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STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

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ELECTIONS COMMISSION

FLORIDA ELECTIONS COMMISSION,

Petitioner,

vs.

Agency Case No.: FEC 04-273  
DOAH Case No.: 05-4399  
F.O. No.: DOSFEC 06-217

MIKEL LEE PERRY,

Respondent.

\_\_\_\_\_ /

AMENDED FINAL ORDER

THIS CAUSE came before the FLORIDA ELECTIONS COMMISSION (Commission) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on August 18, 2006, in Tallahassee, Florida, for the purpose of considering the Administrative Law Judge's Recommended Order, Respondent's Exceptions to the Recommended Order, and Petitioner's Response to Respondent's Exceptions to the Recommended Order in the above-styled cause. Petitioner was represented by Eric M. Lipman, Assistant General Counsel, and Mark Herron, Esquire, appeared on behalf of Respondent.

Upon review of all the pleadings, the argument of the parties, and the complete record in this matter, the Commission makes the following findings and conclusions.

RULINGS ON RESPONDENT'S EXCEPTIONS

The Commission reviewed and considered Respondent's Exceptions and ruled as follows:

1. Respondent's exceptions numbered one (1) through three (3) and five (5) through eight (8) were rejected for the reasons

set forth in Petitioner's response to Respondent's exceptions.

2. Respondent's fourth exception is accepted insofar as it strikes the ALJ's quotation of subsection (b) of Section 106.11(4) in paragraph 66 of the Recommended Order. The rest of the fourth exception is rejected for the reasons set forth in Petitioner's response to Respondent's exceptions

#### FINDINGS OF FACT

3. The findings of fact set forth in the Recommended Order are approved and adopted and incorporated herein by reference.

4. There is competent substantial evidence to support the findings of fact.

#### CONCLUSIONS OF LAW

5. The Commission has jurisdiction of this matter pursuant to Section 120.57(1), Florida Statutes, and Chapter 106, Florida Statutes.

6. The conclusions of law set forth in the Recommended Order are approved and adopted and incorporated herein by reference as amended by Respondent's exceptions.

#### DISPOSITION

Upon a complete review of the record in this matter, the Commission accepts the disposition recommended by the Administrative Law Judge.

WHEREFORE, IT IS HEREBY ORDERED AND ADJUDGED that in the matter of *Florida Elections Commission v. Mikel Lee Perry*, Agency Case No. FEC 04-273, count six (6) of the Order of Probable Cause

is DISMISSED. Respondent is hereby found to have violated Section 106.07(5), Florida Statutes, (2004) on five separate occasions as set forth in counts one (1) through five (5) in the Order of Probable Cause. Respondent is hereby fined \$520 for each separate violation of Section 106.07(5) for a total of \$2,600.

**ORDERED** that Respondent shall remit a civil penalty in the amount of \$2,600. The civil penalty shall be paid 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 this 23<sup>rd</sup> day of February, 2007.



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Chance Irvine, Chair  
Florida Elections Commission

**NOTICE OF RIGHT TO APPEAL**

Pursuant to Section 120.68, Florida Statutes, the parties may appeal the Commission's Final Order to the appropriate district court of appeal by filing a notice of appeal both with the Clerk of the Florida Elections Commission and the Clerk of the district court of appeal. The notice must be filed within 30 days of the date this Final Order was filed and must be accompanied by the appropriate filing fee.

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a copy of the foregoing has been furnished by U.S. Mail to: counsel for Respondent, Mark Herron,

Esquire, E. Gary Early, Esquire, and Albert T. Gimbal, Esquire, MESSER, CAPARELLO & SELF, P.A., 2618 Centennial Place, Tallahassee, Florida 32308; Eric M. Lipman, Assistant General Counsel, Florida Elections Commission, 107 W. Gaines Street, Collins Building, Suite 224, Tallahassee, Florida 32399-0250, Administrative Law Judge Suzanne B. Hood, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; on this 23 day of February, 2007.

  
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Patsy Rushing  
Commission Clerk

Copies furnished to:

Mikel Lee Perry, Respondent (certified mail)  
Guy Davidson, Complainant  
Bobby Beasley, Walton County Supervisor of Elections, Filing Officer