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STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION **STATE OF FLORIDA**
ELECTIONS COMMISSION

Florida Elections Commission,
Petitioner,

v.

Philip Nichols,
Respondent.

Agency Case No.: FEC 12-132
F.O. No.: FOFEC 14-024W

FINAL ORDER

THIS MATTER was heard at an informal hearing held before the Florida Elections Commission (Commission) on February 25, 2014.

APPEARANCES

For Commission Jaakan A. Williams
Assistant General Counsel
107 West Gaines Street
Collins Building, Suite 224
Tallahassee, FL 32399

For Respondent No Appearance

STATEMENT OF THE ISSUE

Whether the Respondent violated Section 106 07(2)(b)(1), Florida Statutes, as alleged in the Order of Probable Cause.

PRELIMINARY STATEMENT

On July 3, 2012, the Commission received a sworn complaint alleging violations of Florida's election laws. 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 1, 2013, staff recommended to the Commission that there was probable cause to believe that the Florida Election Code was violated. On May 14, 2013, the Commission entered an Order of Probable Cause finding that there was probable cause to charge the Respondent with the following violations:

Count 1:

On or about May 22, 2012, Respondent violated Section 106.07(2)(b)(1), Florida Statutes, when the Respondent failed to amend the committee's 2012 Q1 campaign finance report after receiving notice that it was incomplete.

Respondent failed to elect a formal administrative hearing be conducted by an administrative law judge from the Division of Administrative Hearings, or elect that the case be resolved by Consent Order, (within 30 days after the date of the filing of the Commission's Order of Probable Cause) and, therefore, the matter was set for an informal hearing before the Commission. At the informal hearing, staff presented the undisputed facts contained in the staff's recommendation, which were adopted as the Commission's findings of fact. The Respondent did not appear at the hearing.

FINDINGS OF FACT

1. The Respondent is Philip Nichols.
2. Respondent was Treasurer of Our Fair Share for Florida, a political committee.
3. Respondent received three written notices from the Division of Elections informing him that the committee's 2012 Q1 Report required an amendment.
4. As of April 1, 2013, Respondent still had not amended the committee's 2012 Q1 Report.

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 conduct was willful. Respondent committed the acts while knowing that, or showing reckless disregard for whether, the acts were prohibited or failed to commit an act while knowing that, or showing reckless disregard for whether, the acts were required.

7. Respondent committed 1 count of violating Section 106.07(2)(b)(1), Florida Statutes, when he failed to amend the committee's 2012 Q1 campaign finance report after receiving notice that it was incomplete.

8. In determining the amount of the civil penalty, the Commission considered the mitigating and aggravating circumstances set forth in Section 106.265, Florida Statutes.

ORDER

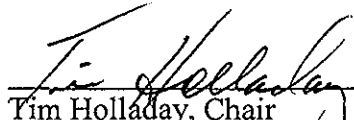
WHEREFORE the Commission finds that Respondent has violated the following provisions of Chapter 106, Florida Statutes, and imposes the following fines:

A. Respondent violated Section 106.07(2)(b)(1), Florida Statutes, on 1 occasions for failing to amend the committee's 2012 Q1 campaign finance report. Respondent is fined \$1,000 for the 1 count for a total of \$1,000.

Therefore it is

DONE AND ORDERED that Respondent shall remit a civil penalty in the amount of \$1,000, inclusive of fees and costs. The civil penalty shall be paid to the Florida Elections Commission, the Collins Building, Suite 224, 107 West Gaines Street, Tallahassee, Florida 32399-0250, within 30 days of the date this Final Order is received by the Respondent and must be paid by money order, cashier's check or attorney trust account check.

DONE AND ORDERED by the Florida Elections Commission on February 25, 2014.



Tim Holladay, Chair
Florida Elections Commission

Copies furnished to:

Jaakan A Williams Assistant General Counsel
Philip Nichols, Respondent (certified mail)
Division of Elections, Complainant/Filing Officer

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.