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STATE OF FLORIDA
ELECTIONS COMMISSION

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

**FLORIDA ELECTIONS COMMISSION,
PETITIONER,**

v.

**CARYL R. STEVENS,
RESPONDENT.**

**AGENCY CASE No.: FEC 05-050
F.O. No.: DOSFEC 05-218**

CONSENT ORDER

The Respondent, Caryl R. Stevens, 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. The Respondent is Caryl R. Stevens.
2. The Complainant is Bill J. Quinlin, who identified himself as the campaign manager of one of Respondent's Oakland Park City Commission opponents in the March 2005 election. Complainant stated that he has never been a candidate for elective office.
3. On July 26, 2005, the staff of the Commission issued a Staff Recommendation, recommending to the Commission that there was probable cause to charge Respondent with:

Two counts of violating Section 106.143(1)(a), Florida Statutes, failure of a candidate making an expenditure for a political advertisement to mark prominently the political advertisement with the required disclaimer.
4. On August 26, 2005, the Commission entered an Order of Probable Cause finding there was probable cause to believe that the Respondent violated Section 106.143(1)(a), Florida

Statutes, on two occasions.

5. The Respondent and the staff stipulate to the following facts:

- A. Respondent was an unsuccessful candidate for Seat 5, Oakland Park City Commission, in the March 8, 2005 election. Respondent was previously elected to four 4-year terms as an Oakland Park City Commissioner in 1985, 1989, 1995, and 1999.
- B. Complainant provided copies of two of Respondent's political advertisements. Both appear to be single page, one-sided advertisements advocating Respondent's candidacy in the March 2005 City of Oakland Park election. Complainant alleged that the disclaimers omitted required information.
- C. Section 106.143(1)(a), Florida Statutes (2004), requires that political advertisements by candidates must prominently state:

"Political advertisement paid for and approved by (name of candidate), (party affiliation), for (office sought)."

- D. Respondent's first political advertisement, "Best Vision for Oakland Park," contained a quotation stating in part, "Vote for me...." That quotation was attributed to "Caryl R. Stevens, Candidate for Commissioner." The advertisement concluded with listings of Respondent's past positions of community involvement and political offices held. The top of the advertisement contained indications (Volume 1, Issue 12, Page 12) that it was published in some type of publication. A copy of the advertisement is attached as Exhibit 2a to the Report of Investigation. This advertisement contained the following disclaimer:

Approved by Caryl R. Stevens
Paid political advertisement by Caryl R. Stevens Campaign

- E. A proper disclaimer for Respondent's "Best Vision..." advertisement is:

"Political advertisement paid for and approved by Caryl R. Stevens, for City Commission Seat #5."

- F. Respondent's second political advertisement, "Help Make It Happen Vote March 8th," contained a quotation stating in part, "Vote for me..." and a paragraph entitled "Goals & Visions." It also contained a listing of Respondent's past positions of community involvement and political offices held and a listing of the groups that have endorsed her candidacy. This advertisement, a copy of which is attached as Exhibit 2b to the Report of Investigation, contained the following disclaimer:

paid political advertisement by Caryl R. Stevens Campaign
Carylin@aol.com 954.566.9957 CARYL
STEVENSON approved by Caryl Stevens Candidate for
Commission Seat #5.

- G. Nancy I. Ball, the city clerk and filing officer for the City of Oakland Park, stated that all City of Oakland Park elections are non-partisan. Although Respondent was not required to state her party affiliation, the disclaimer, nevertheless, failed to comply with the statutory requirements stated in paragraph 5 above.
- H. A proper disclaimer for Respondent's "Help Make It Happen..." advertisement is:
- "Political advertisement paid for and approved by Caryl R. Stevens, for City Commission Seat #5."
- I. On October 1, 2004, the filing officer provided Respondent with a copy of the *2004 Candidate and Campaign Treasurer Handbook* that was published in November 2003. On January 3, 2005, the filing officer provided Respondent with a copy of the Chapter 106, Florida Statutes, booklet dated September 2004, and a copy of the June 17, 2004, memorandum from the Division of Elections regarding the new political disclaimer law.
- J. Respondent signed Statement of Candidate forms for her 1995, 1999, and 2005 election campaigns indicating that Respondent had received, read, and understood Chapter 106, Florida Statutes. Respondent also served as chairman for a political committee, People for Accurate Information in Annexation.

CONCLUSIONS OF LAW

6. Commission has jurisdiction over the parties to and subject matter of this cause, pursuant to Section 106.26, Florida Statutes.
7. The Respondent neither admits nor denies that she violated Section 106.143(1)(a), Florida Statutes.

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 his 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 the Commission must approve it at a public meeting. After approval, the Consent Order is final agency action of the Commission on the violations listed in the Order of Probable Cause.

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.

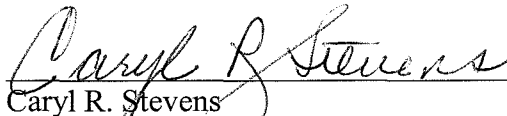
12. The Respondent will carefully review Chapters 104 and 106, Florida Statutes, and avoid any future violation of the chapter.

13. If the Commission does not receive the signed Consent Order and the fine within 20 days of the date you received this order, the staff withdraws this offer of settlement and will proceed with the case.

14. The Respondent shall remit to the Commission a fine in the amount of \$400. 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.


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

August 29, 2005.


Caryl R. Stevens
1311 NE 42nd Street
Oakland Park, Florida 33308

The **Commission staff** hereby agree and consent to the terms of this Consent Order on

September 2, 2005.



Charles A. Finkel
General Counsel
Florida Elections Commission
107 West Gaines Street
The Collins Building, Suite 224
Tallahassee, FL 32399-1050

Approved by the Florida Elections Commission at its regularly scheduled meeting held on August 18 and 19, 2005, in Tallahassee, Florida and filed with the Clerk of the Commission on December 2, 2005, in Tallahassee, Florida.



Chance Irvine, Chairman
Florida Elections Commission
107 West Gaines Street
The Collins Building, Suite 224
Tallahassee, FL 32399-1050

Copies furnished to:

Charles A. Finkel, General Counsel
Caryl R. Stevens, Respondent (certified mail w OPC),