

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

In Re: Trudie J. Infanti /

Case No.: FEC 11-169

FILED  
11 DEC -5 PM 2:07  
RECEIVED  
FLORIDA ELECTIONS COMMISSION

**ORDER CONDITIONALLY ACCEPTING CONSENT ORDER**

**THIS CAUSE** came on to be heard the Florida Elections Commission (Commission) on November 15, 2011. The Commission, having reviewed the case file, heard the presentments of staff counsel at the hearing, and the Commission being otherwise fully advised in the premises,

It is thereupon **ORDERED** and **ADJUDGED** as follows:

1. On July 12, 2011, the Commission received a sworn complaint alleging violations of Florida's election laws. Staff of the Commission conducted an investigation to determine whether the facts alleged in the complaint constituted probable cause to believe that the Respondent violated The Florida Election Code.

2. On July 26, 2011, staff drafted a Staff Recommendation recommending to the Commission that there was probable cause to believe that Respondent's website failed to contain a proper political disclaimer. The hearing to determine probable cause was scheduled for November 15, 2011.

3. On November 14, 2011, the parties entered into a Consent Order to resolve the issues in this case. At the time of the probable cause hearing, staff had not received the agreed upon civil penalty from Respondent.

4. The Commission conditionally accepts the parties' Consent Order provided that Respondent's check is received at the Commission's office no later than December 31, 2011. If Respondent's payment of the agreed upon civil penalty is not received by December 31, 2011, this matter shall be scheduled for a probable cause hearing at the Commission's February 2012

meeting.<sup>1</sup>

**DONE AND ORDERED** by the Florida Elections Commission on

11-30, 2011.

  
\_\_\_\_\_  
Tim Holladay, Chairman  
Florida Elections Commission

### NOTICE OF RIGHT TO APPEAL

This order is final agency action. Any party who is adversely affected by this order has the right to seek judicial review pursuant to Section 120.68, Florida Statutes, by filing a notice of administrative appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Florida Elections Commission at 107 West Gaines Street, Suite 224, Collins Building, Tallahassee, Florida 32399-1050, and by filing a copy of the notice of appeal with the appropriate district court of appeal. The party must attach to the notice of appeal a copy of this order and include with the notice of appeal filed with the district court of appeal the applicable filing fees. **The notice of administrative appeal must be filed within 30 days of the date of this order is filed with the Commission.** The date this order was filed appears in the upper right-hand corner of the first page of the order.

Copies furnished to:

Eric M. Lipman, General Counsel  
The Honorable Trudie Infantini, Respondent  
Elizabeth A. Burns, Complainant  
The Honorable Lori Scott, Brevard County Supervisor of Elections

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<sup>1</sup> Respondent's payment of the civil penalty was received at the Commission's offices on November 16, 2011, the day after the November meeting.

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: Trudie J. Infantini**  
\_\_\_\_\_ /

**Case No.: FEC 11-169  
F.O. No.: FOFEC 11-180W**

RECEIVED  
11 DEC 5 PM 2:06  
STATE OF FLORIDA  
ELECTIONS COMMISSION

**CONSENT ORDER**

The Respondent, Trudie J. Infanti, and the Florida Elections Commission (Commission) agree that this Consent Order resolves all pending 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 is a candidate for the Brevard County Commission, Seat 3, in the 2012 election.
2. On July 12, 2011, the Commission received a sworn complaint alleging that Respondent violated Section 106.143(1)(a), Florida Statutes, for failing to include a disclaimer on her campaign website.
3. No other legally sufficient violation of Chapter 104 or 106, Florida Statutes, was alleged in the complaint.
4. The Respondent against whom the complaint was filed has not been notified of an allegation of the same violation before the conduct about which the complaint was filed.

**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.
6. The Commission considers the allegation(s) contained in the complaint a minor violation, pursuant to Rule 2B-1.003, Florida Administrative Code.
7. The Respondent neither admits nor denies that she committed the violation

alleged.

### ORDER

8. The Respondent and the staff of the Commission have entered into this Consent Order voluntarily and upon advice of counsel.

9. The Respondent shall bear her own attorney fees and costs that are in anyway associated with this case.

10. The Respondent understands that before the Consent Order is final agency action, it is must be approved by the Commission. The Commission will consider the Consent Order at its next available meeting.

11. The Respondent voluntarily waives the right to any further proceedings under Chapters 106, and 120, Florida Statutes, and the right to appeal the Consent Order.

12. The Respondent will carefully review Chapter 106, Florida Statutes, and avoid any future violation of the chapter.

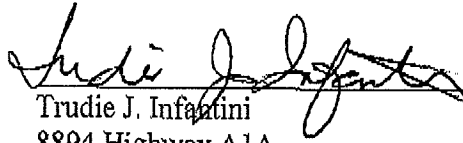
13. The Respondent agrees to correct immediately, if feasible, the violations alleged in the complaint.

14. The Respondent shall remit to the Commission \$250. The payment shall be made by cashier's check or money order and be payable to the Florida Elections Commission, 107 W. Gaines Street, Collins Building, Room 224, Tallahassee, Florida, 32399-1050, as a condition precedent to the Commission's execution of this Consent Order.

15. If the Respondent does not accept the terms of this Consent Order by the close of business on October 5, 2011, and the Commission does not receive the signed consent order and \$250 payment by the close of business on October 18, 2011, the staff withdraws this offer of settlement and will proceed will proceed with a Staff Recommendation in this case.

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

Nov 14, 2011.



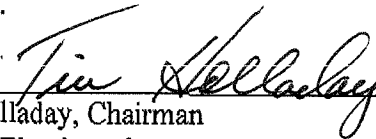
Trudie J. Infantini  
8894 Highway A1A  
Melbourne Beach, Florida 32951

The Commission staff hereby agrees and consents to the terms of this Consent Order on Nov 14<sup>th</sup>, 2011.



Eric M. Lipman, General Counsel  
Florida Elections Commission  
107 W. Gaines Street  
Collins Building, Suite 224  
Tallahassee, FL 32399-1050

Approved by the Florida Elections Commission at its regularly scheduled meeting held on November 15 & 16, 2011, in Tallahassee, Florida.



Tim Holladay, Chairman  
Florida Elections Commission

11.30.11  
Date

Copies furnished to:

Trudie Infantini, Respondent  
Eric Lipman, General Counsel