

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

FILED  
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In Re: Arnold E. Gibbs

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Case No.: FEC 10-009  
F.O. No.: 11-143W

**CONSENT FINAL ORDER**

The Respondent, Arnold E. Gibbs, 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 January 15, 2010, the Commission received a sworn complaint alleging that Respondent violated Florida election laws.
2. On May 19, 2011, the staff of the Commission issued a Report of Investigation in the above referenced case. The information in the Report of Investigation indicated that Respondent may have committed violations of Florida's election laws.
3. The Respondent was served with a copy of the Report of Investigation.
4. The Respondent has indicated a desire to enter into settlement negotiations prior to a probable cause determination in this case.
5. The Respondent and the staff stipulate to the following facts:
  - a. The Respondent was the campaign treasurer for Florida Senator Gary Siplin's 2008 re-election campaign.
  - b. The Respondent's electronic PIN was used to certify that the campaign's 2008 G1 report was true, correct, and complete when it was not.
  - c. Senator Siplin's 2008 G1 report failed to include the full names and addresses of each participating poll worker who had received payment from the campaign, as required by law.

d. The Respondent signed campaign checks that withdrew petty cash in excess of the amounts permitted by law on two occasions.

### **CONCLUSIONS OF LAW**

6. 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 occurred. The 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 prove all elements to establish violations of Sections 106.07(5), 106.19(1)(c), 106.12(1), and 106.12(2), Florida Statutes, by the required burden.

### **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 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. 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 January 15, 2010, and this Consent Order.

14. 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.

15. 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.

16. 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 has violated Sections 106.07(5), 106.19(1)(c), 106.12(1), and 106.12(2), Florida Statutes. The Respondent shall pay a civil penalty of \$3,400.

Therefore it is

**ORDERED** that the Respondent shall remit to the Commission a civil penalty in the amount of \$3,400, 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

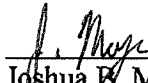
\_\_\_\_\_, 2011.



**Arnold E. Gibbs, Respondent**  
**100 South Eola Drive, Apt. # 1514**  
**Orlando, Florida 32801**

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

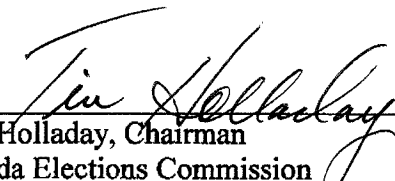
August 1<sup>st</sup>, 2011.



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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, 2011, in Tallahassee, Florida.



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Tim Holladay, Chairman  
Florida Elections Commission

8-18-2011  
Date

Copies furnished to:

Joshua B. Moye, Assistant General Counsel  
Mark Herron, Attorney for Respondent