

FILED

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

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STATE OF FLORIDA  
ELECTIONS COMMISSION

GAYLORD WOOD, JR.,

Petitioner,

vs.

FEC Case No.: FEC 16-357

DOAH Case No.: 17-1594F

F.O. No.: 17-357W

R.C. "RICK" LUSSY,

Respondent.

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**FINAL ORDER**

This matter came before the Florida Elections Commission ("Commission") at a duly-noticed public meeting on November 28, 2017 in Tallahassee, Florida, for consideration of the Administrative Law Judge's Recommended Order (Recommended Order), Petitioner's Exceptions to the Recommended Order ("Wood's Exceptions"), and Respondent's Exceptions to the Recommended Order (titled "RESPONDENT'S PETITION FOR COURT-EXECUTIVE-LEGISLATIVE GOV'T TO DECLARE DEFAULT JUDGMENT . . .OR IN THE ALTERNATIVE RESPONDENT'S: RECOMMENDED ORDER: REPLY TO 7/21/17 DOAH JUDGE NEWTON II WITH 70 EXCEPTION-FRAUDS: AFFIDAVIT . . ." and referred to herein as "Lussy's Exceptions") (copies of which are attached hereto as Exhibits A, B, and C, respectively) in the above-styled cause. Petitioner was represented by J. Christopher Woolsey, Esq. Respondent was present and represented himself.

Upon review of the Recommended Order, argument of the parties, and review of the complete record in this case, the Commission made the following findings and conclusions:

### **RULING ON EXCEPTIONS**

The Commission reviewed and considered the parties' Exceptions to the Recommended Order and ruled as follows:

1. Pages one through sixteen (specifically, Paragraphs #1A through #21B) of Lussy's Exceptions are REJECTED, as they do not (1) clearly identify, by page or paragraph number, any disputed portions of the Recommended Order; (2) state any legal basis for exceptions to the Recommended Order; or (3) include appropriate and specific citations to the record for purposes of disputing the Recommended Order.
2. Paragraphs #22 through #58C (at pages 16 through 26) of Lussy's Exceptions are REJECTED, as the Findings of Fact made by the Administrative Law Judge in the Recommended Order (Paragraphs 1 through 25) are based on competent substantial evidence.
3. Paragraphs #59D through #69E (at pages 26 through 31) of Lussy's Exceptions are REJECTED, as the Conclusions of Law made by the Administrative Law Judge in the Recommended Order (Paragraphs 26-36) are reasonable.
4. Wood's Exception to Paragraph 35 of the Recommended Order is REJECTED, as the Conclusion of Law made by the Administrative Law Judge in the Recommended Order at Paragraph 35 is reasonable.

### **FINDINGS OF FACT**

1. The findings of fact set forth in the Recommended Order are approved and adopted and incorporated herein by reference.
2. There is competent substantial evidence to support the findings of fact.

**CONCLUSIONS OF LAW**


1. The Commission has jurisdiction of this matter pursuant to Section 120.57(1), Florida Statutes, and Section 106.265(6), Florida Statutes.
2. The conclusions of law set forth in the Recommended Order are approved and adopted and incorporated herein by reference.

**DISPOSITION**

Upon a complete review of the record in this case, the Commission determines and upholds the ruling by the Administrative Law Judge that the Respondent is entitled to an award of \$10,862.50.00 in attorney's fees that were incurred in the matter.

This Final Order shall take effect upon being filed with the Clerk of the Florida Election Commission.

**DONE AND ORDERED** by the Florida Elections Commission on  
November 28, 2017.



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M. Scott Thomas, Chairman  
Florida Elections Commission

Copies furnished to:

Edward A. Tellechea, Commission Counsel  
J. Christopher Woolsey, Attorney for Gaylord Wood  
R.C. "Rick" Lussy  
Division of Administrative Hearings

### **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.