

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

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STATE OF FLORIDA  
ELECTIONS COMMISSION

FLORIDA ELECTIONS COMMISSION,  
PETITIONER,

v.

AGENCY CASE No.: FEC 09-109  
F.O. No.: FO FEC 10-118 W

ETHEL M. FRESEN, TREASURER FOR ERIK FRESEN,  
RESPONDENT.

**CONSENT FINAL ORDER**

The Respondent, Ethel M. Fresen, 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 7, 2009, the staff of the Commission issued a Staff Recommendation, recommending to the Commission that there was probable cause to believe that The Florida Election Code was violated.
2. On November 25, 2009, the Commission entered an Order of Probable Cause finding that there was probable cause to charge the Respondent with the following violations:

**Count 1:**

On or about July 25, 2008, Respondent violated Section 106.07(1), Florida Statutes, when the Respondent failed to file *timely* with the filing officer the 2008 F1 CTR due on July 25, 2008, listing all contributions received and all expenditures made, by or on behalf of Erik Fresen's candidacy.

**Count 2:**

On or about August 8, 2008, Respondent violated Section 106.07(1), Florida Statutes, when the Respondent failed to file *timely* with the filing officer the 2008 F2 CTR due on August 8, 2008, listing all contributions received and all expenditures made, by or on behalf of Erik Fresen's candidacy.

**Count 3:**

On or about September 19, 2008, Respondent violated Section 106.07(1), Florida Statutes, when the Respondent failed to file *timely* with the filing officer the 2008 G1 CTR due on September 19, 2008, listing all contributions received and all expenditures made, by or on behalf of Erik Fresen's candidacy.

**Count 4:**

On or about October 3, 2008, Respondent violated Section 106.07(1), Florida Statutes, when the Respondent failed to file *timely* with the filing officer the 2008 G2 CTR due on October 3, 2008, listing all contributions received and all expenditures made, by or on behalf of Erik Fresen's candidacy.

**Count 5:**

On or about October 17, 2008, Respondent violated Section 106.07(1), Florida Statutes, when the Respondent failed to file *timely* with the filing officer the 2008 G3 CTR due on October 17, 2008, listing all contributions received and all expenditures made, by or on behalf of Erik Fresen's candidacy.

**Count 6:**

On or about October 31, 2008, Respondent violated Section 106.07(1), Florida Statutes, when the Respondent failed to file *timely* with the filing officer the 2008 G4 CTR due on October 31, 2008, listing all contributions received and all expenditures made, by or on behalf of Erik Fresen's candidacy.

3. On January 19, 2010, the Respondent was hand-served with a copy of the Order of Probable Cause.

4. The Respondent failed to request a hearing within 30 days of receiving the Order of Probable Cause, so the case was forwarded to the Division of Administrative Hearings for a final hearing.

5. The Respondent and the staff stipulate to the following facts:

A. The Respondent was the Treasurer for Erik Fresen's 2008 Campaign.

B. Respondent failed to file timely with the filing officer the 2008 F1

CTR due on July 25, 2008, the 2008 F2 CTR due on August 8, 2008, the 2008 G1 CTR due on September 19, 2008, the 2008 G2 CTR due on October 3, 2008, the 2008 G3 CTR due on October 17, 2008, and the 2008 CTR due on October 31, 2008, listing all contributions received and all expenditures made, by or on behalf of Erik Fresen's candidacy.

### **CONCLUSIONS OF LAW**

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

7. The Commission staff and the Respondent stipulate that the facts set forth in the Staff Recommendations constitute a reckless disregard of Section 106.07(1), Florida Statutes,

### **ORDER**

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

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

10. The Respondent understands that before the Consent Order becomes final agency action, the Commission must approve it at a public meeting. The Commission will consider the Consent Order at its next available meeting.

11. 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.

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 her 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**

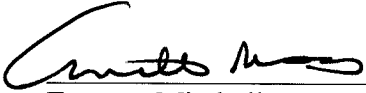
**WHEREFORE**, based upon the foregoing facts and conclusions of law, the Commission finds that the Respondent has violated Section 106.07(1), Florida Statutes, on six occasions for failing to file *timely* with the filing officer the 2008 F1 CTR due on July 25, 2008, the 2008 F2 CTR due on August 8, 2008, the 2008 G1 CTR due on September 19, 2008, the 2008 G2 CTR due on October 3, 2008, the 2008 G3 CTR due on October 17, 2008, and the 2008 CTR due on October 31, 2008, listing all contributions received and all expenditures made, by or on behalf of Erik Fresen's candidacy. Respondent is fined \$250 for each of the six counts for a total of \$1,500.

Therefore it is

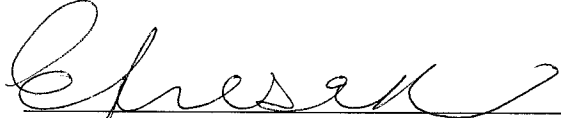
**ORDERED** that the Respondent shall remit to the Commission a civil penalty in the amount of \$1,500, inclusive of fees and costs. The civil penalty shall be paid to the Florida Elections Commission, 107 W. Gaines Street, Collins Building, Suite 224, Tallahassee, Florida, 32399-1050.

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

June 9, 2010.



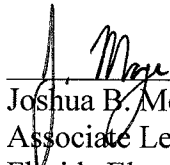
Emmett Mitchell, IV, Esquire  
Coates Law Firm, PL  
115 East Park Avenue  
Tallahassee, Florida 32301



Ethel M. Fresen  
1500 SW 45<sup>th</sup> Avenue  
Miami, Florida 33134

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

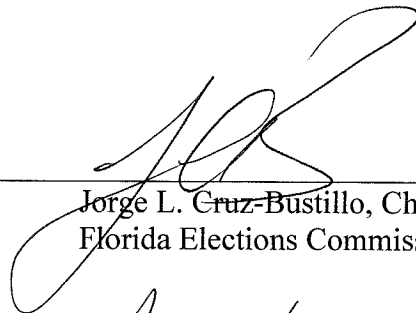
June 11, 2010.



Joshua B. Moyer  
Associate Legal 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 August 19 2010 in Tallahassee, Florida.



Jorge L. Cruz-Bustillo, Chair  
Florida Elections Commission

August 19, 2010  
Date

Copies furnished to:  
Joshua B. Moyer, Associate Legal Counsel  
Emmett Mitchell, IV, Attorney for Respondent