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STATE OF FLORIDA
ELECTIONS COMMISSION

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,
Petitioner,**

v.

**Jesus Salas,
Respondent.**

**Agency Case No.: FEC 14-018
F.O. No.: FOFEC 15-051W**

FINAL ORDER

THIS MATTER was heard at an informal hearing held before the Florida Elections Commission (Commission) on February 25, 2015.

APPEARANCES

For Commission Stephanie J. Cunningham
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 January 21, 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 referral constituted probable cause to believe that Respondent violated the Florida Election Code.

On June 11, 2014, staff recommended to the Commission that there was probable cause to believe that the Florida Election Code was violated. On October 28, 2014, 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 November 12, 2013, Jesus Salas violated Section 106.07(1), Florida Statutes, when he failed to file timely with the filing officer, Florida's Families First's 2013 M10 Report, listing all contributions received and all expenditures made, by or on behalf of the committee.

Count 2:

On or about December 10, 2013, Jesus Salas violated Section 106.07(1), Florida Statutes, when he failed to file timely with the filing officer, Florida's Families First's 2013 M11 Report, listing all contributions received and all expenditures made, by or on behalf of the committee.

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.

The Respondent did not appear at the hearing.

FINDINGS OF FACT

1. Respondent was the chairman and treasurer for Florida's Families First, a political committee registered with the State of Florida.

2013 M10 Report

2. Florida's Families First's 2013 M10 Report was due November 12, 2013.

3. By letters dated November 13, 2013, November 20, 2013, December 5, 2013, and January 6, 2014, the Division of Elections notified Respondent that Florida's Families First's 2013 M10 Report had not been received. The January 6, 2014 letter was confirmed delivered.

4. On October 27, 2014, Respondent filed a waiver of report for the 2013 M10 reporting cycle with the Division of Elections.

2013 M11 Report

5. Florida's Families First's 2013 M11 Report was due December 10, 2013.

6. By letters dated December 11, 2013, December 20, 2013, and January 6, 2014, the Division of Elections notified Respondent that Florida's Families First's 2013 M11 Report had not been received. The January 6, 2014 letter was confirmed delivered.

7. On October 27, 2014, Respondent filed a waiver of report for the 2013 M11 reporting cycle with the Division of Elections.

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 commit an act while knowing that, or showing reckless disregard for whether, the acts were required.

10. Respondent committed 2 counts of violating Section 106.07(1), Florida Statutes, when he failed to timely file Florida's Families First's 2013 M10 and M11 reports with the

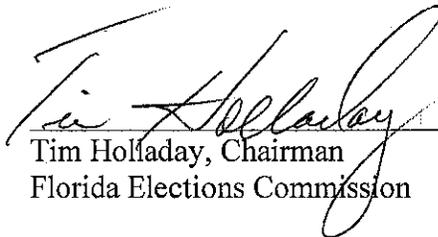
Division of Elections.

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

The Commission finds that Respondent has violated Section 106.07(1), Florida Statutes, on 2 occasions, and imposes no fine.

DONE AND ORDERED by the Florida Elections Commission on February 25, 2015.



Tim Holladay, Chairman
Florida Elections Commission

Copies furnished to:
Stephanie J. Cunningham, Assistant General Counsel
Jesus Salas, 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.