



FLORIDA ELECTIONS COMMISSION

107 W. Gaines Street
Collins Building, Suite 224
Tallahassee, Florida 32399-1050
Telephone: (850) 922-4539
Fax: (850) 921-0783

March 10, 2015

Kimberle B. Weeks
3056 County Road 305
Bunnell, FL 32110

RE: Case No.: FEC 14-474; Respondent: Charles F. Ericksen, Jr.

Dear Ms. Weeks:

The Florida Elections Commission has received your complaint alleging violations of Florida's election laws. I have reviewed your complaint and find it to be legally insufficient.

In your complaint you essentially allege that Respondent, a Flagler County Commissioner and an alternate member of the county canvassing board during the 2014 election cycle, violated the Election Code when he refused to step down from the canvassing board when you asked him to do so. Specifically, you allege that Respondent made a contribution to attend a fundraising event for a candidate who had opposition in the election being canvassed and was, therefore, disqualified from serving on the board.

While it appears that Respondent may have been a "active participant" in the campaign at issue and, therefore, may not have been qualified to serve on the board, nothing in the election code specifically mandates that a canvassing board member step down, and no provision is made for a penalty in the event that a disqualified canvassing board member fails or refuses to step down.

You also allege that Respondent had knowledge of a felony violation of the Election Code and failed to report it in violation of Section 104.091(3), Florida Statutes. Your allegation is based on a whispered, background, tape-recorded conversation in which the county attorney appears to have told Respondent that he thought he saw a former commissioner commit a felony. The attorney's discussion was speculation and your allegation is speculation. As such, it is legally insufficient.

Finally, you allege that the request of the Flagler County Commission for assistance from the Florida Department of State to observe and examine the county's election process was unsupported by evidence that the assistance was necessary. The election laws do not prohibit a county government from approaching the Department of State with concerns about an election.

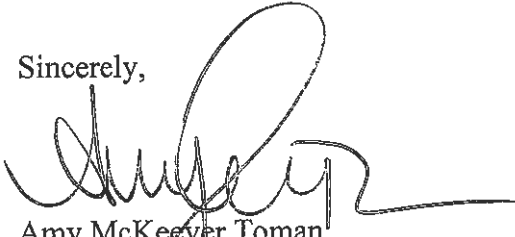
For these reasons, I find your complaint to be legally insufficient.

If you have additional information to correct the stated ground(s) of insufficiency, please submit it within 14 days of the date of this letter. If the additional information corrects the stated ground(s) of insufficiency, I will notify both you and the Respondent. If you submit an additional statement containing facts, you must sign the statement and have your signature notarized. In addition, any additional facts you submit to the Commission must be based on either personal information or information other than hearsay.

Until this case is closed, section 106.25(7), Florida Statutes, provides that the Respondent may not disclose this letter, the complaint, or any document related to this case, unless he or she waives confidentiality in writing. To waive confidentiality, the Respondent must mail or fax a written waiver of confidentiality to Donna Ann Malphurs at the address or fax number listed above.

If you have any questions concerning the complaint, please contact us at fec@myfloridalegal.com.

Sincerely,



Amy McKeever Toman
Executive Director

AMT/enr

cc: Mark Herron, Attorney for Respondent