

**FILED**

15 MAR 23 PM 9:51

STATE OF FLORIDA  
ELECTIONS COMMISSION

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,  
Petitioner,**

v.

**Robert Perrin Burton, V,  
Respondent.**

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Agency Case No.: FEC 13-028  
F.O. No.: FOFEC 15-012W

**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 23, 2013, staff recommended to the Commission that there was probable cause to believe that the Florida Election Code was violated. On March 12, 2014, the Commission entered an Order of Probable Cause finding that there was probable cause to charge Respondent with the following violation:

**Count 1:**

On or about September 6, 2012, Respondent violated Section 106 141(1), Florida Statutes, when he failed to timely file his 2012 Termination Report reflecting the disposition of all remaining campaign funds within 90 days after withdrawing his candidacy, becoming unopposed, or being eliminated or elected.

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.

**FIDINGS OF FACT**

1. Respondent was a candidate for the Florida Senate, District 3, in the 2012 election cycle. Respondent failed to qualify to have his name placed on the ballot.
2. Within 90 days of being eliminated or withdrawing from the election, Respondent was required to file a Termination Report ("TR") reflecting the disposition of all remaining funds in his campaign report.
3. Respondent failed to file his Termination Report on September 6, 2013, the required filing date.
4. On September 13, 2012, and October 2, 2012, the Division sent Respondent

letters notifying him that his 2012 TR had not been received.

5. On October 16, 2012, the Division sent Respondent an email message notifying him that his 2012 TR remained outstanding. The Division's previous failure to file letters were attached to the email.

6. Respondent's actions were willful. After receiving two letters and an email from the Division reminding Respondent to file his TR, Respondent knew or should have known he was required to file a TR with the Division by September 6, 2012.

### CONCLUSIONS OF LAW

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

8. Respondent committed 1 count of violating Section 106.141(1), Florida Statutes, when he failed to file his 2012 Termination Report.

9. 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 \$500 fine for the violation.

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 February 24, 2015.

  
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Tim Holladay, Chairman  
Florida Elections Commission

Copies furnished to:  
Eric M. Lipman, General Counsel  
Robert Perrin Burton, V, 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.