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STATE OF FLORIDA
ELECTIONS COMMISSION

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,
Petitioner,**

v.

**Carline M. Paul,
Respondent.**

**Agency Case No.: FEC 15-316
F.O. No.: FOFEC 16-294W**

FINAL ORDER

THIS MATTER was heard at an informal hearing held before the Florida Elections Commission (Commission) on November 16, 2016.

APPEARANCES

For Commission Stephanie J. Cunningham
Assistant General Counsel
107 West Gaines Street
Collins Building, Suite 224
Tallahassee, FL 32399

For Respondent No Appearance

STATEMENT OF THE ISSUE

Whether Respondent violated Sections 106.07(5), 106.19(1)(b), 106.19(1)(c), and 106.07(7), Florida Statutes, as alleged in the Order of Probable Cause.

PRELIMINARY STATEMENT

On April 9, 2015, the Commission received a sworn complaint 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 July 7, 2016, staff recommended to the Commission that there was probable cause to believe that the Florida Election Code was violated. On August 17, 2016, the Commission entered an Order of Probable Cause finding that there was probable cause to charge Respondent with the following violation(s):

Count 1:

On or about May 21, 2014, Carline M. Paul violated Section 106.07(5), Florida Statutes, when she certified that the campaign's 2014 M5 Report was true, correct, and complete when it was not.

Count 2:

On or about July 2, 2014, Carline M. Paul violated Section 106.07(5), Florida Statutes, when she certified that the campaign's 2014 M6 Report was true, correct, and complete when it was not.

Count 3:

On or about November 10, 2014, Carline M. Paul violated Section 106.07(5), Florida Statutes, when she certified that the campaign's 2014 M10 Report was true, correct, and complete when it was not.

Count 4:

On or about December 10, 2014, Carline M. Paul violated Section 106.07(5), Florida Statutes, when she certified that the campaign's 2014 M11 Report was true, correct, and complete when it was not.

Count 5:

On or about January 9, 2015, Carline M. Paul violated Section 106.07(5), Florida Statutes, when she certified that the campaign's 2014 M12 Report was true, correct, and complete when it was not.

Count 6:

On or about February 10, 2015, Carline M. Paul violated Section 106.07(5), Florida Statutes, when she certified that the campaign's 2015 M1 Report was true, correct, and complete when it was not.

Count 7:

On or about March 9, 2015, Carline M. Paul violated Section 106.07(5), Florida Statutes, when she certified that the campaign's 2015 M2 Report was true, correct, and complete when it was not.

Count 8:

On or around November 10, 2014, Carline M. Paul violated Section 106.19(1)(b), Florida Statutes, when she failed to report contributions required to be reported by Chapter 106, Florida Statutes, on the campaign's 2014 M10 Report.

Count 9:

On or around May 21, 2014, Carline M. Paul violated Section 106.19(1)(c), Florida Statutes, when she deliberately failed to include information required by Chapter 106, Florida Statutes, on the campaign's 2014 M5 Report.

Count 10:

On or around November 10, 2014, Carline M. Paul violated Section 106.19(1)(c), Florida Statutes, when she deliberately failed to include information required by Chapter 106, Florida Statutes, on the campaign's 2014 M10 Report.

Count 11:

On or around March 9, 2015, Carline M. Paul violated Section 106.19(1)(c), Florida Statutes, when she falsely reported information required by Chapter 106, Florida Statutes, on the campaign's 2015 M2 Report.

Count 12:

On or about October 10, 2014, Carline M. Paul violated Section 106.07(7), Florida Statutes, when she failed to notify the filing officer in writing on the prescribed reporting date that she would not be filing her 2014 M9 Report.

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.

FINDINGS OF FACT

1. Respondent was a 2015 candidate for North Miami City Council, District 4.
2. Respondent certified that the campaign's 2014 M5, 2014 M6, 2014 M10, 2014 M11, 2014 M12, 2015 M1, and 2015 M2 reports were true, correct, and complete when they were not.
3. Respondent was required to report any contributions she received for the purpose of influencing the results of an election. Respondent failed to report contributions received by the campaign on her 2014 M10 Report.
4. Respondent deliberately failed to include information required by Chapter 106, Florida Statutes, when she failed to disclose contributions received and expenditures made by the campaign on 2 campaign treasurer's reports.
5. Respondent falsely reported information required by Chapter 106, Florida Statutes, on 1 campaign treasurer's report.
6. Respondent's campaign did not receive funds, make any contributions, or expend any reportable funds during the 2014 M9 reporting period.
7. Respondent was required to notify the filing officer in writing on October 10, 2014, that she would not be filing the campaign's 2014 M9 Report, but failed to do so.

CONCLUSIONS OF LAW

8. The Commission has jurisdiction over the parties to and subject matter of this

cause, pursuant to Section 106.26, Florida Statutes.

9. Respondent's conduct was willful. Respondent committed the acts while knowing that, or showing reckless disregard for whether, the acts were prohibited, or failed to commit an act while knowing that, or showing reckless disregard for whether, the acts were required.

10. Respondent committed 7 counts of violating Section 106.07(5), Florida when she certified that the campaign's reports were true, correct, and complete when they were not; committed 1 count of violating Section 106.19(1)(b), Florida Statutes, when she failed to report contributions received by the campaign for the purpose of influencing the results of an election; committed 3 counts of violating Section 106.19(1)(c), Florida Statutes, when she deliberately failed to include information required by Chapter 106, Florida Statutes, and falsely reported information required by Chapter 106, Florida Statutes; and committed 1 count of violating Section 106.07(7), Florida Statutes, when she failed to notify the filing officer in writing on the prescribed reporting date that she would not be filing the campaign's 2014 M9 Report.

11. 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 106.07(5), on 7 occasions, Section 106.19(1)(b), Florida Statutes, on 1 occasion, Section 106.19(1)(c), Florida Statutes, on 3 occasions, and Section 106.07(7), Florida Statutes, on 1 occasion, and imposes a fine of \$1,200.

Therefore it is

ORDERED that Respondent shall remit a civil penalty in the amount of \$1,200, 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 November 16, 2016.



M. Scott Thomas, Chairman
Florida Elections Commission

Copies furnished to:
Stephanie J. Cunningham, Assistant General Counsel
Sabine Millien-Felix, Attorney for Respondent
Stephanie Kienzle, 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.