

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: Preserve Our Key Biscayne, Respondent /

Case No.: FEC 11-212
F.O. No.: FOFEK 11-163A
Report: 2010 G3

FILED
NOV 15 2011
TALLAHASSEE, FLORIDA
CLERK OF THE COMMISSION

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 October 15, 2010, the designated due date.
3. The filing officer fined the Respondent \$125 for the late filing of the report. The Respondent timely appealed claiming that there was an oversight by the person preparing the form for their treasurer. However, they did not provide any supporting documentation.

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 there was an oversight by the person preparing the form for their treasurer does not justify the Respondent's failure to timely file the report.

ORDER

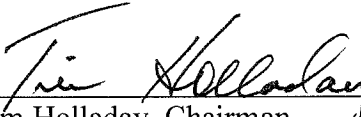
Based on the foregoing facts and conclusions of law, the Commission finds that the Respondent failed to file the report on the designated due date. Therefore, it is

ORDERED that the assessed fine of \$125 is affirmed. The fine shall be paid to the

Miami-Dade County Supervisor 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

_____ 11-30 _____, 2011.



Tim Holladay, Chairman
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:

Joshua B. Moye, Assistant General Counsel
Preserve Our Key Biscayne, Respondent (certified mail)
Miami-Dade County Supervisor of Elections, Filing Officer

Notice to Filing Officer

The Clerk of the Florida Elections Commission will send 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.