

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: Joann Truss

Case No.: FEC 11-096
F.O. No.: FOFE 12-005W

FILED
FEB 23 PM 1:36
FLORIDA ELECTIONS COMMISSION

CONSENT FINAL ORDER

The Respondent, Joann Truss, 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 April 29, 2011, the Division of Elections made a referral to the Commission alleging that Respondent failed to file timely, after notification, James Bush III's 2011 SF1 and 2011 SF2 campaign reports.
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. Respondent was the campaign treasurer for James Bush III during the 2011 special election cycle for State Senator, District 33.
 - b. As the campaign treasurer, Respondent was required to file James Bush III's campaign reports with the Division of Elections.
 - c. Respondent failed to file James Bush III's 2011 SF1 and 2011 SF2 reports timely, after receiving notice from the Division of Elections that the reports were outstanding.

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 the Commission could prove facts to establish violations of Section 106.07(1), Florida Statutes, 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 her 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 by January 30, 2012, the staff withdraws this offer of settlement and will proceed with the case.

13. Payment of the civil penalty by money order, 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(1), Florida Statutes, on two occasions.

Therefore it is


ORDERED that the Respondent shall remit to the Commission a \$400 civil penalty for the violations, 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 January 20, _____, 2012.



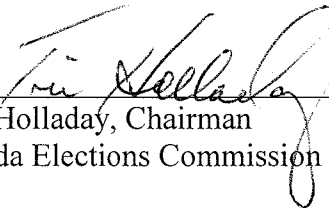
Joann Truss
3015 NW 49 Street
Miami, FL 33142

The **Commission staff** hereby agrees and consents to the terms of this Consent Order on February 14 _____, 2012.



Eric 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
Joann Truss, 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

R104673791321

CALL 1-800-542-3590 TO VERIFY

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

PAY TO THE ORDER OF / PAGAR A LA ORDEN DE

Florida Election Committee

IMPORTANT: SEE BACK BEFORE CASHING

Jordan TRUSS

PURCHASER, SIGNER FOR DRAWER / COMPRADOR, FIRMA DEL LIBRADOR
PURCHASER, BY SIGNING YOU AGREE TO THE SERVICE CHARGE AND OTHER TERMS ON THE REVERSE SIDE.

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Clara City, MN

ISSUER/DRAWER
MONEYGRAM PAYMENT SYSTEMS, INC

01/30/2012

10467379132
MONEY ORDER

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