

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

FILED

15 MAR 24 AM 1:30

STATE OF FLORIDA  
ELECTIONS COMMISSION

ROBERT J. BARNAS,

Petitioner,

vs.

Agency Case No.: FEC 13-125

DOAH: 13-4759F

F.O. No.: FOFEC 15-022W

SHARON YEAGO,

Respondent.

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**FINAL ORDER**

This matter came before the Florida Elections Commission ("Commission") at a duly-noticed public meeting on October 28, 2014 and continued on February 24, 2015, in Tallahassee, Florida, for consideration of the Administrative Law Judge's Recommended Order, Petitioner's Motion to Dismiss, Petitioner's Exceptions to the Recommended Order, Respondent's Exceptions to the Recommended Order, Petitioner's Response to Respondent's Exceptions, and Respondent's Response to Petitioner's Exceptions (copies of which are attached hereto as Exhibits A, B, C, D, E, and F respectively) in the above-styled cause. Petitioner was present and represented by Joseph Little, Esq. Respondent was present and was represented by counsel, Paul Regensdorf, Esq.

Upon review of the Recommended Order, the argument of the parties, and after a review of the complete record in this case, the Commission makes the following findings and conclusions.

## RULING ON PETITIONER'S MOTION TO DISMISS

Upon review of the record, argument of the parties, and otherwise advised in the premises, Petitioner's Motion to Dismiss is hereby DENIED.

## RULINGS ON EXCEPTIONS

1 Petitioner's Exceptions to Paragraphs 1, 3, 5, 9, 10, 12, 17, 22, 23, 24, 26, 27, 29, 30, 31, 35, 36, 44, 49, 51, and 52 are REJECTED as the Administrative Law Judge's findings of fact in these paragraphs are based on competent substantial evidence.

2 Petitioner's Exception to Paragraph 32 is ACCEPTED in part and REJECTED in part. The second sentence, "It was unclear what 'unfairness' he saw in Concerned Citizen's activities." is stricken as it is not based on competent substantial evidence and for the reasons stated in the Petitioner's Exceptions. The phrase, "and silence its activities." in the third sentence of the paragraph is stricken as it is not based on competent substantial evidence. The rest of the paragraph is based on competent substantial evidence and shall remain.

3. Petitioner's Exception to Paragraph 33 is ACCEPTED. The phrase "as her co-conspirator" in the second sentence shall be stricken as it is not based on competent substantial evidence. The remainder of the paragraph is based on competent substantial evidence and shall remain.

4 Petitioner's exception to Paragraph 38 is ACCEPTED. The phrase, "For reasons that are not clear in the record" in the second sentence is stricken as it is not based on competent substantial evidence and for the reasons set forth in Petitioner's Exceptions.

5. Petitioner's exception to Paragraph 41 is ACCEPTED. The phrase, "Again, for reasons that are not clear in the record" in the second sentence is stricken as it is not based on

competent substantial evidence and for the reasons set forth in Petitioner's Exceptions.

6. Respondent's Exceptions are REJECTED as they do not meet the requirements set forth in Section 120.57(1)(k), Florida Statutes. Further, Respondent's exceptions regarding the admissibility of prior actions of Petitioner are exceptions based upon evidence excluded by the Administrative Law Judge over which the Commission does not have jurisdiction.

### **FINDINGS OF FACT**

1. The remaining findings of fact set forth in the Recommended Order are approved and adopted and incorporated herein by reference.
2. There is competent substantial evidence to support the findings of fact.

### **CONCLUSIONS OF LAW**

1. The Commission has jurisdiction of this matter pursuant to Section 120.57(1), Florida Statutes, and Section 106.265(6), Florida Statutes.
2. The remaining conclusions of law set forth in the Recommended Order are approved and adopted and incorporated herein by reference.

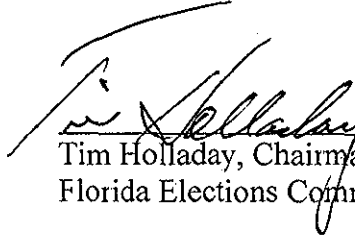
### **DISPOSITION**

Upon a complete review of the record in this case, the Commission determines and upholds the ruling by the Administrative Law Judge that the Respondent is entitled to an award of \$42,360.00 in attorney's fees and \$4,516.95 in costs that were incurred in the matter.

This Final Order shall take effect upon being filed with the Clerk of the Florida Election Commission.

**DONE AND ORDERED** by the Florida Elections Commission on

February 24, 2015

  
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Tim Holladay, Chairman  
Florida Elections Commission

Copies furnished to:

Michael Flury, Commission Counsel  
Paul R. Regensdorf, Attorney for Sharon Yeago  
Joseph P. Little, Attorney for Robert Barnas  
Division of Administrative Hearings

**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.