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STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

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Florida Elections Commission,
Petitioner,

v.

Agency Case No.: FEC 13-015
F.O. No.: FOFEC 14-029W

Alejandro M. Walters,
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(1), Florida Statutes, as alleged in the Order of Probable Cause

PRELIMINARY STATEMENT

On January 8, 2013, the Commission received a referral from the Department of State, Division of Elections ("Division") alleging that Alejandro M Walters ("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 September 24, 2013, staff recommended to the Commission that there was probable cause to believe that the Florida Election Code was violated. On November 13, 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 October 5, 2012, Respondent violated Section 106.07(1), Florida Statutes, when he failed to timely file his 2012 G2 report reflecting all contributions received and expenditures made by or on behalf of Respondent during the G2 reporting period.

Count 2:

On or about October 19, 2012, Respondent violated Section 106.07(1), Florida Statutes, when he failed to timely file his 2012 G3 report reflecting all contributions received and expenditures made by or on behalf of Respondent during the G3 reporting period.

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 candidate for State Representative, District 102, in the 2012 general election.
2. Respondent's 2012 G2 campaign report was due on or before October 5, 2012.
3. Respondent failed to timely file his 2012 G2 campaign report on or before

October 5, 2012.

4. The Division sent letters to Respondent dated October 8, 2012, October 30, 2012, and December 3, 2012, informing Respondent that his 2012 G2 campaign report had not been received.

5. Respondent's 2012 G3 campaign report was due on or before October 19, 2012

6. Respondent failed to timely file his 2012 G3 campaign report on or before October 19, 2012.

7. The Division sent letters to Respondent dated October 22, 2012, November 14, 2012, and December 3, 2012, informing Respondent that his 2012 G3 campaign report had not been received

8. Additionally, on November 13, 2012, the Division sent Respondent an email notifying him that his 2012 G2 and his 2012 G3 campaign reports remained outstanding.

9. Despite having received three written notices and an email, Respondent still has not filed his 2012 G2 campaign report.

10. Despite having received three written notices and an email, Respondent still has not filed his 2012 G3 campaign report

11. Respondent's actions in this case were willful. Respondent failed to file his 2012 G2 and 2012 G3 campaign reports despite having received six total written notices regarding the outstanding reports

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(1), Florida Statutes, when he failed to file his 2012 G2 and 2012 G3 campaign reports.

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.

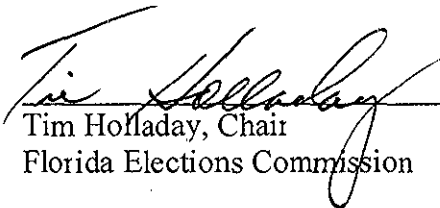
ORDER

WHEREFORE the Commission finds that Respondent has violated two counts of Section 106.07(1), 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
Alejandro M. Walters, 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.