

FILED

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STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

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ELECTIONS COMMISSION

Florida Elections Commission,  
Petitioner,

v.

Agency Case No.: FEC 11-293  
F.O. No.: FOFEC 13-114W

Michelle N. Williams,  
Respondent.

FINAL ORDER

THIS CAUSE came on to be heard at an informal hearing held before the Florida Elections Commission ("Commission") on May 14, 2013.

APPEARANCES

For Commission     Eric Lipman  
                              General Counsel  
                              107 W. 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, when, during the 2012 election cycle, she failed to timely file her 2011 Q3 campaign treasurer's report

PRELIMINARY STATEMENT

On December 1, 2011, the Commission received a referral from the 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 the Respondent violated the Florida Election Code.

On June 15, 2012, staff drafted a Staff Recommendation recommending to the Commission that there was probable cause to believe that The Florida Election Code was violated. On November 30, 2012, the Commission entered an Order of Probable Cause finding that there was probable cause to charge the Respondent with the following violation:

**Count 1:**

On October 11, 2011, Respondent violated Section 106.07(1), Florida Statutes, when she failed to file her 2011 Q3 Report, after receiving notice from the Division of Elections that the report was due

Respondent did not choose to settle the case within 30 days of the entry of the Order of Probable Cause, did not elect to have a formal hearing before an administrative law judge at the Division of Administrative Hearings, or resolve the matter by Consent Order. Therefore, an informal hearing was scheduled before the Commission.

**FINDINGS OF FACT**

- 1 Respondent was a candidate for the Florida Senate, in the 2012 general election.
- 2 On May 16, 2011, Respondent filed her initial Appointment of Campaign Treasurer Report and Designation of Campaign Depository ("DS-DE 9") with the Division.
- 3 On May 16, 2011, Kristi Bronson, Bureau Chief of the Bureau of Election Records, mailed Respondent a letter with instructions for filing campaign treasurer's reports electronically. Ms. Bronson's letter also instructed Respondent that it was her responsibility to read, understand, and follow the requirements of Florida's election laws, and to print the 2011 Calendar of Reporting dates
- 4 On August 22, 2011, Respondent filed a second DS-DE 9, appointing herself as her own treasurer for the campaign.

5. Respondent failed to timely file her 2011 Q3 report, due on October 11, 2011.

6. By letters dated October 12, 2011 and October 26, 2011, Ms Bronson sent letters to Respondent notifying her that the Division had not received her 2011 Q3 Report, due on October 11, 2011.

7. On October 18, 2011, Respondent spoke with Theresa Holdeen of the Division. During this conversation, Respondent stated that she had misplaced her password and PIN numbers. Ms Holdeen provided the Respondent with the Division's facsimile number so Respondent could request to the Division to reset her filing credentials.

8. On November 7, 2011, Theresa Holdeen called Respondent and left a message on her voice mail notifying Respondent that the Division had still not received her 2011 Q3 Report. Ms. Holdeen also sent an e-mail to Respondent communicating this information and attached copies of the previous notices that were mailed to her.

9. On November 15, 2011, the Division sent Respondent a Final Notice via certified mail informing her that her 2011 Q3 report had not been received.

10. As of May 14, 2013, Respondent's 2011 Q3 report has not been filed.

11. Respondent's actions in this case were willful.

### **CONCLUSIONS OF LAW**

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

13. The Respondent committed one count of violating Section 106.07(1), Florida Statutes, when she failed to file timely her 2011 Q3 report.

14. Respondent's conduct was willful. Respondent failed to file timely her 2011 Q3 report while knowing she was required to do so.

15. In determining the amount of the civil penalty, the Commission considered the

mitigating and aggravating circumstances set forth in Section 106 265, Florida Statutes. In this matter, no mitigating or aggravating circumstances were found.

16. The Commission finds that Respondent has sufficient financial resources to pay the fine imposed by the Commission.


**ORDER**

**WHEREFORE** the Commission finds that Respondent has violated Section 106 07(1), Florida Statutes, and imposes a \$1,000 fine, inclusive of fees and costs, for the violation.

Therefore, it is

**DONE AND ORDERED** that Respondent shall remit a civil penalty in the amount of \$1,000. The civil penalty shall be paid by money order, cashier's check, or attorney's trust account check. The civil penalty should be mailed to the Florida Elections Commission, 107 W. Gaines Street, Collins Building, Suite 224, Tallahassee, Florida, 32399-1050, within 30 days of the date this Final Order is received by Respondent.

**DONE AND ORDERED** by the Florida Elections Commission on May 14, 2013.

  
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Tim Holladay, Chair  
Florida Elections Commission

Copies furnished to:

David S. Grossman, Assistant General Counsel  
Michelle N. Williams, Respondent (certified mail)  
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 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.