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STATE OF FLORIDA
ELECTIONS COMMISSION

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,
Petitioner,**

v.

**Agency Case No.: FEC 11-104
F.O. No.: FOFEC 14-023W**

**Dwight Bullard,
Respondent.**

FINAL ORDER

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

APPEARANCES

For Commission David S. Grossman
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), Florida Statutes, as alleged in the Order of Probable Cause.

PRELIMINARY STATEMENT

On May 5, 2011, the Commission received a referral from the Department of State, Division of Elections ("Division") alleging that Dwight M. Bullard ("Respondent") violated 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 January 4, 2012, staff recommended to the Commission that there was probable cause to believe that the Florida Election Code was violated. On February 21, 2012, the Commission entered an Order of Probable Cause finding that there was probable cause to charge the Respondent with the following violations:

Count 1:

Respondent violated Section 106 07(2)(b), Florida Statutes, when he failed to file timely an addendum to his incomplete campaign report after receiving notice from the filing office, when Respondent failed to file an addendum to his 2010 F1 report due on July 23, 2010, after receiving notice from the Division of Elections that the report was incomplete

Count 2

Respondent violated Section 106 07(2)(b), Florida Statutes, when he failed to file timely an addendum to his incomplete campaign report after receiving notice from the filing office, when Respondent failed to file an addendum to his 2011 termination report due on February 3, 2011, after receiving notice from Division of Elections that the report was incomplete

Respondent failed to elect a formal administrative hearing to be conducted by an administrative law judge from the Division of Administrative Hearings (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 Respondent was a successful candidate for State Representative, District 118, in the 2010 election cycle.

2 Respondent's 2010 F1 Report was timely filed; however, the report was

incomplete.

3. By letters dated July 28, 2010, August 10, 2010, November 22, 2010, and April 5, 2011, the Division notified Respondent that his 2010 F1 Report was incomplete and that he needed to file an amended report within three days

4 Respondent failed to timely file the required amendment to his 2010 F1 Report within three days of receiving notification from the Division that his report was incomplete and required amendment

5. Respondent's 2011 Termination Report was filed on February 3, 2011; however, the report was incomplete

6 By letters dated February 11, 2011 and April 5, 2011, The Division sent notification informing Respondent that his 2011 Termination Report was incomplete and that he needed to file an amended report within three days.

7. Additionally, on April 8, 2011, Respondent went to the offices of the Division and spoke with Division staff about the April 5, 2011 notification letter. Respondent stated that his father signed for the letter and inquired about any further communication. At this time, Ms Theresa Holdeen gave Respondent copies of all previously mailed written notices regarding the outstanding amendments to his 2010 F1 Report and his 2011 Termination Report.

8 Despite having received four written notices and speaking with the Division staff in person, Respondent still has not has not filed the required amendment to his 2010 F1 Report.

9. Despite having received two written notices and speaking with the Division staff in person, Respondent still has not filed the required amendment to his 2011 Termination Report.

10. Respondent's actions in this case were willful. Respondent failed to file required amendments to his 2010 F1 and 2011 Termination Reports despite having received six total written notices and speaking in person with Division staff regarding the outstanding

amendments.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties to and subject matter of this cause, pursuant to Section 106.26, Florida Statutes.
2. Respondent committed two counts of violating Section 106.07(2)(b), Florida Statutes, when he failed to submit required amendments to his 2010 F1 Report and his 2011 Termination Report.
3. 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 two counts of Section 106.07(2)(b), Florida Statutes, and imposes a \$1,000 fine for each count.

Therefore it is

DONE AND ORDERED that Respondent shall remit a civil penalty in the amount of \$2,000, 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:

David S. Grossman, Assistant General Counsel
Dwight Bullard, 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.