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STATE OF FLORIDA
ELECTIONS COMMISSION

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: Joshua J. Wagner

Case No.: FEC 14-256

F.O. No.: FOEC 15-029W

CONSENT FINAL ORDER

Respondent, Joshua J. Wagner, 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 18, 2014, a complaint was filed with the Commission alleging that Respondent violated Florida's election laws.
2. Respondent has expressed a desire to enter into negotiations directed toward reaching a consent agreement.
3. Respondent and the staff stipulate to the following facts:
 - a. Respondent was a candidate for reelection to the Volusia County Council in the 2012 general election.
 - b. Respondent was allowed to accept \$500 per election from a single contributor.¹
 - c. On August 31, 2013, Respondent accepted a \$200 check contribution from

¹ A primary election and general election are two separate elections. At the time of the events in this case, a person was allowed to contribute \$500 (by check or in-kind) to a candidate prior to the primary election and an additional \$500 (by check or in-kind), after the primary election until five days prior to the general election.

Blickman Properties, Inc., d/b/a Sunglow Pier and Crabby Joe's.

c. On or about October 25, 2012, Respondent received a \$656.19 in-kind contribution from Crabby Joe's Deck and Grill, for a campaign event held at its restaurant.

d. In total, Respondent received \$856.19 from Blickman Properties, Inc., d/b/a Sunglow Pier and Crabby Joe's after the August 14, 2012 primary election and within five days of the November 6, 2012 general election

CONCLUSIONS OF LAW

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

5. 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.

6. The Commission staff and Respondent stipulate that Commission Staff can prove all the facts in paragraph 3 above by its required burden of proof, and to the Commission's ability to impose a civil penalty in this case

ORDER

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

8. The parties shall each bear its own attorney's fees and costs that are in any way associated with this case.

9. 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. This Consent Order is enforceable under Sections 106.265 and 120.69, Florida Statutes. 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.

12. If the Commission does not receive the signed Consent Order by the close of business of February 27, 2015, the staff withdraws this offer of settlement and will proceed with the case.

13. Payment of the civil penalty by cashier's check, money order, good for at least 120 days, or attorney trust account check is a condition precedent to the Commission's consideration of the Consent Order.

PENALTY

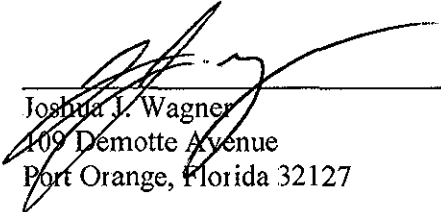
WHEREFORE, based upon the foregoing facts and conclusions of law, the Commission finds that the Respondent has violated Section 106.19(1)(a), Florida Statutes, and imposes a civil penalty in the amount of \$650 for the violation.

Therefore it is

ORDERED that the Respondent shall remit to the Commission a civil penalty in the amount of \$650, inclusive of fees and costs. The civil penalty shall be paid by cashier's check, money order, good for at least 120 days, or attorney trust account check. The civil penalty should be made payable to the Florida Elections Commission and sent to 107 West Gaines Street, Collins Building, Suite 224, Tallahassee, Florida, 32399-1050.

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

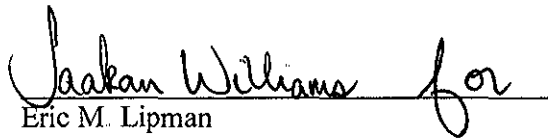
02/06, 2015.



Joshua J. Wagner
109 Demotte Avenue
Port Orange, Florida 32127

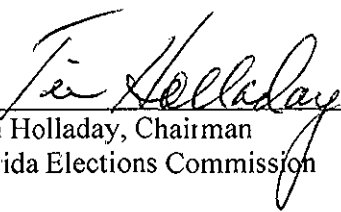
Commission staff hereby agrees and consents to the terms of this Consent Order on

Feb 9, 2015.



Eric M. Lipman
General Counsel
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 held
on ~~May~~ ^{Feb} 24-25, 2015, in Tallahassee, Florida



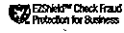
Tim Holladay, Chairman
Florida Elections Commission

Copies furnished to:
Eric M. Lipman, General Counsel
Joshua J. Wager, Respondent
Michael Taylor, Complainant

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63-215-631



2/6/2015

PAY TO THE ORDER OF Florida Elections Commission

\$ **650 00

Six Hundred Fifty and 00/100*****

DOLLARS

Florida Elections Commission

TRUST ACCOUNT

AUTHORIZED SIGNATURE

MEMO Joshua J. Wagner



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