

**FILED**

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STATE OF FLORIDA  
ELECTIONS COMMISSION

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,  
Petitioner,**

v.

**Equal Marriage Florida,  
Respondent.**

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**Agency Case No.: FEC 14-144**

**F.O. No.: FOFEC 15-127W**

**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 106.19(1)(c), Florida Statutes, as alleged in the Commission's March 20, 2015 Order of Probable Cause.

**PRELIMINARY STATEMENT**

On June 6, 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 complaint constituted probable cause to believe that Respondent violated the Florida Election Code.

On January 12, 2015, 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 violations:

**Count 1:**

On or about March 10, 2014, Respondent violated Section 106.19(1)(c), Florida Statutes, by deliberately failing to report information required by Chapter 106, when Respondent failed to file its 2014 M2 Report; and

**Count 2:**

On or about April 10, 2014, Respondent violated Section 106.19(1)(c), Florida Statutes, by deliberately failing to report information required by Chapter 106, when Respondent failed to file its 2014 M3 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.

**FINDINGS OF FACT**

1. Respondent is a political committee registered with the Division.
2. Respondent's 2014 M2 Report covering the dates of February 1, 2014, through February 28, 2014, was due on March 10, 2014. Respondent failed to file its 2014 M2 Report even though it had 2 February 24, 2014 debits, a February 28, 2014 \$1 43 debit for "Interest on

Uncollected Funds,” and a February 26, 2014 \$9.21 credit that occurred during the 2014 M2 reporting period.

3. Respondent’s 2014 M3 Report covering the dates of March 1, 2014, through March 31, 2014, was due on April 10, 2014. Respondent failed to file its 2014 M3 Report even though it had a March 21, 2014 \$9.99 debit, a March 31, 2014 \$1.71 debit for “Interest on Uncollected Funds,” 2 March 7, 2014 credits, and a March 25, 2014 \$9.21 deposit that occurred during the 2014 M3 reporting period

4. Respondent’s actions were willful.

a. Respondent knew or should have known that it was required to file a 2014 M2 Report listing the 3 debits and 1 credit that occurred during the 2014 M2 reporting period; and

b. Respondent knew or should have known that it was required to file a 2014 M3 Report listing the 2 debits, 2 credits, and deposit that occurred during the 2014 M3 reporting period.

#### 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 perform the acts while knowing that, or showing reckless disregard for whether, the acts were required.

7. Respondent committed 2 counts of violating Section 106.19(1)(c), Florida Statutes, when it when it deliberately failed to include information required by Chapter 106,

Florida Statutes, on its 2014 M2 and 2014 M3 Reports.

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.

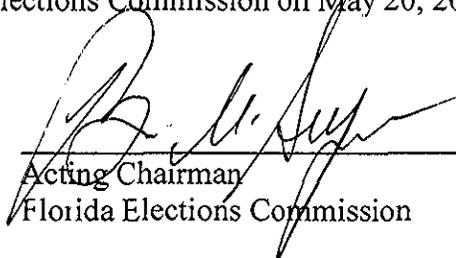
### ORDER

9. The Commission finds that Respondent has violated Section 106.19(1)(c), Florida Statutes, on 2 occasions for deliberately failing to include information required by Chapter 106, Florida Statutes, on its 2014 M2 and 2014 M3 Reports. Respondent is fined \$200 for each violation for a total of \$400.

Therefore it is

**ORDERED** that Respondent shall remit a civil penalty in the amount of \$400, 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.

  
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Acting Chairman  
Florida Elections Commission

Copies furnished to:  
Eric M Lipman, General Counsel  
Equal Marriage Florida, 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.