

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

11-30-26 AM 11:10
STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: Michael Gonogora

Case No.: FEC 11-069
F.O. No.: FOFEK 11-145W

CONSENT FINAL ORDER

The Respondent, Michael Gongora, 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 March 14, 2011, a complaint was filed with the Commission 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 Respondent and the staff stipulate to the following facts:
 - a. The Respondent was a candidate for the Miami Beach City Commission, Group 3, in the 2009 election.
 - b. During his campaign, Respondent was required to file periodic reports listing contributions received and expenditures made by his campaign.
 - c. Respondent certified that his 2009 F4 and 2009 G1 campaign reports were true, correct, and complete when they were not.

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. 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.

8. The Commission staff and the Respondent stipulate that the Commission could prove violations of Section 106.07(5), Florida Statutes, by clear and convincing evidence.

ORDER

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

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

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

12. 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.

13. 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.

14. If the Commission does not receive the signed Consent Order within 14 days of the date Respondent or his attorney received this order, the staff withdraws this offer of settlement and will proceed with the case.

15. Payment of the civil penalty by cashier's check or attorney's trust account check is a condition precedent to the Commission's consideration of the Consent Order.

PENALTY

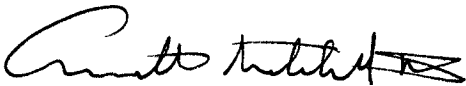
WHEREFORE, based upon the foregoing facts and conclusions of law, the Commission finds that the Respondent has violated Section 106.07(5), Florida Statutes, and imposes a fine of \$2,000.

Therefore it is

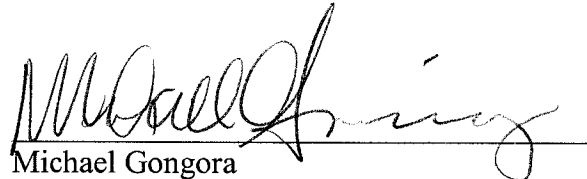
ORDERED that the Respondent shall remit to the Commission a civil penalty in the amount of \$2,000, inclusive of fees and costs. The civil penalty shall be paid by cashier's check, or attorney trust account check to the Florida Elections Commission, 107 W. Gaines Street, Collins Building, Suite 224, Tallahassee, Florida, 32399-1050.

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

July 8, 2011.




Emmett Mitchell, IV
Coates Law Firm, PL
115 East Park Avenue, Suite 1
Tallahassee, Florida 32301



Michael Gongora
5838 Collins Avenue, #3A
Miami Beach, Florida 33139

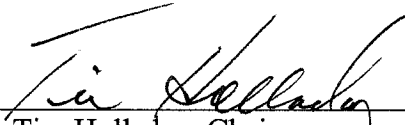
The **Commission staff** hereby agrees and consents to the terms of this Consent Order on

July 22, 2011.

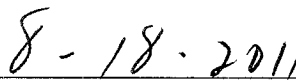


Eric M. Lipman
General Counsel
Florida Elections Commission
107 W. Gaines Streets
Collins Building, Suite 224
Tallahassee, FL 32399-1050

Approved by the Florida Elections Commission at its regularly scheduled meeting held on August 8 & 9, 2011, in Tallahassee, Florida.



Tim Holladay, Chairman
Florida Elections Commission



Date

Copies furnished to:

Eric M. Lipman,, General Counsel
Emmett Mitchell, IV, Attorney for Respondent

Sabadell United Bank



P.O. BOX 5460
Hialeah, FL 33014

CASHIER'S CHECK

63-964/670

NOTICE TO CUSTOMERS
In the event this check is lost, misplaced or stolen
the purchase of an indemnity bond for twice the
amount of the check, or a declaration of loss and 90
day waiting period may be required before it is replaced
or refunded

061610

DATE: July 11, 2011

Serial No.

Issued in US Dollars

Pay to the order of FLORIDA ELECTIONS COMMISSION

\$ *****2,000.00

THE SUM OF TWO THOUSAND DOLLARS AND ZERO CENTS

MEMO MICHAEL BONGORA
CASE # FEC 11-069

9-161

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