

**FILED**

15 MAR 23 PM 9:51

STATE OF FLORIDA  
ELECTIONS COMMISSION

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,  
Petitioner,**

**v.**

**Nadia Pierre,  
Respondent.**

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**Agency Case No.: FEC 13-035  
F.O. No.: FOFEC 15-013W**

**FINAL ORDER**

**THIS MATTER** was heard at an informal hearing held before the Florida Elections Commission ("Commission") on February 24, 2015

**APPEARANCES**

For Commission	Eric M. Lipman General Counsel 107 West Gaines Street Collins Building, Suite 224 Tallahassee, Florida 32399
For Respondent	No Appearance

**STATEMENT OF THE ISSUE**

Whether Respondent violated Section 106 141(1), Florida Statutes, as alleged in the Commission's Order of Probable Cause

**PRELIMINARY STATEMENT**

On January 8, 2013, the Commission received a referral from the Florida Division of Elections ("Division") 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 September 2, 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 violation:

**Section 106.141(1), Florida Statutes:** Respondent, candidate for State Representative, District 33, failed to timely file her 2012 Termination Report reflecting the disposition of all remaining campaign funds, as alleged in the referral.

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.

#### FINDINGS OF FACT

1. Respondent was a candidate for the Florida Senate, District 33, in the 2012 election cycle. Respondent withdrew her candidacy on May 1, 2012.
2. Within 90 days of withdrawing her candidacy, Respondent was required to file a Termination Report ("TR") reflecting the disposition of all remaining funds in her campaign account.
3. Respondent failed to file her Termination Report by August 1, 2012, the required filing date.
4. On August 3, 2012, August 21, 2012, and September 18, 2012, the Division sent Respondent notification that her TR had not been received.

5. Respondent's actions were willful. After receiving three letters from the Division informing Respondent that her 2012 TR had not been filed, Respondent knew or should have know that she was required to file a TR, yet she failed to do so.

### CONCLUSIONS OF LAW

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

7. Respondent committed 1 count of violating Section 106.141(1), Florida Statutes, when she failed to file her 2012 Termination Report

8. In determining the amount of the civil penalty, the Commission considered the mitigating and aggravating circumstances set forth in Section 106.265, Florida Statutes

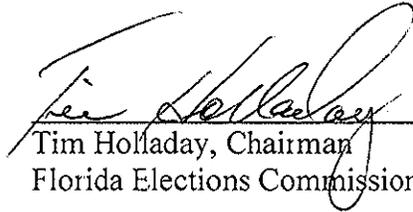
### ORDER

The Commission finds that Respondent has violated Section 106.141(1), Florida Statutes, on one occasion and imposes a 1,000 fine for the violation:

Therefore it is

**ORDERED** that Respondent shall remit a civil penalty in the amount of \$1,000, 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 February 24, 2015.

  
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Tim Holladay, Chairman  
Florida Elections Commission

Copies furnished to:  
Eric M Lipman, General Counsel  
Nadia Pierre, Respondent  
Division of Elections, 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 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.