

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

FILED

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STATE OF FLORIDA
ELECTIONS COMMISSION

**In Re: Upper Captiva Fire
Protection & Rescue District**

**FEC Case No.: 12-143
F.O. No. FOFEC 12-125W**

CONSENT FINAL ORDER

The Upper Captiva Fire Protection & Rescue District ("Respondent"), 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, and conclusions of law, and order:

1. On July 20, 2012, the Commission received a sworn complaint alleging that Respondent had violated Florida's election laws

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

3. The parties jointly stipulate to the following:

a. On or about July 5, 2012, Respondent mailed a four-page flyer that supported an upcoming referendum. Initially, the postage required for the mailing was paid for using Respondent's credit card.

b. On or about August 14, 2012, Louise Shaw, a private citizen, wrote a personal check to Respondent's credit card company to pay for the postage for the mailing

CONCLUSIONS OF LAW

4. The Commission has jurisdiction over the parties and subject matter of this cause, pursuant to §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 parties stipulate that the Commission could prove the facts in paragraph three above and to the Commission's ability to collect a payment 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 Respondent shall 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. 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.

12. If the Commission does not receive the signed Consent Order and Respondent's payment by November 1, 2012, the staff withdraws this offer of settlement and will proceed with the case. Payment must be made by cashier's check, money order, or attorney trust account check.

PAYMENT

WHEREFORE, based on the foregoing, Respondent agrees to make payment to the Commission in the amount of \$300.

Therefore, it is

ORDERED that the Respondent shall remit to the Commission payment in the amount of \$300 inclusive of fees and costs. The payment shall be good for not less than 120 days, shall be made by cashier's check, money order or attorney trust account check, and sent to the Florida Elections Commission, 107 West Gaines Street, Collins Building, Suite 224, Tallahassee, FL 32399-1050.

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

Oct, 10, 2012.



Chairman
Upper Captiva Fire Protection & Rescue District
P.O. Box 322
Pineland, Florida 33945
(239) 478-8899

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

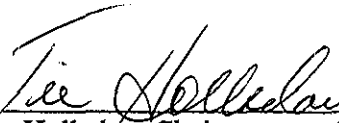
October 31, 2012.



Eric M. Lipman
Interim Executive Director
Florida Elections Commission
107 West Gaines Street, Suite 224
Tallahassee, Florida 32399-1050
(850) 922-4539
Florida Bar Number 958247

Approved by the Florida Elections Commission at its regularly scheduled meeting held on

11-14-12, 2012 in Tallahassee, Florida.



Tim Holladay, Chairman
Florida Elections Commission

11-15-12
Date

Copies furnished to:

Eric Lipman, Interim Executive Director
Emmett Mitchell, IV, Counsel for Respondent

COATES LAW FIRM PL
FLORIDA IOTA TRUST ACCOUNT
200 W. COLLEGE AVE, STE. 311-B
TALLAHASSEE, FL 32301

1017

DATE 12/24/12

63-4/630 FL
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PAY
TO THE
ORDER OF

Florida Election Commission

\$ 300.00

Three hundred & 00/100

DOLLARS  Security Features Details on Back.

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ACH R/T 063100277

Pat E. Coates

FOR

