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STATE OF FLORIDA
ELECTIONS COMMISSION

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,
Petitioner,**

v.

**Equal Marriage Florida,
Respondent.**

**Agency Case No.: FEC 14-286
F.O. No.: FOFEC 15-128W**

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 Sections 106.07(7) and 106.19(1)(c), Florida Statutes, as alleged in the Commission's March 20, 2015 Order of Probable Cause.

PRELIMINARY STATEMENT

On September 2, 2014, the Commission received a referral from the Division of Elections

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 July 11, 2014, Respondent violated Section 106.07(7), Florida Statutes, when Respondent failed to notify the filing officer in writing on the prescribed reporting date that it was not filing a 2014 P2 Report;

Count 2:

On or about July 25, 2014, Respondent violated Section 106.07(7), Florida Statutes, when Respondent failed to notify the filing officer in writing on the prescribed reporting date that it was not filing a 2014 P3 Report;

Count 3:

On or about August 1, 2014, Respondent violated Section 106.07(7), Florida Statutes, when Respondent failed to notify the filing officer in writing on the prescribed reporting date that it was not filing a 2014 P4 Report; and

Count 4:

On or about July 18, 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 his 2014 P2A 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 of Elections (Division).

2. Respondent's 2014 P2 Report covering the dates of June 28, 2014, through July 4, 2014, was due on July 11, 2014. Respondent had no reportable financial transactions during the reporting period and failed to notify the filing officer in writing on the prescribed filing date that it would not be filing a 2014 P2 Report.

3. Respondent's 2014 P3 Report covering the dates of July 12, 2014, through July 18, 2014, was due on July 25, 2014. Respondent had no reportable financial transactions during the reporting period and failed to notify the filing officer in writing on the prescribed filing date that it would not be filing a 2014 P3 Report.

4. Respondent's 2014 P4 Report covering the dates of July 19, 2014, through July 25, 2014, was due on August 1, 2014. Respondent had no reportable financial transactions during the reporting period and failed to notify the filing officer in writing on the prescribed filing date that it would not be filing a 2014 P4 Report.

5. Respondent's 2014 P2A Report covering the dates of July 5, 2014 through July 11, 2014 was due on July 18, 2014. Respondent failed to file its 2014 P2 Report even though it had a \$25.02 bank debit during the P2A reporting period.

6. Respondent's actions were willful. Respondent knew or should have known that it was required to notify the filing officer in writing on the prescribed filing date that it would not be filing a report when Respondent had no reportable transactions during the reporting period,

and Respondent knew or should have known that it was required to include the \$25.02 bank debit on its 2014 P2A Report.

CONCLUSIONS OF LAW

7. The Commission has jurisdiction over the parties to and subject matter of this cause, pursuant to Section 106.26, Florida Statutes.

8. Section 106.07(7), Florida Statutes, provides:

Notwithstanding any other provisions of this chapter, in any reporting period during which a candidate or political committee has not received funds, made any contributions, or expended any reportable funds, the filing of the required report for that period is waived. However, the next report filed must specify that the report covers the entire period between the last submitted report and the report being filed, and any candidate or political committee not reporting by virtue of this subsection on dates prescribed elsewhere in this chapter **shall notify the filing officer in writing on the prescribed reporting date that no report is being filed on that date**

(Emphasis added)

9. Respondent committed 3 counts of violating Section 106.07(7), Florida Statutes, when it failed to notify its filing officer in writing on the prescribed due date that it did not have any reportable financial transactions during the 2014 P2, 2014 P3, and 2014 P4 reporting periods and that it would not be filing a report for the applicable filing reporting periods; and committed 1 count of violating Section 106.19(1)(c), Florida Statutes, when it deliberately failed to include information required by Chapter 106, Florida Statutes, on its 2014 P2A Report

10. 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.

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.

ORDER

12. The Commission finds that Respondent has violated the following provisions of Chapter 106, Florida Statutes, and imposes the following fines:

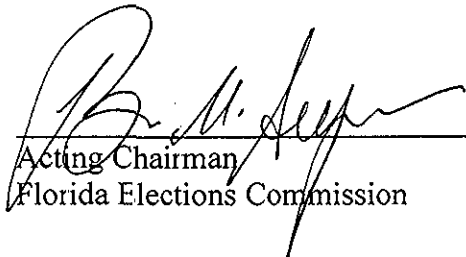
A. Respondent violated Section 106.07(7), Florida Statutes, on 3 occasions for failing to notify the filing officer in writing on the prescribed filing dates for the 2014 P2, 2014 P3, and 2014 P4 reporting periods that it had no reportable financial transactions during the reporting period and would not be filing a report. Respondent is fined \$200 for each of the 3 counts for a total of \$600.

B. Respondent violated Section 106.19(1)(c), Florida Statutes, on 1 occasion for deliberately failing to include information required by Chapter 106, Florida Statutes. Respondent is fined \$100 for the violation.

Therefore it is

ORDERED that Respondent shall remit a civil penalty in the amount of \$700, 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:

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.