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STATE OF FLORIDA  
ELECTIONS COMMISSION

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: Linda Saul-Sena**  
\_\_\_\_\_ /

**Case No.: FEC 10-293  
F.O. No.: 111-013W**

**CONSENT FINAL ORDER**

The Respondent, Linda Saul-Sena, and the Florida Elections Commission (Commission) agree that this Consent Order resolves all of the issues between the parties in this case. The parties agree to the following facts, conclusions of law, and order:

**FINDINGS OF FACT**

1. On October 21, 2010, a complaint was filed with the Commission alleging that the Respondent failed to indicate within campaign e-mails her political party affiliation as required in political disclaimers.

2. The Respondent has expressed a desire to enter into negotiations to resolve the issues in this case.

3. The Respondent and the staff jointly stipulate to the following facts:

A. The Respondent was a candidate for the Hillsborough County Commission, District 5, in the general election held on November 2, 2010.

B. On September 23, 2010, and on October 5, 2010, the Respondent distributed political advertisement e-mails that included an incorrect disclaimer. Respondent stated that her party affiliation was "(D)" instead of "Democrat."<sup>1</sup>

**CONCLUSIONS OF LAW**

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

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<sup>1</sup> The Respondent previously served five four-year terms with the city council in the City of Tampa, having been first elected in 1987, and subsequently re-elected in 1991, 1999, 2003 and 2007. However, Respondent's party affiliation was never an issue previously because they were non-partisan elections.

cause, pursuant to Section 106.26, Florida Statutes.

5. Section 106.25(4)(i)3., Florida Statutes, allows the Commission to approve a consent agreement with a Respondent prior to the Commission finding probable cause that a violation of the election laws occurred. The consent agreement has the same force and effect as a consent agreement reached after the Commission finds probable cause.

6. The Commission staff and the Respondent stipulate that staff could prove all elements of violations of Sections 106.143(1)(a), Florida Statutes, by clear and convincing evidence.

### **ORDER**

7. The Respondent and the staff of the Commission have entered into this Consent Order voluntarily and upon advice of counsel.

8. The Respondent shall bear his own attorney fees and costs that are in any way associated with this case.

9. The Commission will consider the Consent Order at its next available meeting.

10. The Respondent voluntarily waives the right to any further proceedings under Chapters 104, 106, and 120, Florida Statutes, and the right to appeal the Consent Order.

11. The Respondent and the staff of the Commission agree that this Consent Order and the terms contained herein shall not constitute an admission against interest or acknowledgement of guilt as to any criminal charge that might arise from the allegations that form the basis of the complaint filed against Respondent on October 21, 2010, and this Consent Order.

12. This Consent Order is enforceable under Sections 106.265 and 120.69, Florida Statutes. The Respondent expressly waives any venue privileges and agrees that if enforcement

of this Consent Order is necessary, venue shall be in Leon County, Florida, and Respondent shall be responsible for all fees and costs associated with enforcement.

13. If the Commission does not receive the signed Consent Order within 7 days of the date Respondent or his attorney received this order, the staff withdraws this offer of settlement and will proceed with the case.

14. Payment of the civil penalty is a condition precedent to the Commission's consideration of the Consent Order.

**PENALTY**

**WHEREFORE**, based upon the foregoing facts and conclusions of law, the Commission finds that the Respondent has violated Section 106.143(1)(a), Florida Statutes. The Respondent is fined \$75 for the violation.

Therefore it is

**ORDERED** that the Respondent shall remit to the Commission a civil penalty in the amount of \$75, inclusive of fees and costs. The civil penalty shall be paid with a money order, cashier's check or attorney trust account check, and made payable to the Florida Elections Commission, 107 W. Gaines Street, Collins Building, Suite 224, Tallahassee, Florida, 32399-1050.

The **Respondent** hereby agrees and consents to the terms of this Order on

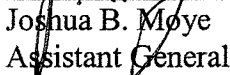
January 17, 2011, 2011.




**Linda Saul-Sena, Respondent**  
157 Biscayne Avenue  
Tampa, Florida 33606

The **Commission staff** hereby agrees and consents to the terms of this Consent Order on

January 21, 2011.

  
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Joshua B. Moye  
Assistant General Counsel  
Florida Elections Commission  
107 W. Gaines Streets  
Collins Building, Suite 224  
Tallahassee, FL 32399-1050

Approved by the Florida Elections Commission at its regularly scheduled meeting held on February 8 & 9, 2011, in Tallahassee, Florida.

  
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Jose Luis Rodriguez, Vice-Chair  
Acting Interim Chair  
Florida Elections Commission

Copies furnished to:

Joshua B. Moye, Assistant General Counsel  
Linda Saul-Sena, Respondent