

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

FILED

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In Re: DANIEL MICHAEL O'BRIEN, Respondent

Case No.: FEC 10-351

F.O. No.: FOFEC 11-033A

Report: 2010 TR

FINAL ORDER

THIS CAUSE came on to be heard by the Florida Elections Commission at its regularly scheduled meeting held on February 8 & 9, 2011.

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 September 8, 2010, the designated due date.
3. The filing officer fined the Respondent \$88.75 for the late filing of the report. The Respondent timely appealed claiming that the system would not accept his PIN number.

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 the system would not accept his PIN number does not justify the Respondent's failure to timely file the report. Further, the Respondent did not contact the Division of Elections until September 10, 2010, which was two days after the report was due, and being two days late instead of six would not change the fine amount.

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 \$88.75 is affirmed. The fine shall be paid to the Division 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 this 15TH day of February, 2011, in Tallahassee, Florida.



Jose Luis Rodriguez, Vice-Chair
Acting Interim Chair
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:

Rosanna Catalano, Executive Director
Daniel Michael O'Brien, Respondent (certified mail)
Department of State, Division 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.