

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

REC'D  
MAY 24 PM 1:17

In Re: Tom Presley

Case No.: FEC 10-161  
F.O. No.: FOFEC 11-069W

**CONSENT FINAL ORDER**

The Respondent, Tom Presley, 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. On August 3, 2010, a complaint was filed with the Commission alleging that Respondent violated Sections 106.07(5) & 106.19(1)(c), Florida Statutes.
2. On January 20, 2011, the staff of the Commission issued its Report of Investigation.
3. The Respondent expressed a desire to enter into negotiations directed toward reaching a consent agreement prior to a determination of probable cause.
4. The Respondent and the staff stipulate to the following facts:
  - a. The Respondent was a candidate for the Polk County Commission, District 2 in the August 24, 2010, primary election.
  - b. Respondent submitted periodic reports of contributions received and expenditures made during his campaign.
  - c. Respondent certified that his 2010 Q1 report and his 2010 F1 report were true, correct, and complete when they were not.
  - d. Respondent falsely reported two cash contributions and the value of an in-kind contribution during his campaign.

## **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. 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.

7. The Commission staff and the Respondent stipulate that the staff could establish the facts in paragraph four above 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 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 and payment of the civil penalty by April 1, 2011, the staff withdraws this offer of settlement and will proceed

with the case.

15. Payment of the civil penalty by money order or cashier's check is a condition precedent to the Commission's consideration of the Consent Order.

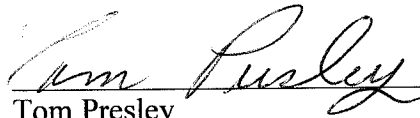
**PENALTY**

**WHEREFORE**, based upon the foregoing facts and conclusions of law, the Commission finds that the Respondent has violated Section 106.07(5), Florida Statutes, on two occasions and Section 106.19(1)(c), Florida Statutes, on one occasion, and imposes a fine in the amount of \$1,450 for the violations.

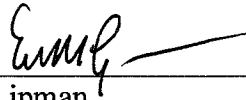
Therefore it is

**ORDERED** that the Respondent shall remit to the Commission a civil penalty in the amount of \$1,450, inclusive of fees and costs. The civil penalty shall be paid by money order or cashier's check and mailed 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 March 14, 2011.

  
\_\_\_\_\_  
Tom Presley  
1400 East Georgia Street  
Bartow, Florida 33830

The **Commission staff** hereby agrees and consents to the terms of this Consent Order on March 17, 2011.



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Eric Lipman  
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 May 10 & 11, 2011, in Tallahassee, Florida.



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Jose Luis Rodriguez-Vice Chairman  
Acting Interim Chairman  
Florida Elections Commission

MAY 18, 2011

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Date

Copies furnished to:

Eric M. Lipman, General Counsel  
Tom Presley, Respondent