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CLERK OF COURTS
FLORIDA ELECTIONS COMMISSION

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Donald Martin Kretchman

**Case No.: FEC 11-239
F.O. No.: FOFE 12-009W**

CONSENT FINAL ORDER

The Respondent, Donald Martin Kretchman, 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 September 30, 2011, a complaint was filed with the Commission by M. Marshall Happer, III, ("Complainant") alleging that Respondent violated Florida's election laws.
2. The Respondent has expressed a desire to enter into negotiations directed toward reaching a consent agreement.
3. The Complainant was a candidate for Mayor of the City of Venice.
4. Respondent paid for a political advertisement in the *Venice Gondolier* that was critical of a statement that Complainant made prior to becoming a candidate.
5. Respondent's newspaper advertisement did not contain a correct political advertisement disclaimer.
6. The Commission could establish a prima facie case for a violation of Section 106.071(2), Florida Statutes, by its required burden of proof.

CONCLUSIONS OF LAW

7. The Commission has jurisdiction over the parties to and subject matter of this cause, pursuant to Section 106.26, Florida Statutes.
8. 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.

9. Respondent neither admits nor denies the allegations in paragraphs three through six above.

ORDER

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

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

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

13. 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.

14. This Consent Order is enforceable under Sections 106.265 and 120.69, Florida Statutes. The Respondent expressly waives any jurisdictional and venue privileges and agrees that if enforcement of this Consent Order is necessary, jurisdiction shall be in the State of Florida with venue in Leon County, Florida, and Respondent shall be responsible for all fees and costs associated with enforcement.

15. If the Commission does not receive the signed Consent Order by the close of business on January 10, 2012, the staff withdraws this offer of settlement and will proceed with the case.

16. Payment of the civil penalty by money order, cashier's check 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 Section 106.071(2), Florida Statutes and imposes a fine of \$200 for the violation.

Therefore it is

ORDERED that the Respondent shall remit to the Commission a civil penalty in the amount of \$200, inclusive of fees and costs. The civil penalty shall be paid to the Florida Elections Commission by money order, cashier's check or attorney trust account check and sent to 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 6, 2012.



Donald Martin Kretchman
432 Mills Gap Road
Arden, North Carolina 28704

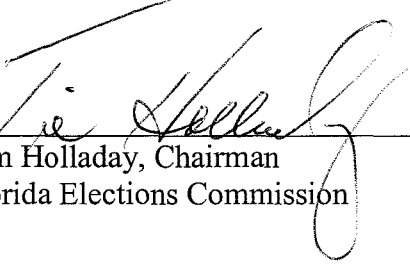
The **Commission staff** hereby agrees and consents to the terms of this Consent Order on

January 12, 2012.



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 21, 2012 in Tallahassee, Florida.



Tim Holladay, Chairman
Florida Elections Commission

2-23-12

Date

Copies furnished to:
Eric M. Lipman, General Counsel
Donald Martin Kretchman, Respondent

Valid Money Order includes: 1. Heat sensitive, red stop sign AND 2. MoneyGram image visible on the other side when held at an angle or rubbed with coin.

MONEY ORDER NUMBER
R203712040796

CALL 1-800-542-6580 TO VERIFY

PAY TO THE ORDER OF / PAGAR A LA ORDEN DE:

Florida Elections Commission

IMPORTANT: KEEP BACK BEFORE CASHING

PURCHASER, SIGNER FOR DRAWER / COMPRADOR, FIRMA DEL LIBRADOR
PURCHASER, BY SIGNING THIS ORDER, ACCEPTS THE SERVICE CHARGE AND OTHER TERMS ON THE REVERSE SIDE

ADDRESS / DIRECCION:

Payable Through
Wells Fargo Bank, N.A.
Fargo, MN

ISSUER/DRAWER
MONEYGRAM PAYMENT SYSTEMS, INC.

To Validate: Touch the stop sign, then watch it fade and reappear



01/05/2012

20371204079
MONEY ORDER

PAY EXACTLY

2000.00
TWO THOUSAND 00/100
DOLLARS 00 CENTS

57244007740077
0350944005159079

R203712040796

EMPLOYEE
618 (410) 500/500
M99214-S

MoneyGram
Money Orders

RECIBO

RECEIPT

DATE/AMOUNT
01/05/2012

KEEP A COPY OF THIS STUB FOR YOUR RECORDS / MANTENGA UNA COPIA DE ESTE RECIBO PARA SUS ARCHIVOS