

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

Division of Elections,
Petitioner,

v.

Case No.: FEC 95-046
F.O. No.: DOSFEC 95-175

Thomas Schulz,
Respondent.

FINAL ORDER

THIS CAUSE came on to be heard before the Florida Elections Commission at its regularly scheduled meeting held on December 1, 1995.

FINDINGS OF FACT

1. The Commission is charged with enforcing Section 104.271 and Chapter 106, Florida Statutes, the campaign financing law.
2. On August 11, 1995, the Commission entered an Order of Probable Cause finding that the Respondent willfully violated Section 106.141(1), Florida Statutes.
3. The Respondent was served a copy of the Commission's Order of Probable Cause by Sarasota County Sheriff's Office on October 4, 1995.
4. The Respondent failed to request a hearing before the Commission within 14 days of receiving the Order of Probable Cause, thereby waiving the right to a hearing.

5. Neither the Respondent nor anyone on Respondent's behalf appeared at the Commission meeting. Therefore, the following facts, as set forth in the Statement of Findings, are deemed admitted as true:

A. The Respondent was a candidate for State Representative, District 69, during the 1994 elections.

B. On December 13, 1994 the filing officer sent a notice to the Respondent advising the Respondent that the termination report due on December 5, 1994 had not been filed.

C. On January 24, 1995, the Division sent a second notice to the Respondent by certified mail which was returned as "unclaimed." On February 20, 1995 the Division sent another letter stamped "After 5 days return to sender." This letter was not returned.

D. The Respondent violated Section 106.141(1), Florida Statutes, by failing to file the termination report in a timely manner.

6. The Respondent's termination report was filed with the Division on May 20, 1995.

CONCLUSIONS OF LAW

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

2. The Respondent violated Section 106.141(1), Florida Statutes, by failing to file the termination report due on December 5, 1994.

3. The Respondent's failure to timely file the termination report after receiving notice shows that the Respondent's conduct was willful.


ORDER

Based upon the foregoing facts and conclusions of law, the Florida Elections Commission finds that the Respondent willfully violated Section 106.141(1), Florida Statutes. Therefore, it is

ORDERED that the Respondent shall remit a civil penalty in the amount of \$750. The civil penalty shall be paid to the Florida Elections Commission, Room 2002, The Capitol, Tallahassee, Florida 32399-2500, within 30 days of the date this Final Order is received by the Respondent.

DONE AND ORDERED by the Florida Elections Commission on December 1, 1995, in Orlando, Florida.

Filed on 12/8/95
Commission Clerk VTG



Carlos Alvarez, Chairman
Florida Elections Commission
Room 2002, The Capitol
Tallahassee, FL 32399-0250

NOTICE OF RIGHT TO APPEAL

Pursuant to Section 120.68, Florida Statutes, the Respondent 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.

Copies furnished to:

Lynne Quimby-Pennock, Assistant General Counsel
Thomas Schulz, Respondent (certified mail)
Division of Elections, Filing Officer