

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

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STATE OF FLORIDA
ELECTIONS COMMISSION

In Re: JAMES "HEINIE" HEINZELMAN,
Respondent

Case No.: FEC 11-052
F.O. No.: FOFEC 11-049A
Report: 2010 F2

DEFAULT FINAL ORDER

THIS CAUSE was referred to the Florida Elections Commission by the filing officer for failure of the Respondent to pay the assessed fine.

FINDINGS OF FACT

1. The Commission is charged with enforcing Chapter 106, Florida Statutes, the campaign financing laws.
2. The Respondent is a state candidate. The Respondent's campaign treasurer's report was not filed with the filing officer on August 6, 2010, the designated due date.
3. On October 11, 2010 and again on November 18, 2010, the filing officer sent a notice to the Respondent by U.S. mail advising him that the amount of the fine was \$8.73. These two notices also advised Respondent, as required by Section 106.04(8)(b), 106.07(8)(b), 106.29(3)(b), Florida Statutes, that he must either pay the fine or appeal to the Florida Elections Commission within 20 days after receipt of the notice of payment due.
4. The Respondent has failed to pay the assessed fine or to appeal to the Commission.

CONCLUSIONS OF LAW

5. The Commission has jurisdiction over the parties to and subject matter of this case, pursuant to Section 106.04, 106.07, or 106.29, Florida Statutes.

6. The Respondent's failure to timely file a notice appealing the assessed fine constitutes a waiver of entitlement to an appeal, pursuant to Rule 2B-1.005(2), Florida Administrative Code.

ORDER

Based on the foregoing facts and conclusions of law, it is hereby

ORDERED that the assessed fine of \$8.73 is affirmed. The fine shall be paid to the Division of Elections within 30 days of the date this Default Final Order is received by the Respondent.

DONE AND ORDERED by the Florida Elections Commission this 20TH day of MARCH, 2011, in Tallahassee, Florida.



Jose Luis Rodriguez, Vice-Chair
Acting Interim Chair
Florida Elections Commission

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 of 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.

Copies furnished to:

Rosanna Catalano, Executive Director
James "Heinie" Heinzelman, Respondent (certified mail)
Department of State, Division of Elections, Filing Officer

NOTICE TO FILING OFFICER

The Clerk of the Florida Elections Commission will send a copy of this order to Respondent by certified mail. The Final Order directs the Respondent to pay the Filing Officer. If the Filing Officer is not paid within 30 days of the date of service of the Final Order, the Filing Officer can file an enforcement action in circuit court to enforce the fine that is due and owing to the county or municipality. Please contact the Commission for proof that the Final Order has been served, which staff will retain in the case file. If the Commission Clerk cannot serve the Final Order by certified mail, the Clerk will notify the filing officer.