

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

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ELECT

In Re: Arthur English, Treasurer for Candidate
Miles K. Brooks

Case Nos.: FEC 00-453
F.O. No.: DOSFEC 01-307 W

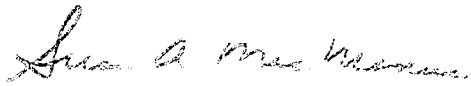
ORDER DISMISSING CASE

THIS CAUSE came on to be heard before the Florida Elections Commission at its regularly scheduled meeting held on November 8, 2001, in Tallahassee, Florida.

The Commission reviewed staff's Motion to Dismiss. The Commission also heard the arguments of counsel and carefully reviewed all other pleadings and documents submitted to it by the parties. Therefore, it is

ORDERED that the Motion to Dismiss is GRANTED.

DONE AND ORDERED by the Florida Elections Commission and filed with the Clerk of the Commission on November 16, 2001, in Tallahassee, Florida.



Susan A. MacManus, Chairman
Florida Elections Commission
Room 2002, The Capitol
Tallahassee, FL 32399-1050

Copies furnished to:

Barbara M. Linthicum, Executive Director
Arthur English, Respondent
Dept. of State, Division of Elections

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**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Author English

Case No.: FEC 00-453

AMENDED MOTION TO DISMISS

COMES NOW the undersigned counsel and requests that the Florida Elections Commission (Commission) dismiss this case and in support thereof states:

1. On December 1, 2000, the Division of Elections referred information to the Commission indicating that Miles Brooks, candidate for the State House of Representatives, District 39, in the 2000 elections failed to file his campaign treasurer's report due on August 4, 2000. According to the Division, its records indicated that Author English was the treasurer for Miles Brooks.

2. On December 5, 2000, the staff obtained an affidavit from Connie A. Evans, Bureau Chief of Election Records, Division of Election, in which she stated that Author English, campaign treasurer for the Miles Brooks campaign, failed to file the campaign report due on August 4, 2000.

3. On January 3, 2001, the undersigned counsel drafted a Statement of Findings recommending to the Commission that it find probable cause that Author English violated Section 106.07(1), Florida Statutes, failure of the treasurer of a candidate to file regular reports of all contributions received, and all expenditures made, by or on behalf of the candidate. At its meeting on January 31 and February 1, 2001, in Miami, Florida, the Commission voted to find probable cause that a violation occurred and issued an Order of Probable Cause.

4. On April 23, 2001, the Respondent was personally served with a copy of the Commission's Order of Probable Cause to which the Statement of Findings was attached and incorporated by reference. The Respondent failed to request a hearing within 30 days of receiving the Order of Probable Cause, thereby waiving the right to a hearing.

5. On July 6, 2001, the undersigned counsel filed a Motion for Default, which the Commission considered at its meeting on July 25, 2001, in Tampa, Florida. Both the Respondent and Miles Brooks appeared at the hearing. The Commission denied the motion and gave the Respondent 15 days to request a hearing. Eventually, Respondent requested a formal hearing before the Commission.

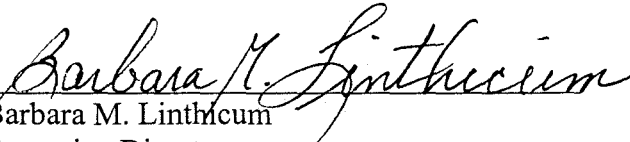
6. In preparation for the formal hearing, the undersigned counsel requested and obtained from the Division of Elections a certified copy of the file of Miles Brooks. Included in the file was an Appointment of Campaign Treasurer and Designation of Campaign Depository form dated November 11, 1999, appointing Author English campaign treasurer. However, also included in the file was a second form dated July 18, 2000, that appointed Miles Brooks treasurer of his own campaign. After reviewing file, Connie Evans said that from November 11, 1999, to July 18, 2000, Author English was treasurer of the campaign and responsible for filing campaign reports. However, after July 18, 2000, the Division should have listed Miles Brooks as the treasurer.

7. Since the campaign report at issue in this case was due August 4, 2000, Miles Brooks and not Author English was the appointed treasurer and responsible for filing the report.

Based upon the foregoing, the undersigned counsel requests that this case, FEC 00-453, be dismissed. However, the undersigned counsel is not requesting that FEC 00-452

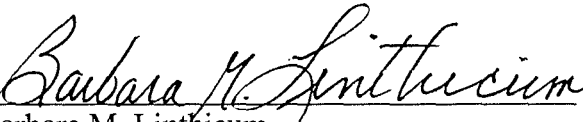
be dismissed. The report in that case was due on April 10, 2001, when Author English was Miles Brooks campaign treasurer. FEC 00-452 is set for formal hearing before the Commission on November 7 or 8, 2001, in Tallahassee, Florida.

Respectfully submitted on October 17, 2001.


Barbara M. Linthicum
Executive Director
Florida Elections Commission
Room 2002, The Capitol
Tallahassee, FL 32399-0250
Florida Bar No. 298549

Certificate of Service

I certify that a copy hereof has been furnished to Author English, 7115 Hiawasse
Oak Drive, Orlando, Florida 32802 by U. S. mail this 17th day of October 2001.


Barbara M. Linthicum