer, her 2012 Termination Report.

1. The Respondent failed to request within 30 days after the date of the filing of the commission's allegations, to have a formal administrative hearing conducted by an administrative law judge in the Division of Administrative Hearings. Therefore Respondent was noticed to appear for an informal hearing before the Commission on August 14, 2013.

2. The Respondent was a candidate for the State Senate, District 18, in the 2012 elections. On or about May 16, 2011, Respondent filed an initial Appointment of Campaign Treasurer and Designation of Campaign Depository form ("DS-DE 9") with the Division of Elections.

3. On May 16, 2011, Kristi Bronson, Chief, Bureau of Election Records, sent Respondent a letter advising her that all candidates filing reports with the Division are required to use the electronic filing system ("EFS"), and provided Respondent with a user identification number and initial password to grant access to the EFS.

4. Ms. Bronson's May 16, 2011 letter further advised Respondent that all of the Division's publications and reporting information were on its website and directed Respondent to print out the 2011 Calendar of Reporting dates and other documents.

5. On or about August 22, 2011, Respondent filed a second DS-DE 9 with the

Division appointing herself as her campaign treasurer.

6. On or about October 20, 2011, Respondent sent a letter to the Division withdrawing her candidacy from the election.

7. By letter dated October 21, 2011, Ms. Bronson notified Respondent that her 2012 Termination Report was due no later than January 18, 2012.

8. Respondent failed to file her Termination Report as required on or before January 18, 2012.

9. By letters dated January 30, 2012, March 2, 2012, and March 19, 2012, the Division notified Respondent that it had not received her Termination Report. The Division sent all correspondence to Respondent's address on file with the Division. The Division's letter dated May 19, 2012 letter was delivered on May 21, 2012.

10. On March 12, 2012, Theresa Holdeen, a Division of Elections' employee, sent an email informing Respondent that she needed to file her Termination Report even if there was no financial activity during the reporting period. Ms. Holdeen attached copies of the letters that the Division sent previously to the Respondent about her failure to file her Termination Report due on January 18, 2012.

11. Ms. Holdeen sent the March 12, 2012 email to Sunshine4senate@gmail.com and tampaactivist@aol.com. Respondent provided the email tampaactivist@aol.com in her letter withdrawing from the election and listed it on her August 22, 2011 DS-DE 9.

12. As of March 19, 2013, Respondent had not filed her 2012 Termination Report.

13. Respondent's actions were willful. Respondent knew she was required to file a Termination Report after she withdrew her candidacy, but she failed to do so despite receiving 3 letters and an email from the Division.

CONCLUSIONS OF LAW

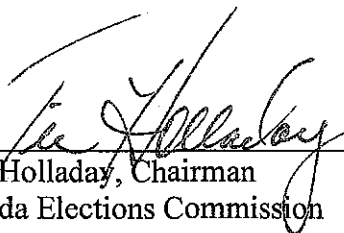
1. The Commission has jurisdiction over the parties to and subject matter of this cause, pursuant to Section 106.26, Florida Statutes.
2. Respondent's failure to file her Termination Report was willful. Respondent knew she was required to file her Termination Report by January 18, 2012, but failed to do so.
3. Properly reporting campaign contributions and filing campaign treasurer's reports is arguably the most basic requirement of and goes to the heart of campaign finance laws. *Beardslee v. Florida Elections Commission*, 962 So.2d 390 (Fla. 5th DCA 2007).
4. The Respondent committed one count of violating Section 106.141(1), *Florida Statutes*, by failing to file her 2012 Termination Report with her filing officer.
5. 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

WHEREFORE the Commission finds that Respondent violated Section 106.141(1), *Florida Statutes*, on one occasion and is fined \$1,000 for the violation. Therefore, it is,

ORDERED AND ADJUDICATED that Respondent shall remit a civil penalty in the amount of \$1,000. The civil penalty shall be paid by money order, cashier's check, or attorney trust account check. The civil penalty shall be paid to the Florida Elections Commission, and sent to 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, 2013.



Tim Holladay, Chairman
Florida Elections Commission

Copies furnished to:

Eric Lipman, General Counsel
Michelle Williams, Respondent (certified mail)
Division of Elections, Filing Officer

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.