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STATE OF FLORIDA
ELECTIONS COMMISSION

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,
Petitioner,**

v.

**Agency Case No.: FEC 13-324
F.O. No.: FOFEC 15-118W**

**Cynthia Rena Harris,
Respondent.**

FINAL ORDER

THIS MATTER was heard at an informal hearing held before the Florida Elections Commission (Commission) on May 20, 2015.

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 Respondent violated Section 106.07(5), Florida Statutes, as alleged in the Order of Probable Cause.

PRELIMINARY STATEMENT

On December 17, 2013, 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 Respondent violated the Florida Election Code.

On June 27, 2014, staff recommended to the Commission that there was probable cause to believe that the Florida Election Code was violated. On November 21, 2014, the Commission entered an Order of Probable Cause finding that there was probable cause to charge Respondent with the following violations:

Count 1:

On or about October 9, 2013, Respondent violated Section 106.07(5), Florida Statutes, when she certified that her 2013 Q3 Report was true, correct, and complete when it was not.

Count 2:

On or about May 5, 2014, Respondent violated Section 106.07(5), Florida Statutes, when she certified that her amended 2013 Q3 Report was true, correct, and complete when it was not.

Respondent did not timely elect to have a formal administrative hearing before an administrative law judge from the Division of Administrative Hearings and, therefore, the matter was set for an informal hearing before the Commission. At the informal hearing, the Commission adopted the undisputed facts set forth in the Staff's Recommendation as its findings of fact.

Respondent did not appear at the informal hearing.

FINDINGS OF FACT

1. Respondent was a candidate for the Orlando City Commission, District 5, in the 2014 election cycle
2. Respondent designated Jennifer Somers as her campaign treasurer.
3. On October 9, 2013, Ms. Somers filed Respondent's 2013 Q3 Report, and

Respondent certified the report was true, correct, and complete when it was not

4. On the "Itemized Contribution" pages, Respondent failed to list the complete address information for fifty-six of the sixty-four contributors that gave money to Respondent's campaign during the 2013 Q3 reporting cycle.

5. On the "Itemized Expenditure" pages, Respondent failed to list the complete address information for each of the forty vendors where she made expenditures during the 2013 Q3 reporting cycle

6. On May 5, 2014, Ms. Somers filed an amended 2013 Q3 Report for Respondent. Respondent signed the report and certified that it was true, correct, and complete when it was not

7. On the amended "Itemized Expenditure" pages, Respondent corrected all but three of the vendor mailing address deficiencies listed on her original 2013 Q3 Report.

8. On the "Itemized Contribution" pages, Respondent corrected the previous deficiencies by filling in the complete address information for the fifty-six contributors whose information was incomplete on the original 2013 Q3 Report.

CONCLUSIONS OF LAW

9. The Commission has jurisdiction over the parties to and subject matter of this cause, pursuant to Section 106.26, Florida Statutes.

10. 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.

11. Respondent committed two counts of violating Section 106.07(5), Florida

Statutes, when she certified that her original 2013 Q3 Report and her amended 2013 Q3 Report was true, correct, and complete when they were not.

12 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

The Commission finds that Respondent has violated the following provision of Chapter 106, Florida Statutes.

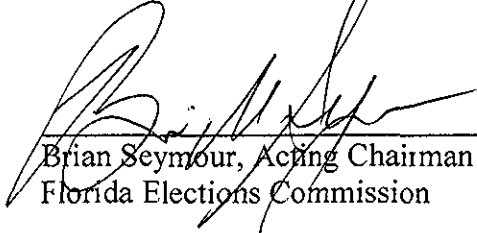
A. Respondent violated Section 106.07(5), Florida Statutes, on two occasions when she certified that her original 2013 Q3 Report and her amended 2013 Q3 Report was true, correct, and complete when they were not.

B. The Commission imposes a fine of \$500 for the violations.

Therefore it is

ORDERED that Respondent shall remit a civil penalty in the amount of \$500, inclusive of fees and costs. The civil penalty shall be paid to the Florida Elections Commission, Collins Building, Suite 224, 107 West Gaines Street, Tallahassee, Florida 32399, within 30 days of the date this Final Order is filed with the Commission and must be paid by money order, cashier's check or attorney trust account check

DONE AND ORDERED by the Florida Elections Commission on May 20, 2015.



Brian Seymour, Acting Chairman
Florida Elections Commission

Copies furnished to:

Jaakan A. Williams, Assistant General Counsel

Cynthia Rena Harris, Respondent

Daisy W. Lynum, Complainant

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.