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STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: Phyllis C. Hope**

**Case No.: FEC 10-267  
F.O. No.: FOFEC 11-014W**

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**CONSENT FINAL ORDER**

The Respondent, Phyllis Hope, and the Florida Elections Commission (Commission) agree that this Consent Order resolves all of the issues between the parties in this case. The parties jointly stipulate to the following facts, conclusions of law, and order:

**FINDINGS OF FACT**

1. On October 4, 2010, a complaint was filed with the Commission alleging that Respondent violated Florida's election laws.
2. The Respondent(s) expressed a desire to enter into negotiations directed toward reaching a consent agreement.
3. The Respondent and the staff stipulate to the following facts:
  - a. Respondent was a candidate for re-election to the Broward County School Board, District 6.
  - b. Section 106.08(3)(a), Florida Statutes, requires a candidate to return contributions received less than five days prior to an election.
  - c. The 2010 Primary Election was held on August 24, 2010. On August 24, 2010, Respondent accepted a contribution from Errol Taylor and failed to return it.
  - d. Respondent's failure to return the August 24, 2010, contribution to Errol Taylor received less than five days prior to an election is a violation of Section 106.08(3)(a), Florida Statutes.

## **CONCLUSIONS OF LAW**

4. The Commission has jurisdiction over the parties to and subject matter of this 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 all elements of the offense set forth in paragraph three above can be proven 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 her 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. 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.

12. If the Commission does not receive the signed Consent Order within 20 days of the date Respondent or her attorney received this order, the staff withdraws this offer of

settlement and will proceed with the case.

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

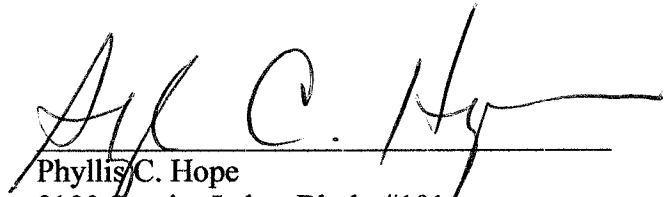
**PENALTY**

**WHEREFORE**, based upon the foregoing facts and conclusions of law, the Commission finds that the Respondent has violated Section 106.08(3)(a), Florida Statutes, and imposes a fine of \$350 for the violation. The fine shall be paid by money order or cashier's check.


Therefore it is

**ORDERED** that the Respondent shall remit to the Commission a civil penalty in the amount of \$350, inclusive of fees and costs. The civil penalty shall be paid by cashier's check 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 25<sup>th</sup>, 2011.

  
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Phyllis C. Hope  
8100 Sunrise Lakes Blvd., #101  
Sunrise, Florida 33322-1543

The **Commission staff** hereby agrees and consents to the terms of this Consent Order on January 26<sup>th</sup>, 2011.

  
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Eric M. Lipman

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<sup>th</sup>, 2011 in Tallahassee, Florida.



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

FEBRUARY 15, 2011  
Date

Copies furnished to:

Eric M. Lipman, General Counsel  
Phyllis C. Hope, Respondent