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STATE OF FLORIDA
ELECTIONS COMMISSION

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FLORIDA ELECTIONS COMMISSION

FLORIDA ELECTIONS COMMISSION,
PETITIONER,

v.

MARJORIE A. BAKER,
RESPONDENT.

AGENCY CASE No.: FEC 10-125

F.O. No.: FOFEC ~~10-025W~~ 11-025W

FINAL ORDER

THIS CAUSE came on to be heard at an informal hearing held before the Florida Elections Commission (Commission) on February 8, 2011.

APPEARANCES

For Commission Eric M. Lipman
 General Counsel
 107 W. Gaines Street
 Collins Building, Suite 224
 Tallahassee, FL 32399

For Respondent No Appearance

STATEMENT OF THE ISSUE

Whether the Respondent violated Section 106.143(1)(a), Florida Statutes, by failing to mark her website with the proper political disclaimer.

PRELIMINARY STATEMENT

On June 16, 2010, the Commission received a sworn complaint alleging violations of Florida's election laws. The staff of the Commission conducted an investigation to determine whether the facts alleged in the complaint constituted probable cause to believe that the Respondent violated The Florida Election Code.

On September 20, 2010, the staff drafted a Staff Recommendations recommending to the

Commission that there was probable cause to believe that The Florida Election Code was violated. On November 18, 2010, the Commission entered an Order of Probable Cause finding that there was probable cause to charge the Respondent with the following violation:

Count 1

On or about June 16, 2010, Respondent violated Section 106.143(1)(a), Florida Statutes, when she failed to include a proper political disclaimer on her website <http://margbakerhouse.com>.

Respondent timely requested an informal hearing and was noticed to appear before the Commission on February 8, 2011. At the informal hearing, the staff presented the undisputed facts contained in the Staff Recommendations.

FINDINGS OF FACT

1. Respondent was a candidate for the Florida House of Representatives, District 48, in the August 24, 2010, primary election.
2. Respondent maintained a campaign website, <http://margebakerhouse.com>.
3. Respondent's website disclaimer stated, "This Political web site is paid for and approved by Marg Baker, Republican for FL State House of Representatives." Respondent's political advertisement disclaimer was different than the wording required by Section 106.143(1)(a), Florida Statutes.
4. Based upon the undisputed facts and presentments at the hearing, the Commission finds that Respondent's actions were not willful as defined in Rule 2B-1.002, *Florida Administrative Code*.

CONCLUSIONS OF LAW

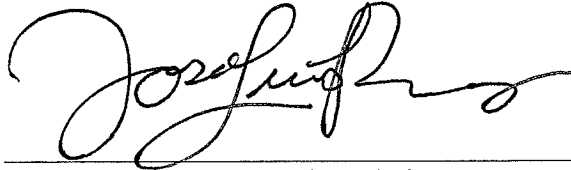
5. The Commission has jurisdiction over the parties to and subject matter of this cause, pursuant to Section 106.26, Florida Statutes.
6. Respondent's actions were not willful in this case.

ORDER

Based upon the foregoing facts and conclusions of law, the Commission finds that the Respondent did not violate Section 106.143(1)(a), Florida Statutes. Therefore, it is

ORDERED that this case is **DISMISSED**.

DONE AND ORDERED by the Florida Elections Commission this 15TH day of February 2011.



Jose Luis Rodriguez, Vice Chairman
Acting Interim Chairman
Florida Elections Commission

Copies furnished to:

Eric M. Lipman, General Counsel
Marjorie Baker, Respondent
Peter Schorsch, Complainant
Florida Division of Elections, Filing Officer