

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

**FLORIDA ELECTIONS COMMISSION,
PETITIONER,**

v.

**AGENCY CASE NOS.: FEC 10-186
FEC 10-275
F.O. No.: FOFEC 11-185W**

**JOANN M. FAIELLA,
RESPONDENT.**

CONSENT FINAL ORDER

The Respondent, JoAnn M. Faiella, and the Florida Elections Commission (Commission) agree that this Consent Order resolves all of the issues between the parties in these cases. The parties jointly stipulate to the following facts, conclusions of law, and order:

FINDINGS OF FACT

1. On June 1, 2011, and June 6, 2011, the staff of the Commission issued Reports of Investigation in the above referenced cases¹. The information in the Reports of Investigation indicated that Respondent may have committed violations of Florida's election laws.
2. The Respondent was served with copies of the Reports of Investigation.
3. The Respondent has indicated a desire to enter into settlement negotiations prior to a probable cause determination in these cases.
4. The Respondent and the staff stipulate to the following facts:
 - a. Respondent was a candidate for Mayor of Port Saint Lucie in the November 2, 2010, general election.
 - b. During her campaign, Respondent was required to file periodic reports

¹ The Report of Investigation in Case Number FEC 10-186 was issued on June 6, 2011. The Report of Investigation in Case Number FEC 10-275 was issued on June 1, 2011.

listing contributions received and expenditures made by her campaign.

c. Respondent certified that her 2010 F1, 2010 F2, 2010 F3, amended 2010 F3 and 2010 G1 reports were true, correct, and complete when they were not.

d. The maximum cash contribution that a candidate may accept from a person is \$50 per election. During the course of her campaign, Respondent accepted five cash contributions in excess \$50 limit.

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 staff and the Respondent stipulate that staff can prove all elements to establish violations of Sections 106.075(5) and 106.09(1), Florida Statutes, by clear and convincing evidence,

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 her own attorney fees and costs that are in any way associated with this case.

9. The Respondent understands that before the Consent Order becomes final agency action, the Commission must approve it at a public meeting. 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 complaints filed on or about August 18, 2011, and October 1, 2011 , against Respondent 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 10 days of the date Respondent or her attorney received this order, the staff withdraws this offer of settlement and will proceed with the case.

14. 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.

15. Respondent shall remit to the Commission a fine in the amount of \$5,000. The fine shall be paid to the Florida Elections Commission, 107 West Gaines Street, The Collins Building, Suite 224, Tallahassee, Florida, 32399-1050, as a condition precedent to the Commission's execution of this Consent Order. .

PENALTY

WHEREFORE, based upon the foregoing facts and conclusions of law, the Commission finds that the Respondent has violated the following provisions of Chapter 106, Florida Statutes, and imposes the following fines:

A. Respondent has violated Section 106.07(5) Florida Statutes, on five

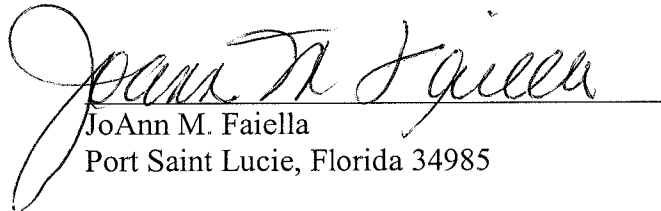
occasions. Respondent is fined \$500 for each of the five counts for a total of \$2500.

B. Respondent has violated Sections 106.09(1), Florida Statutes, on five occasions. Respondent is fined \$500 for each of the five counts for a total of \$ **2500**

Therefore it is

ORDERED that the Respondent shall remit to the Commission a civil penalty in the amount of \$5000, inclusive of fees and costs. The civil penalty shall be paid to the Florida Elections Commission, 107 W. Gaines Street, Collins Building, Suite 224, Tallahassee, Florida, 32399-1050 by money order or cashier's check.

The **Respondent** hereby agrees and consents to the terms of this Order on August 1, 2011.

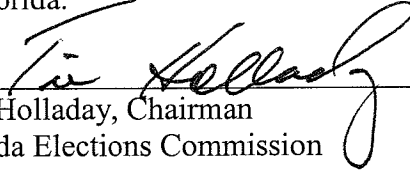

JoAnn M. Faiella
Port Saint Lucie, Florida 34985

The **Commission staff** hereby agrees and consents to the terms of this Consent Order on August 12, 2011.


Eric M. 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 August 8 & 9, 2011, in Tallahassee, Florida.



Tim Holladay, Chairman
Florida Elections Commission

12-7-11

Date

Copies furnished to:

Eric M. Lipman, General Counsel
JoAnn M. Faiella, Respondent