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STATE OF FLORIDA
ELECTIONS COMMISSION

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: Thomas Gordon Carroll /

Case No.: FEC 14-366

F.O. No.: FOFE 15-009 W

CONSENT FINAL ORDER

Respondent, Thomas Gordon Carroll, 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 14, 2014, a complaint was filed with the Commission alleging that Respondent violated the Florida Election Code.
2. Respondent 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 2014 candidate for Supervisor of the Mira Lago West Community Development District.
 - b. Respondent accepted campaign contributions prior to appointing a treasurer or designating a campaign depository.
 - c. Respondent paid for and distributed political advertisements that contained express advocacy but failed to include a proper disclaimer.
 - d. Respondent failed to report contributions required to be reported by Chapter 106, 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 can prove the facts in paragraph three above by clear and convincing evidence and to the Commission's ability to impose a civil penalty against Respondent in this case.

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 January 23,

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 the following provisions of Chapters 106, Florida Statutes, and imposes the following fines:

A. Respondent has violated Section 106.021(1)(a), Florida Statutes, on 1 occasion for accepting campaign contributions prior to appointing a treasurer or designating a campaign depository. Respondent is fined \$50 for each count for a total of \$50.

B. Respondent has violated Section 106.143(1)(a), Florida Statutes, on 1 occasion for paying for and distributing political advertisements that contained express advocacy while failing to include a proper disclaimer. Respondent is fined \$250 for each count for a total of \$250.

C. Respondent has violated Section 106.19(1)(b), Florida Statutes, on 1 occasion for failing to report contributions required to be reported by Chapter 106, Florida Statutes. Respondent is fined \$50 for each count for a total of \$50.

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, 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

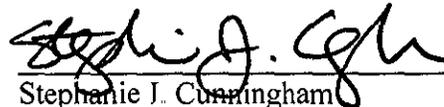
DECEMBER 11, 2014



Thomas Gordon Carroll
425 Yorkdale Drive
Ruskin, FL 33570

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

December 15, 2014



Stephanie J. Cunningham
Assistant 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 February 24 & 25, 2014 in Tallahassee, Florida

2015 *SC*



Chairman
Florida Elections Commission

Copies furnished to:
Stephanie J. Cunningham, Assistant General Counsel
Thomas Gordon Carroll, Respondent
Robert McCarthy, Complainant

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Office AU # 1210(8)

CASHIER'S CHECK

6671901189

Remitter: T GORDON CARROLL
Operator I D : #010698

December 10, 2014

PAY TO THE ORDER OF ***FLORIDA ELECTION COMMISSION***

Three hundred fifty dollars and no cents

\$350.00

Payee Address:
Memo:

WELLS FARGO BANK, N.A.
808 N PEBBLE BEACH BLVD
SUN CITY CENTER, FL 33573
FOR INQUIRIES CALL (480) 394-3122

FEC 14-366

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Richard Levy
CONTROLLER

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