

FILED

15 JUN -2 AM 12:48

STATE OF FLORIDA
ELECTIONS COMMISSION

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,
Petitioner,**

v.

**Agency Case No.: FEC 14-298
F.O. No.: FOFEC 15-111W**

**John Paul Arcia,
Respondent.**

CONSENT ORDER

Respondent, John Paul Arcia, 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 January 21, 2015, 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 March 20, 2015, the Commission entered an Order of Probable Cause finding that there was probable cause to charge the Respondent with the following violation:

Count 1:

On or about August 19, 2014, Respondent violated Section 106.07(2)(b)1., Florida Statutes, when he failed to make necessary amendments to Renier Diaz de la Portilla's 2014 P2 Report.

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 the treasurer for Renier Diaz de la Portilla, a candidate for Circuit Judge, Circuit 11, Group 70, in the 2014 election cycle.
 - B. During the 2014 election cycle, Respondent timely filed the candidate's 2014 P2 Report on July 11, 2014; however, the report was incomplete.
 - C. After having received three written notices and a voicemail reminder from the Division, Respondent shall submit the amended report for review by the Division for accuracy.

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.

ORDER

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

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

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

10. 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. 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 the penalty by May 1, 2015, the staff withdraws this offer of settlement and will proceed with the case.

13. 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 provision of Chapter 106, Florida Statutes, and imposes the following fine:

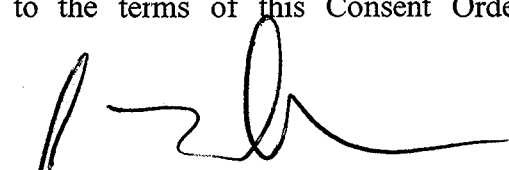
A. Respondent has violated Section 106.07(2)(b)1., Florida Statutes, for failing to make necessary amendments to Renier Diaz de la Portilla's 2014 P2 Report. Respondent is fined \$200.00 for the violation.

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

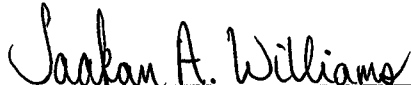
_____, 2015.



John Paul Arcia
Latitude One Office Building
175 S.W. 7th Street
Suite 2000
Miami, FL 33130

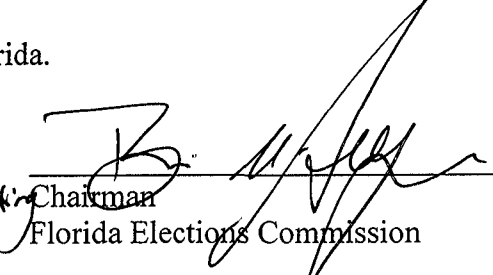
Commission staff hereby agrees and consents to the terms of this Consent Order on

May 4 _____, 2015.



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 May 20 – 21, 2015, in Tallahassee, Florida.



Acting Chairman
Florida Elections Commission

Copies furnished to:
Jaakan A. Williams, Assistant General Counsel
John Paul Arcia, Respondent
Division of Elections, Complainant

JOHN PAUL ARCIA, P.A.
TRUST IOTA ACCOUNT
PO BOX 330927
MIAMI, FL 33233

OCEAN BANK
7951 S.W. 40TH STREET
MIAMI, FLORIDA 33155

1692

63-1139/660
02

4/21/2015

PAY TO THE ORDER OF Florida Elections Commission

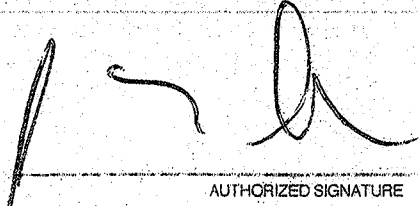
\$ **200.00

Two Hundred and 00/100*****

DOLLARS

Florida Elections Commission
107 West Gaines Street
Collins Building Suite 224
Tallahassee, FL 32399-1050

MEMO



A handwritten signature in black ink, appearing to read 'John Paul Arcia', is written over a horizontal line. Below the signature, the words 'AUTHORIZED SIGNATURE' are printed.

AUTHORIZED SIGNATURE

