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STATE OF FLORIDA  
ELECTIONS COMMISSION

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: Burton J. Lee, III**  
\_\_\_\_\_ /

**Case No.: FEC 10-321  
F.O. No.: FOFEC 11-012W**

**CONSENT FINAL ORDER**

The Respondent, Burton J. Lee, III, 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 November 2, 2010, a complaint was filed with the Commission alleging that Respondent failed to file campaign treasurer's reports and failed to have a disclaimer on a political advertisement.
2. The Respondent has expressed a desire to enter into negotiations directed toward reaching a consent agreement prior to a probable cause determination in the case.
3. The Respondent and the staff stipulate to the following facts:
  - a. Respondent was a candidate for the Indian River County Hospital District, Seat 6, in the November 2010 election.
  - b. During his campaign, Respondent failed to timely file his 2010 F1 and 2010 G4 campaign treasurer's reports in violation of Section 106.07, Florida Statutes.
  - c. Respondent failed to include a proper political disclaimer on a yard sign advocating his re-election in violation of Section 106.143(1)(a), Florida Statutes.

**CONCLUSIONS OF LAW**

4. The Commission has jurisdiction over the parties to and subject matter of this

cause, pursuant to Section 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 Commission staff and the Respondent stipulate that all elements of the offenses set forth in paragraph 6 above can be proven by clear and convincing evidence.

### **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 his own attorney 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 within 20 days of the date Respondent or his attorney received this order, the staff withdraws this offer of settlement and will proceed with the case.

13. 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 the following provisions of Chapters 106, Florida Statutes, and imposes the following fines:

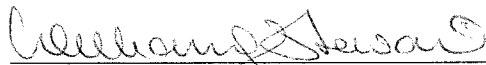
A. Respondent has violated Section 106.07, Florida Statutes, on 2 occasions for failing to timely file his 2010 F1 and 2010 G4 reports. Respondent is fined \$1000 for each of the 2 counts for a total of \$2000.

B. Respondent has violated Sections 106.143, Florida Statutes, on 1 occasion for failing to have a proper political disclaimer on a political advertisement. Respondent is fined \$500 for this count.

Therefore it is

**ORDERED** that the Respondent shall remit to the Commission a civil penalty in the amount of \$2500, 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 December 20, 2010.



William J. Stewart  
Stewart, Evans, Stewart, & Emmons, P.A.  
3355 Ocean Drive  
Vero Beach, Florida 32963



Burton J. Lee, III  
716 Sandfly Lane  
Vero Beach, Florida 32963

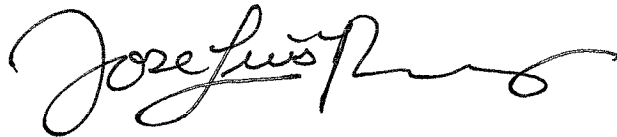
The **Commission** staff hereby agrees and consents to the terms of this Consent Order on

January 7, 2011. (el)



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 8 & 9, 2011, in Tallahassee, Florida.



Jose Luis Rodriguez, Vice Chair  
Florida Elections Commission

FEBRUARY 15, 2011

Date

Copies furnished to:

Eric M. Lipman, General Counsel  
William J. Stewart, Attorney for Respondent