

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

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STATE OF FLORIDA  
ELECTIONS COMMISSION

FLORIDA ELECTIONS COMMISSION,  
PETITIONER,

v.

AGENCY CASE No.: FEC 08-258  
F.O. No.: FOFEC 11-024W

DAVID J. BURMAN,  
RESPONDENT.

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      Joshua B. Moyer  
Assistant General Counsel  
107 W. Gaines Street  
Collins Building, Suite 224  
Tallahassee, FL 32399

For Respondent      David J. Burman  
10646 Cory Lake Drive  
Tampa, Florida 33647

**STATEMENT OF THE ISSUE**

Whether the Respondent violated Section 106.143(1)(a), Florida Statutes, when he failed to include the required disclaimer of his websites, <http://davidjburman.homestead.com> and [www.november4homeowners.com](http://www.november4homeowners.com).

**PRELIMINARY STATEMENT**

On August 28, 2008, 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 April 7, 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 May 28, 2010, the Commission entered an Order of Probable Cause finding that there was probable cause to charge the Respondent with the following violations:

**Count 1:**

In August 2008, Respondent violated Section 106.143(1)(a), Florida Statutes, for failing to include the required political disclaimer on his website <http://davidjburman.homestead.com>.

**Count 2:**

On or between August 11, 2008, and August 27, 2008, Respondent violated Section 106.143(1)(a), Florida Statutes, for failing to include the required political disclaimer on his website [www.november4homeowners.com](http://www.november4homeowners.com).

Respondent timely requested an informal hearing and was noticed to appear before the Commission on November 9, 2010. On November 5 2010, Respondent filed a Motion to Continue Informal Hearing, and on November 23, 2010, the Commission issued an Order Continuing Case. Respondent 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. The Respondent appeared at the hearing.

**FINDINGS OF FACT**

1. The Respondent was a candidate for the Supervisor of Cory Lakes Community Development District, Seat 2, in the November 2008 election.
2. In August 2008, Respondent failed to include the required disclaimer on his website <http://davidjburman.homestead.com>.
3. Between August 11, 2008, and August 27, 2008, Respondent failed to include the required disclaimer on his website [www.november4homeowners.com](http://www.november4homeowners.com).

4. Based on the undisputed facts and testimony presented at the informal hearing, the Commission finds that the 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.

#### 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 on FEBRUARY 15, 2011.



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

Copies furnished to:

Joshua B. Moyer Assistant General Counsel  
David J. Burman, Respondent  
David A. Shepp, Complainant  
Patsy Rushing, Filing Officer