



FLORIDA ELECTIONS COMMISSION

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

04 JUN -1 PM 1:44
FILED
TALLAHASSEE, FLORIDA

May 28, 2004

Robert Cohen, Director
Division of Administrative Hearings
1230 Apalachee Parkway
Tallahassee, Florida 32399-1550

**RE: Florida Elections Commission v. Alex Diaz De La Portilla,
DOAH Case No. 00-2528; FEC Case No.: FEC 00-006**

Dear Mr. Cohen:

00-2528
JBC

On behalf of the Florida Elections Commission, I am transmitting this case for the re-assignment of an administrative law judge to conduct a formal hearing for the sole issue of penalty amount. The Commission will be represented in this matter by Eric Lipman, Assistant General Counsel, 107 W. Gaines Street, Collins Building, Suite 224, Tallahassee, Florida 32399-1050.

The Commission requests that all notices and orders be addressed to the Commission's counsel as well as to Ben Kuehne at Sale & Kuehne, P.A. BankAmerica Tower, Suite 3550, Miami, FL 330131-2154 and to Mark Herron, at Messer, Caparello & Self, P.A. P.O. Box 1876, Tallahassee, FL 32302-1876.

Sincerely,

Chance Irvine

Chance Irvine, Chairman
Florida Elections Commission

Enclosures: Commission's Order

cc: Alex Diaz de la Portilla, Respondent w/o enclosures
Ben Kuehne, Attorney for Respondent
Mark Herron, Attorney for Respondent

FILED

04 MAY 28 PM 3:45

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

STATE OF FLORIDA
ELECTIONS COMMISSION

FLORIDA ELECTIONS COMMISSION,
PETITIONER,

v.

ALEX DIAZ DE LA PORTILLA,
RESPONDENT.

AGENCY CASE No.: FEC 00-06
DOAH CASE No. 00-2528

82

FILED
04 JUN -1 PM 1:04

JBC-Closed

ORDER

THIS CAUSE came on to be heard before the Florida Elections Commission at its meeting held on May 20, 2004, in Tallahassee, Florida.

The Commission reviewed the Respondent's Request for Continuance of May 20, 2004 Hearing and Respondent's Request to Remand Case to the Division of Administrative Hearings. The Commission also heard the arguments of counsel and carefully reviewed all pleadings and documents submitted to it by the parties. Therefore, it is,

ORDERED that the Respondent's Request for Continuance of May 20, 2004 Hearing and Respondent's Request to Remand Case to the Division of Administrative Hearings is **GRANTED**. In accordance with *Diaz de la Portilla v. Florida Elections Commission*, 857 So.2d 913, the sole issue to be considered by the assigned Administrative Law Judge is the amount of the penalty as provided in Section 106.265, Florida Statutes. The Division of Administrative Hearings is requested to re-open and assign Case Number 00-25⁸²28 to this matter.

DONE AND ORDERED by the Florida Elections Commission and filed with the

Clerk of the Commission on May 28, 2004, in Tallahassee, Florida.

Chance Irvine

Chance Irvine, Chairman
Florida Elections Commission
107 W. Gaines Street
Collins Building, Suite 224
Tallahassee, FL 32399-1050

Copies furnished to:

Eric M. Lipman, Assistant General Counsel
Alex Diaz de la Portilla, Respondent
Ben Kuehne, Esq., Respondent's Attorney
Mark Herron, Esq., Respondent's Attorney