

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

FILED

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In Re: Gary Parnell, treasurer for Michael  
Barnett's campaign

STATE OF FLORIDA  
ELECTIONS COMMISSION  
Case No.: FEC 03-060  
F.O. No.: DOSFEC 03-298 W

**CONSENT ORDER**

The Respondent, Gary Parnell, treasurer for Michael Barnett's campaign, 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. The Respondent was treasurer for the Michael Barnett campaign..
2. On April 29, 2003, the staff of the Commission issued a Statement of Findings, recommending to the Commission that there was probable cause to believe that Respondent violated the following section(s) of the Florida Election Code:

Section 106.07(1), Florida Statutes, failure of the treasurer of a candidate to file regular reports of all contributions received, and all expenditures made, by or on behalf of the candidate.

3. On May 30, 2003, the Commission entered an Order of Probable Cause finding there was probable cause to believe that the Respondent violated Section(s) 106.07(1), Florida Statutes.
4. On June 2, 2003, the Respondent was served by certified mail with a copy of the Order of Probable Cause.
5. The Respondent requested a hearing before the Commission within 30 days of

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receiving the Order of Probable Cause.

6. The Respondent and the staff stipulate to the following facts:
  - A. The Respondent was the treasurer for Michael Barnett, who was a candidate for State Representative, District 52, in the 2002 elections.
  - B. The Complainant alleged that the Respondent violated Section 106.07(1), Florida Statutes, by failing to file with his filing officer a campaign treasurer's report due on **July 10, 2002**, after the Respondent was notified by his filing officer of Respondent's failure to file the report.
  - C. The Complainant provided the Respondent with the *Handbook for Candidates* and a calendar of the dates for both regular and special elections listing when a candidate is required to file reports.
  - D. On July 17, 2002, the Complainant sent a notice to the Respondent advising the Respondent that his campaign treasurer's report due on July 10, 2002 had not been filed.
  - E. On September 19, 2002, the staff of the Florida Elections Commission sent a notice to the Respondent by certified mail, advising him that the campaign treasurer's report had not been filed. Although the certified letter was claimed by the Respondent, the required report has not been filed.
  - F. On March 5, 2003, the staff of the Florida Elections Commission sent a second letter to the Respondent by certified mail, notifying the Respondent that a case has been opened against him for failure to file the candidate's report. Although the certified letter was claimed by the Respondent, the required report has not been filed.
  - G. The Respondent violated Section 106.07(1), Florida Statutes, by failing to file the required report after receiving notice of the requirement to file.

#### CONCLUSIONS OF LAW

7. The Commission has jurisdiction over the parties to and subject matter of this cause, pursuant to Section 106.26, Florida Statutes.
8. The Commission staff and the Respondent stipulate that all elements of the offense(s) charged in the Order of Probable Cause can be proven 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 Respondent understands that before the Consent Order is final agency action the Commission must approve it at a public meeting. After approval, the Consent Order is final agency action of the Commission on the violations listed in the Order of Probable Cause.

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.

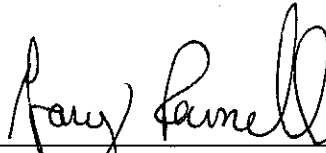
13. This Consent Order is enforceable under Sections 106.265 and 120.69, Florida Statutes. The Respondent expressly waives any venue privileges and agrees that if enforcement of this Consent Order is necessary, venue shall be in Leon County, Florida, and Respondent shall be responsible for all fees and costs associated with enforcement.

14. If the Commission does not receive the signed Consent Order and the fine within 25 days of the date you received this order, the staff withdraws this offer of settlement and will proceed with the case.

15. The Respondent shall remit to the Commission a civil penalty in the amount of \$500 for violating Section(s) 106.07(1), Florida Statutes. The civil penalty shall be paid to the Florida Elections Commission, 107 W. Gaines Street, Collins Building, Suite 224, Tallahassee, Florida, 32399-1050, as a condition precedent to the Commission's execution of this Consent Order.

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

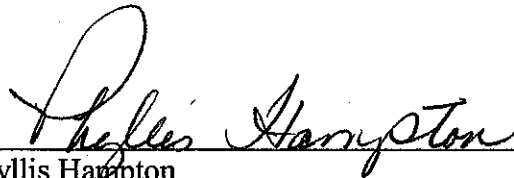
July 28, 2003.



Gary Parrell  
11150 4<sup>th</sup> Street, North #3516  
St. Petersburg, Florida 33716

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

August 11, 2003, 2003.



Phyllis Hampton  
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 13 & 14, 2003 at Tallahassee, Florida and filed with the Clerk of the Commission on

August 22, 2003, in Tallahassee, Florida.



Chance Irvine, Chairman  
Florida Elections Commission  
107 W. Gaines Streets  
Collins Building, Suite 224  
Tallahassee, FL 32399-1050

Copies furnished to:

Phyllis Hampton, General Counsel  
Gary Parnell, Respondent  
Division of Elections, Complainant & Filing Officer



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St. Petersburg, FL 33704

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631 FL

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Date 8/05/03

PAY to the ORDER of

Florida Elections Commission \$ 500<sup>00</sup>

five hundred

Dollars Security Features Included. Details on back.

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For FEC 03-060

*Amy Barnett* MP



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