

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

FILED
11 JUN 24 AM 11:09
FLORIDA
ELECTIONS COMMISSION

In Re: Jim Fuller

Case No.: **FEC 10-329**

F.O. No.: 11-140W

CONSENT FINAL ORDER

The Respondent, Jim Fuller, and the Florida Elections Commission (Commission) agree that this Consent Order resolves all of the issues between the parties in this case. The parties agree to the following facts, conclusions of law, and order:

FINDINGS OF FACT

1. On November 3, 2010, the Commission received a sworn complaint alleging that Respondent violated Florida election laws.
2. The Respondent has expressed a desire to resolve this matter expeditiously and cost-effectively by entering into this Consent Order.
3. The Respondent and the staff jointly stipulate to the following facts:
 - A. The Respondent was a candidate for re-election for Duval County Clerk of Courts during the 2008 election.
 - B. On November 4, 2008, Respondent submitted an amended 2008 G4 report (the "Amended Report") to the Duval County Supervisor of Elections.
 - C. The Respondent filed the Amended Report electronically and filed a duplicate hard copy of the Amended Report, which he failed to sign.
 - D. The Respondent has subsequently signed the hard copy Amended Report certifying that it is true, correct, and complete.
 - E. The Respondent is stipulating to the above facts for the sole purposes of entering into this consent order and resolving the above referenced case.

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 staff could establish a prima facie case for a violation of Section 106.07(5), Florida Statutes.

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. The Respondent and the staff of the Commission agree that this Consent Order and the terms contained herein shall not constitute an admission against interest or acknowledgement of guilt as to any criminal charge that might arise from the allegations that form the basis of the complaint filed against Respondent on November 3, 2010, and this Consent Order.

12. 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.

13. If the Commission does not receive the signed Consent Order within 7 days of the date Respondent or his attorney received this order, the staff withdraws this offer of settlement and will proceed with the case.

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

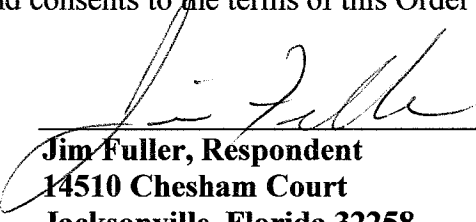
PENALTY

WHEREFORE, based upon the foregoing facts and conclusions of law, the Commission finds that the Respondent failed to comply with Section 106.07(5), Florida Statutes, by failing to sign the duplicate hard copy of the Amended Report at the time of filing. The Respondent shall pay a civil penalty of \$250.

Therefore it is

ORDERED that the Respondent shall remit to the Commission a civil penalty in the amount of \$250, inclusive of fees and costs. The civil penalty shall be paid with a money order, cashier's check or attorney trust account check, and made payable to the Florida Elections Commission, 107 W. Gaines Street, Collins Building, Suite 224, Tallahassee, Florida, 32399-1050.

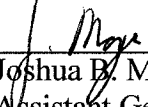
The **Respondent** hereby agrees and consents to the terms of this Order on May 9, 2011.



Jim Fuller, Respondent
14510 Chesham Court
Jacksonville, Florida 32258

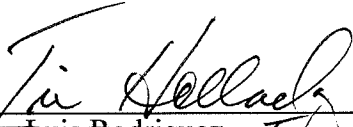
The **Commission staff** hereby agrees and consents to the terms of this Consent Order on

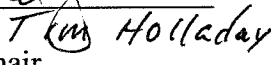
May 23, 2011.



Joshua B. Moye
Assistant 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 9 & 10, 2011, in Tallahassee, Florida.



Jose Luis Rodriguez 
~~Vice Chair~~ / ~~Acting~~ Chair
Florida Elections Commission

Copies furnished to:

Joshua B. Moye, Assistant General Counsel
Glenn Burhans, Jr., Attorney for Respondent
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