

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

FILED
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In Re: **MIKE HILL, Respondent**

Case No.: **FEC 10-247**
F.O. No.: **FOFEC 11-030A**
Report: **2010 F2**

FINAL ORDER

THIS CAUSE came on to be heard by the Florida Elections Commission at its regularly scheduled meeting held on February 8 & 9, 2011.

FINDINGS OF FACT

1. The Commission is charged with enforcing Chapter 106, Florida Statutes, the campaign financing law.
2. The Respondent's campaign treasurer's report was not filed with the filing officer on August 6, 2010, the designated due date.
3. The filing officer fined the Respondent \$1,398.75 for the late filing of the report. The Respondent timely appealed, claiming unusual circumstances. Respondent claimed that his treasurer was not receiving correspondence from the Division of Elections and that he did not realize the report was due so quickly.

CONCLUSIONS OF LAW

4. 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.
5. The Respondent's claim that his treasurer was not receiving correspondence from the Division of Elections and that he did not realize the report was due so quickly does not justify the Respondent's failure to timely file the report. However, the queued transaction report reflects that the Respondent tried to file the report on August 11, 2010, which justifies mitigating the

Respondent's fine to \$1,150.00

ORDER

Based on the foregoing facts and conclusions of law, the Commission finds that the unusual circumstances justify a partial waiver of the imposed fine. Therefore, it is

ORDERED that the assessed fine is waived in part. The Respondent is required to pay a fine of \$1,150.00 to the Division of Elections within 30 days of the date this Final Order is received by the Respondent.

DONE AND ORDERED by the Florida Elections Commission on this 15TH day of February, 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
Mike Hill, Respondent (certified mail)
Department of State, Division of Elections, Filing Officer

NOTICE TO FILING OFFICER

The Clerk of the Florida Elections Commission will sent 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, it will notify the Filing Officer.