STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: Michael E. Jackson, Respondent

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Case No.: FEC 11-226
F.O. No.: FOFEC 11-169A
Report: 2010 TR

FINAL ORDER

THIS CAUSE came on to be heard by the Florida Elections Commission at its regularly scheduled meeting held on November 15, 2011, in Tallahassee, Florida.

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 November 22, 2010, the designated due date.

3.   The filing officer fined the Respondent $1,106.13[1] for the late filing of the report. The Respondent timely appealed, claiming unusual circumstances. Respondent claimed that the Supervisor of Elections' reminder notice did not contain a reminder to file his report electronically and by paper.[2]

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 of unusual circumstances, as defined in Rule 2B-1.0055,

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[1] The fine should have been calculated at $50 per day for eight days late; therefore, the corrected fine amount is $400.

[2] Respondent claimed that the reminders sent by the Supervisor of Elections office for prior reports contained a reminder that he had to file campaign reports electronically and file a paper copy with the Supervisor of Elections office.

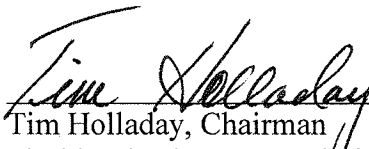Florida Administrative Code, justifies Respondent's failure to timely file the report.

ORDER

Based on the foregoing facts and conclusions of law, the Commission finds that the Respondent's unusual circumstances justify Respondent's failure to file the report on the designated due date. Therefore, it is

ORDERED that the assessed fine is waived in full.

DONE AND ORDERED by the Florida Elections Commission on ___//-30___, 2011.

Tim Holladay, Chairman
Florida Elections Commission

Copies furnished to:

Eric M. Lipman, General Counsel
Michael E. Jackson, Respondent
Palm Beach County Supervisor of Elections, Filing Officer