

**FILED**

15 MAR 23 PM 9:51

STATE OF FLORIDA  
ELECTIONS COMMISSION

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,  
Petitioner,**

v.

**Kelvin G. Haynes, as chairperson and  
treasurer of Florida Legal Initiative Project,  
Respondent.**

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**Agency Case No.: FEC 14-084  
F.O. No.: FOFEC 15-045W**

**FINAL ORDER**

**THIS MATTER** was heard at an informal hearing held before the Florida Elections Commission ("Commission") on February 25, 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(1), Florida Statutes, as alleged in the Commission's Order of Probable Cause.

**PRELIMINARY STATEMENT**

On March 26, 2014, the Commission received a referral from the Florida 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 August 14, 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 violation:

**Count 1:**

On or about February 10, 2014, Respondent violated Section 106.07(1), Florida Statutes, when Respondent failed to file timely Florida Legal Initiative Project's 2014 M1 Report with the Florida Division of Elections.

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 the treasurer and chairperson of Florida Legal Initiative Project ("FLIP" or "Committee"), a political committee registered with the Division.
2. FLIP's 2014 M1 Report was due on February 10, 2014, however, Respondent failed to file FLIP's 2014 M1 Report.
3. The Division sent notification letters to Respondent that he had not filed the Committee's 2014 M1 Report on February 11, 2014, February 20, 2014, and March 3, 2014.

4. Respondent's actions were willful. After receiving three notification letters from the Division that FLIP's 2014 M1 Report had not been filed, Respondent, knew or should have known that he was required to file the Committee's 2014 M1 Report but he failed to do so.

### CONCLUSIONS OF LAW

5. The Commission has jurisdiction over the parties to and subject matter of this cause, pursuant to Section 106 26, Florida Statutes.

6. Respondent committed 1 count of violating Section 106.07(1), Florida Statutes, when he failed to timely file FLIP's 2014 M1 Report after receiving three notices from the Division that the report had not been filed.

7. 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 one occasion and imposes a civil penalty in the amount of \$500 for the violation.

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 February 25, 2015.

  
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Tim Holladay, Chairman  
Florida Elections Commission

Copies furnished to:  
Eric M. Lipman, General Counsel  
Kelvin G. Haynes, 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.