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STATE OF FLORIDA
ELECTIONS COMMISSION

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Maykel "Miguel" Balboa

Case No.: FEC 12-424

F.O. No.: FOFEC 15-133 W

CONSENT FINAL ORDER

Respondent, Maykel "Miguel" Balboa, 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 or about December 3, 2012, a complaint was filed with the Commission alleging that Respondent violated Florida's election laws.
2. Respondent has expressed a desire to enter into negotiations directed toward reaching a consent agreement.
3. Respondent and the staff stipulate to the following facts:
 - a. Respondent was a candidate for the Florida House of Representatives, District 111, in the 2012 primary election.
 - b. On nine occasions during the campaign, a third party paid for campaign expenditures for Respondent. Respondent gave the third party a check for the expenditure that could be cashed when Respondent had sufficient unencumbered funds on deposit in his campaign account.

c. Respondent's actions did not follow the requirements of Sections 106.11(4) and 106.19(1)(d), 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 Respondent stipulate that staff could prove the facts in paragraph three above by the required burden of proof, and to the Commission's ability to impose a civil penalty in this matter.

ORDER

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

8. The parties shall each bear its own attorney's 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. 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 by March 19, 2015, the staff withdraws this offer of settlement and will proceed with the case.

13. Payment of the civil penalty by cashier's check, money order, good for at least 120 days, or attorney trust account check is a condition precedent to the Commission's consideration of the Consent Order.

PENALTY

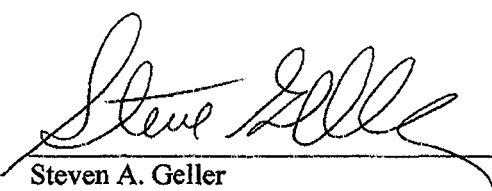
WHEREFORE, based upon the foregoing facts and conclusions of law, the Commission finds that the Respondent has violated Sections 106.11(4) and 106.19(1)(d), Florida Statutes, and Respondent is fined \$9,000 for the violations.


Therefore it is

ORDERED that the Respondent shall remit to the Commission a civil penalty in the amount of \$9,000, inclusive of fees and costs. The civil penalty shall be paid by cashier's check, money order, good for at least 120 days, or attorney trust account check. The civil penalty should be made payable to the Florida Elections Commission and sent to 107 West Gaines Street, Collins Building, Suite 224, Tallahassee, Florida, 32399-1050

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

March 16, 2015.


Steven A. Geller
Greenspoon Marder P.A.
200 East Broward, Suite 1800
Fort Lauderdale, Florida 33301
(954) 491-1120


Maykel "Miguel" Balboa
939 NW 106 Avenue Circle
Miami, Florida 33172
(305) 812-1492

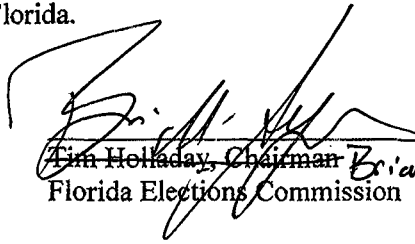
Commission staff hereby agrees and consents to the terms of this Consent Order on

March 18, 2015.

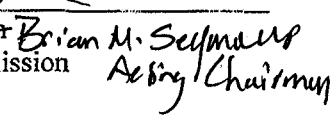


Eric M. Lipman
General Counsel
Florida Elections Commission
107 West Gaines Street
Collins Building, Suite 224
Tallahassee, FL 32399-1050

Approved by the Florida Elections Commission at its regularly scheduled meeting held
on May 20 & ~~21~~, 2015, in Tallahassee, Florida.



Tim Holladay, Chairman
Florida Elections Commission



Brian M. Seifman
Acting Chairman

Copies furnished to:
Eric M. Lipman, General Counsel
Steven A. Geller, Attorney for Respondent
Juan Carlos-Planas, Complainant

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK

OFFICIAL CHECK

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK



Bank

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RE: **SASHA TIRADOR**

DATE: **03/16/2015**

52-0133
112

PAY TO THE ORDER OF **FLORIDA ELECTIONS COMMISSION**
Nine Thousand AND 00/100

\$9,000.00



FEC: 12-424

DRAWN BY: TD BANK, N.A.



[Signature]
AUTHORIZED SIGNATURE

