

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

FILED  
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STATE OF FLORIDA  
ELECTIONS COMMISSION

FLORIDA ELECTIONS COMMISSION,

Petitioner,

vs.

Agency Case No.: FEC 04-315  
DOAH Case No.: 05-2493  
F.O. No.: DOSFEC 06-219

LORI PARRISH

Respondent.

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 (ALJ) Recommended Order, Petitioner's Exceptions to the Recommended Order, Respondent's Exceptions to the Recommended Order, and Respondent's Memorandum of Law in Response to Staff's Exceptions to the Recommended. Petitioner was represented by Charles A. Finkel, General Counsel, and Respondent was represented by Michael W. Moskowitz, Esquire.

Upon review of all the pleadings, the argument of the parties, and after a review of 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:

### RULINGS ON RESPONDENT'S EXCEPTIONS

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

1. In regard to Respondent's first exception, the Commission rejects the Respondent's interpretation of Section 106.25(2), Florida Statutes, and finds that its plain and unambiguous language merely provides that Respondent may only investigate the violation found within the complaint.

2. In Respondent's second exception she seeks to challenge the ALJ's "interpretation" of Rule 2B-1.0025, Florida Administrative Code, but in doing so asserts that it constitutes an invalid exercise of the delegated legislative authority on the part of the Commission. Because this proceeding was not brought as a rule challenge pursuant to Section 120.56, Florida Statutes, the Commission hereby rejects the exception.

### RULINGS ON PETITIONER'S EXCEPTIONS

The Commission reviewed and considered the Petitioner's Exceptions and the Respondent's response to the Petitioner's exceptions and ruled as follows:

3. The Commission hereby rejects Petitioner's exceptions one (1) through five (5) for the reasons set forth in Respondent's response to the Petitioner's exceptions.

### FINDINGS OF FACT

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

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

CONCLUSIONS OF LAW

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

7. The conclusions of law set forth in the Recommended Order are approved and adopted and incorporated herein by reference.

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 the matter of *Florida Elections Commission v. Lori Parrish*, Agency Case No. FEC 04-315, is hereby **DISMISSED**.

This Final Order shall take effect upon being filed with the Clerk for the Florida Election Commission.

DONE AND ORDERED this 15 day of November, 2006.

*Chance Irving*

Chance Irving, 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, Michael W. Moskowitz, Esquire, Moskowitz, Mandell, Salim & Simowitz, P.A., 800 Corporate Drive, Suite 500, Fort Lauderdale, Florida 33334; and Charles A. Finkel, General Counsel, Florida Elections Commission, 107 W. Gaines Street, Collins Building, Suite 224, Tallahassee, Florida 32399-0250 this 1 day of December, 2006.

  
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Patsy Rushing  
Commission Clerk