

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

FILED

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In Re: **KEITH FITZGERALD, Respondent**

Case No.: **FEC 10-360**

F.O. No.: **FOFEC 11-039A**

Report: **2010 G4**

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 October 29, 2010, the designated due date.
3. The filing officer fined the Respondent \$500.00 for the late filing of the report. The Respondent timely appealed, claiming unusual circumstances. Respondent claimed that he had problems with his internet browser interacting with the EFS.

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, 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 this 15TH day of
February, 2011, in Tallahassee, Florida.



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

Copies furnished to:

Rosanna Catalano, Executive Director
Keith Fitzgerald, Respondent
Department of State, Division of Elections, Filing Officer