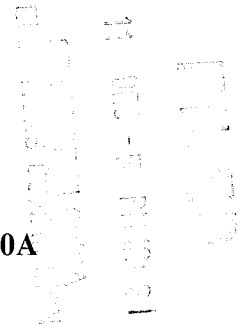


**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: Mark McCarty, Respondent**

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**Case No.: FEC 11-222  
F.O. No.: FOFEC 11-170A  
Report: 2011 TR**



**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 hand-delivered his termination report to the filing officer on January 31, 2011, the date that the report was due to be filed.

3. The filing officer stamped the report with the date and time that Respondent handed in his report.

4. However, as the Respondent was leaving the office, the report was returned to the Respondent to make corrections.

5. The Respondent took back the report and handed it in to the filing officer for a second time on February 2, 2011.

6. The filing officer fined the Respondent \$100 for the late filing of the report. The Respondent timely appealed stating that he hand-delivered the report on January 31, 2011, and it was stamped by the clerk's office as received.

**CONCLUSIONS OF LAW**

7. 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.

8. The Respondent's claim that his report was timely filed is correct. Once the report was stamped with the date and time, it is considered filed with the filing officer.

9. Therefore, Respondent's report was timely filed and a fine should never have been imposed.

**ORDER**

Based on the foregoing facts and conclusions of law, the Commission finds that Respondent's report was timely filed, and a fine should never have been imposed.

It is therefore,

**ORDERED** that the fine imposed by the filing officer is **DISMISSED**.

**DONE AND ORDERED** by the Florida Elections Commission on  
11-30, 2011.

  
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Tim Holladay, Chairman  
Florida Elections Commission

Copies furnished to:

Eric M. Lipman, General Counsel

Mark McCarty, Respondent

City of Sanford, Office of the City Clerk, Filing Officer