

FILED

15 MAR 20 AM 2:27

STATE OF FLORIDA
ELECTIONS COMMISSION

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

Florida Elections Commission,
Petitioner,

v.

Agency Case No.: FEC 13-311
F.O. No.: FOFEC 15-011 W

Damien Gilliams,
Respondent.

CONSENT ORDER

Respondent, Damien Gilliams, 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 June 12, 2014, the staff of the Commission issued a Staff Recommendation, recommending to the Commission that there was probable cause to believe that Respondent violated Chapter 106, Florida Statutes.
2. On November 21, 2014, the Commission entered an Order of Probable Cause finding that there was probable cause to charge the Respondent with the following violation:

Count 1:

During the 2013 election cycle, Respondent violated Section 106.143(6), Florida Statutes, when the Respondent posted signs without the word "for" between his name and the office for which he was running, although he was not the incumbent candidate.

3. Respondent expressed a desire to enter into negotiations directed toward reaching a consent agreement.

4. Respondent and staff stipulate to the following facts:

- A. Respondent was a candidate for Sebastian City Council during the 2013 election cycle.
- B. During the 2013 election cycle, Respondent displayed campaign signs that did not contain the word "for" between Respondent's name and the office for which he was running when he was not the incumbent candidate.

CONCLUSIONS OF LAW

5. The Commission has jurisdiction over the parties to and subject matter of this cause, pursuant to Section 106.26, Florida Statutes.

6. The Commission staff and the Respondent stipulate that although the violations charged in the Order of Probable Cause may not have been knowingly committed; all elements of the violations can be proven by clear and convincing evidence.

7. Respondent neither admits nor denies that he violated Section 106.143(6), Florida Statutes.

ORDER

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

9. Respondent shall bear his own attorney's fees and costs that are in anyway associated with this case.

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

11. 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.

12. 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.

13. If the Commission does not receive the signed Consent Order and the penalty by December 31, 2014, the staff withdraws this offer of settlement and will proceed with the case.

14. Payment of the civil penalty by cashier's check, or 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

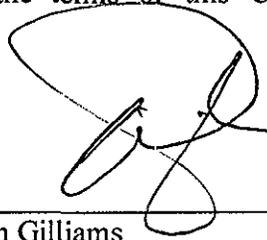
WHEREFORE, based upon the foregoing facts and conclusions of law, the Commission finds that the Respondent has violated the following provisions of Chapter 106, Florida Statutes, and imposes the following fines:

A. Respondent has violated Section 106.143(6) Florida Statutes, for displaying campaign signs that did not contain the word "for" between Respondent's name and the office for which he was running when he was not the incumbent candidate. Respondent is fined \$200.00 for the violation.

Therefore it is

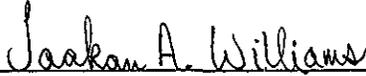
ORDERED that the Respondent shall remit to the Commission a civil penalty in the amount of \$200.00, inclusive of fees and costs. The civil penalty shall be paid cashier's check or money order, good for at least 120 days, or attorney trust account check. The civil penalty shall be payable to the Florida Elections Commission, 107 West Gaines Street, Collins Building, Suite 224, Tallahassee, Florida, 32399-1050.

Respondent hereby agrees and consents to the terms of this Consent Order on
Dec 11, 2014, 2014.



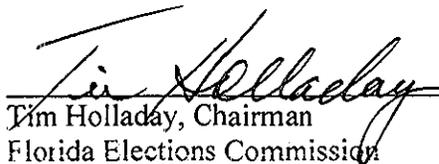
Damien Gilliams
713 Layport Drive
Sebastian, FL 32958

Commission staff hereby agrees and consents to the terms of this Consent Order on
Dec 18th, 2014.



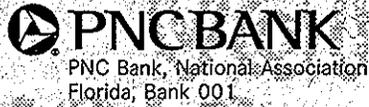
Jaakan A. Williams
Assistant General Counsel
Florida Elections Commission
107 West Gaines Street
The Collins Building, Suite 224
Tallahassee, FL 32399-1050

Approved by the Florida Elections Commission at its regularly scheduled meeting held
on February 24 – 25, 2015, in Tallahassee, Florida.



Tim Holladay, Chairman
Florida Elections Commission

Copies furnished to:
Jaakan A. Williams, Assistant General Counsel
Damien Gilliams, Respondent
Andrea B. Coy, Complainant



No. 0482375

CASHIER'S CHECK

DATE DECEMBER 12, 2014

PAY TO THE ORDER OF FLORIDA ELECTION COMMISSION

\$ 200.00

TWO HUNDRED AND 00 / 100***** DOLLARS

Security features included. Details on back.

DAMIAN GILLIAMS

REMITTER

PNC Bank, National Association

[Handwritten Signature]
OFFICIAL SIGNATURE

