

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Florida Hometown Democracy, Inc. PAC

**Case Nos.: FEC 10-155 & 10-158
F. O. No.: FECFO11-184W**

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CONSENT FINAL ORDER

The Respondent, Florida Hometown Democracy, Inc. PAC, and the Florida Elections Commission (Commission) agree that this Consent Order resolves all of the issues between the parties in these cases. The parties agree to the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. On July 22, 2010, and July 30, 2010, the Commission received sworn complaints alleging that Respondent violated Florida election laws.
2. On September 12, 2011, and September 15, 2011, the staff of the Commission issued Report of Investigations in each of the above referenced cases.
3. The Respondent has indicated a desire to enter into settlement negotiations prior to a probable cause determination in these cases.
4. Accordingly, the Respondent and the Commission staff stipulate to the following facts:
 - a. The Respondent is a not-for-profit corporation which is registered as a political committee with the Florida Division of Elections.
 - b. The Respondent failed to include the occupations of persons who contributed more than \$100 on nine of its campaign reports.
 - c. The Respondent failed to include its address in the disclaimer on a political advertisement.

d. The Respondent is stipulating to the above facts for the sole purposes of entering into this Consent Order and resolving the above referenced cases.

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.

7. 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 has occurred. This consent agreement has the same force and effect as a consent agreement reached after the Commission finds probable cause.

8. The Commission staff and the Respondent stipulate that staff can establish a prima facie case for violations of Sections 106.07(4)(a)1, and 106.143(1)(b), Florida Statutes.

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 its own attorney fees and costs associated with these cases.

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

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 within 15 days of the date Respondent or his attorney received this order, the staff withdraws this offer of settlement and will proceed with the case.

15. 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 findings of fact and conclusions of law, the Commission finds that Staff can establish a prima facie case that Respondent has violated Sections 106.07(4)(a)1, and 106.143(1)(b), Florida Statutes.

Therefore, it is

ORDERED that the Respondent shall remit to the Commission a civil penalty in the amount of \$1,650.00, inclusive of fees and costs. The civil penalty shall be paid by 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 Consent Order on

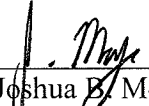
October 5, 2011.

John Blum President
for Florida Hometown Democracy, Respondent
P.O. Box 636
New Smyrna Beach, Florida 32170

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


October 10th, 2011.



Joshua B. Moyer
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

11-15, 2011.



Tim Holladay, Chairman
Florida Elections Commission

12.7.11

Date

Copies furnished to:

Joshua B. Moyer, Assistant General Counsel
Albert T. Gimbel, Attorney for Respondent