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STATE OF FLORIDA
ELECTIONS COMMISSION

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: Roy M. Terry III /

Case No.: FEC 14-292
F.O. No.: FOPEC 15-035 W

CONSENT ORDER

Respondent, **Roy M. Terry III**, 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. Respondent was a candidate for re-election to the Collier County School Board, District 5

2. On September 8, 2014, the Commission received a sworn complaint alleging that Respondent violated the following section of The Florida Election Code on one occasion:

Section 106.143(3), Florida Statutes: Respondent, a 2014 candidate for Collier County School Board, District 5, campaigned based on his party affiliation, even though the office for which he was running was nonpartisan.

3. No other legally sufficient violation of Chapter 104 or 106, Florida Statutes, was alleged in the complaint.

4. 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.

5. If the alleged violation occurred less than 14 days before the election in which the

Respondent is participating, the complainant did not allege that the political advertisement was either deceptive or influenced the outcome of the election.

6. Respondent used his name in the political advertisement.

CONCLUSIONS OF LAW

7. The Commission has jurisdiction over the parties to and subject matter of this cause, pursuant to Section 106.26, Florida Statutes.

8. The Commission considers the allegation contained in the complaint a minor violation, pursuant to Rule 2B-1.003, Florida Administrative Code.

9. Respondent neither admits nor denies that he violated Section 106 143(3), Florida Statutes, on one occasion.

ORDER

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

11. Respondent shall bear his own attorney fees and costs that are in anyway associated with this case.

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

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

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

15. Respondent agrees to correct immediately, if feasible, the violations alleged in

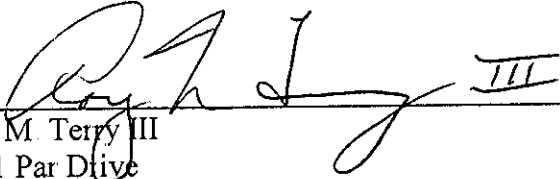
the complaint.

16. If the Commission does not receive the signed Consent Order and payment by the close of business on November 10, 2014, the staff withdraws this offer of settlement and will proceed with an investigation of the allegations in the complaint.

17. Respondent shall remit to the Commission a civil penalty in the amount of \$200. The civil penalty shall be paid by money order, cashier's check, or attorney trust account check and be valid for 120 days from the date of its issuance. The civil penalty shall be made payable to the Florida Elections Commission and sent to 107 West Gaines Street, Collins Building, Suite 224, Tallahassee, Florida 32399-1050, as a condition precedent to the Commission's execution of this Consent Order.

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


10/28/14, 2014.



Roy M. Terry III
1921 Par Drive
Naples, FL 34120

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

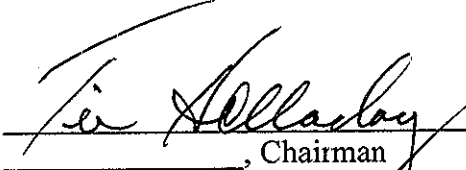
November 4, 2014



Amy McKeever Toman, Executive Director
Florida Elections Commission
107 West Gaines Street
Collins Building, Suite 224
Tallahassee, FL 32399-1050

Approved by the Florida Elections Commission at its regularly scheduled meeting on

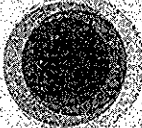
Feb. 24-25, 2015


_____, Chairman
Florida Elections Commission

Copies furnished to:
Amy McKeever Toman, Executive Director
Roy M. Terry III, Respondent
Tom Andler, Complainant

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142046815



Suncoast
Credit Union

CASHIER'S CHECK

63-8281
2631

10/27/14

.\$200.00

PAY

TWO HUNDRED AND 00/100 DOLLARS

TO THE
ORDER
OF

FLORIDA ELECTIONS COMMISSION

RE: ROY M TERRY III

THE PURCHASE OF AN INDEMNITY BOND MAY BE
REQUIRED BEFORE AN OFFICIAL CHECK OF THIS
CREDIT UNION WILL BE REPLACED OR REFUNDED
IN THE EVENT IT IS LOST MISPLACED OR STOLEN

R. Daut

VOID AFTER 90 DAYS

Security Features Included. ED Details on back

