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STATE OF FLORIDA  
ELECTIONS COMMISSION

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,  
Petitioner,**

v.

**Agency Case No.: FEC 18-172  
F.O. No.: FOFEC 19-108W**

**Mary Estime-Irvin,  
Respondent.**

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**FINAL ORDER**

**THIS MATTER** was heard at an informal hearing held before the Florida Elections Commission (Commission) on May 14, 2019.

**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 106.07(7), Florida Statutes, as alleged in the Commission's Order of Probable Cause.

**PRELIMINARY STATEMENT**

On July 24, 2018, the Commission received a sworn complaint from Michael Etienne, the North Miami City Clerk, alleging Respondent violated 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 January 7, 2019, staff recommended to the Commission there was probable cause to believe that the Florida Election Code was violated. On March 12, 2019, the Commission entered an Order of Probable Cause finding that there was probable cause to charge Respondent with the following violations:

**Count 1:**

On or about May 10, 2018, Respondent violated Section 106.07(7), Florida Statutes, when Respondent failed to notify the filing officer on the prescribed due date for the 2018 M4 Report that no report would be filed because Respondent had no reportable financial activity during the reporting period.

**Count 2:**

On or about June 11, 2018, Respondent violated Section 106.07(7), Florida Statutes, when Respondent failed to notify the filing officer on the prescribed due date for the 2018 M5 Report that no report would be filed because Respondent had no reportable financial activity during the reporting period.

**Count 3:**

On or about July 10, 2018, Respondent violated Section 106.07(7), Florida Statutes, when Respondent failed to notify the filing officer on the prescribed due date for the 2018 M6 Report that no report would be filed because Respondent had no reportable financial activity during the reporting period.

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 is a candidate for the North Miami City Council, District 3, in the 2021 municipal election.

2. The City of North Miami's website contains a link to the *2016 Candidate & Campaign Treasurer Handbook* ("Handbook") published by the Division of Elections.

3. Page 47 of the Handbook states:

In any reporting period during which a candidate has not received funds or made any expenditures, the filing of the required report for that period is waived. **However, the candidate must notify the filing officer in writing on or before the prescribed reporting date that no report is being filed on that date.**

*(Section 106.07, F.S.)*

4. Respondent's 2018 M4 Report was due on May 10, 2018. Even though Respondent did not receive funds, make any contributions, or expend any reportable funds during the reporting period, Respondent failed to notify the filing officer in writing on the prescribed filing date that she would not be filing a 2015 M4 Report.

5. Respondent's 2018 M5 Report was due on June 11, 2018. Even though Respondent did not receive funds, make any contributions, or expend any reportable funds during the reporting period, Respondent failed to notify the filing officer in writing on the prescribed filing date that she would not be filing a 2015 M5 Report.

6. Respondent's 2018 M6 Report was due on July 10, 2018. Even though Respondent did not receive funds, make any contributions, or expend any reportable funds during the reporting period, Respondent failed to notify the filing officer in writing on the prescribed filing date that she would not be filing a 2015 M6 Report.

7. Respondent's actions in this case were willful.

#### 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. Section 106.07(7), Florida Statutes, provides:

Notwithstanding any other provisions of this chapter, in any reporting period during which a candidate or political committee has not received funds, made any contributions, or expended any reportable funds, the filing of the required report for that period is waived. However, the next report filed must specify that the report covers the entire period between the last submitted report and the report being filed, and any candidate or political committee not reporting by virtue of this subsection on dates prescribed elsewhere in this chapter shall notify the filing officer in writing on the prescribed reporting date that no report is being filed on that date.

10. Respondent violated Section 106.07(7), Florida Statutes, when she failed to notify the filing officer in writing on the prescribed due date that she did not receive funds, make any contributions, or expend any reportable funds during the 2018 M4, 2018 M5, and 2018 M6 reporting periods; and therefore, would not be filing a report for the applicable reporting period.

11. 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 the acts while knowing that, or showing reckless disregard for whether, the acts were required.

12. In determining the amount of the civil penalty, the Commission considered the mitigating and aggravating circumstances set forth in Section 106.265, Florida Statutes.

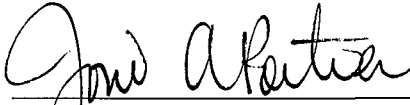
### **ORDER**

The Commission finds that Respondent violated Section 106.07(7), Florida Statutes, on three occasions, and imposes a **\$1,000** fine per violation for a total of **\$3,000**.

Therefore, it is

**ORDERED** that Respondent shall remit a civil penalty in the amount of **\$3,000**, inclusive of fees and costs. The civil penalty shall be paid to the Florida Elections Commission, 107 West Gaines Street, Collins Building, Suite 224, Tallahassee, Florida 32399-1050, within 30 days of the date this Final Order is filed with the Commission.

**DONE AND ORDERED** by the Florida Elections Commission on May 14, 2019.

  
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Joni Alexis Poitier, Vice Chair  
Florida Elections Commission

Copies furnished to:  
Eric M. Lipman, General Counsel  
Mary Estime-Irvin, Respondent  
North Miami City Clerk, 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.