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STATE OF FLORIDA
ELECTIONS COMMISSION

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,
Petitioner,**

v.

**Travis Pitts,
Respondent.**

Agency Case No.: FEC 14-254

F.O. No.: FOFEC 15-131W

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 07(2)(b)1., Florida Statutes, as alleged in Commission's March 20, 2015 Order of Probable Cause

PRELIMINARY STATEMENT

On August 18, 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 7, 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:

Respondent violated Section 106.07(2)(b)1., Florida Statutes, when he failed to timely file an addendum to his 2014 M4 Report after receiving notification from the filing officer that the report was incomplete; and

Count 2:

Respondent violated Section 106.07(2)(b)1., Florida Statutes, when he failed to timely file an addendum to his 2014 M5 Report after receiving notification from the filing officer that the report was incomplete.

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, Travis Pitts, was a candidate for State Representative, District 5, in the 2014 election. Respondent withdrew from the race on June 11, 2014.

2. On March 5, 2014, Kristi Reid Bronson, Chief, Division of Elections, Bureau of

Election Records sent Respondent a letter directing Respondent to print a copy of the *Candidate and Campaign Treasurer Handbook* (Handbook).

3. Respondent's 2014 M4 Report covering the period of April 1, 2014, through April 30, 2014, was due on May 12, 2014. Respondent filed his 2014 M4 Report on May 26, 2014, but it was incomplete.

4. On June 12, 2014, June 30, 2014 and July 14, 2014, Kristi Reid Bronson, Chief, Division of Elections, Bureau of Election Records sent a Respondent a letter with an attached Error Report. The July 14, 2014 letter was confirmed delivered on July 16, 2014. Each letter notified Respondent that he needed to file an amended 2014 M4 Report correcting the mistakes.

5. Respondent's 2014 M5 Report covering the period of May 1, 2014, through May 31, 2014, was due on June 10, 2014. Respondent filed his 2014 M5 Report on June 12, 2014, but it was incomplete.

6. On June 12, 2014, June 30, 2014 and July 14, 2014, Kristi Reid Bronson, Chief, Division of Elections, Bureau of Election Records sent Respondent a letter with an attached Error Report. The July 14, 2014 letter was confirmed delivered on July 16, 2014. Each letter notified Respondent that he needed to file an amended 2014 M5 Report correcting the mistakes.

7. Respondent's actions were willful. Despite receiving three letters from the Division for each report that required corrections, Respondent knew or should have known that he was required to file an amended 2014 M4 and an amended 2014 M5 Report, but he did not.

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 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.

10. Respondent committed 2 counts of violating Section 106.07(2)(b)1., Florida Statutes, when he failed to file amendments to his 2014 M4 and 2014 M5 Reports.

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.

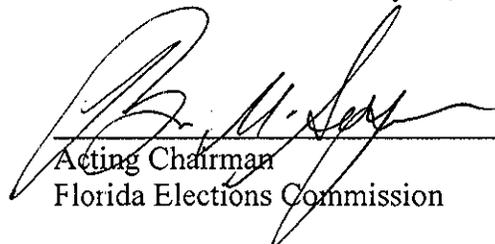
ORDER

12. The Commission finds that Respondent has violated Section 106.07(2)(b)1., Florida Statutes, on 2 occasions and imposes a fine of \$250 per violation for a total of \$500.

Therefore it is

ORDERED that Respondent shall remit a civil penalty in the amount of \$500 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
Travis Pitts, 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.