

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Becky Erwin

**Case No.: FEC 10-199
F.O. No.: FOFEC 11-064W**

CONSENT FINAL ORDER

The Respondent, Becky Erwin, 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 31, 2010, a complaint was filed with the Commission alleging that Respondent violated Sections 106.07(5) and 106.19(1)(c), Florida Statutes.
2. On January 4, 2011, the staff of the Commission issued a Staff Recommendation, recommending to the Commission that there was probable cause to believe that The Florida Election Code was violated.
3. The Respondent has expressed a desire to enter into negotiations directed toward reaching a consent agreement.
4. The Respondent and the staff stipulate to the following facts:
 - a. Respondent was a first time candidate for the Seminole County School Board, District 5, in the November 2010 election.
 - b. Respondent submitted regular reports of contributions received and expenditures made by her campaign. Respondent certified that each report was true, correct, and complete. Respondent's 2010 F3 report was incomplete and contained incorrect information.
 - c. Respondent listed two August 16, 2010, in-kind contributions from herself

that were contributions made by Kevin J. Erwin.

d. Between August 3, 2010, and August 19, 2010, Respondent made in-kind contributions that failed to include all the required information.

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 parties stipulate that the Commission can prove the elements necessary to establish violations of Sections 106.07(5), and 106.19(1)(c), Florida Statutes, by the required burden of proof.

ORDER

8. The Respondent and the staff of the Commission have entered into this Consent Order voluntarily.

9. The Respondent shall bear her own attorney fees and costs that are in any way associated with this case.

10. The Commission will consider the Consent Order at its next available meeting.

11. 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.

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 20 days of the date Respondent receives this Consent Order, the staff withdraws this offer of settlement and will proceed with the case.

14. Payment of the civil penalty by 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 the following provisions of Chapters 106, Florida Statutes, and imposes a fine of \$2,500.

Therefore it is

ORDERED that the Respondent shall remit to the Commission a civil penalty in the amount of \$2,500, inclusive of fees and costs. The civil penalty shall be paid by cashier's check and sent 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 Jan 27, 2011.



Becky Erwin
1380 Birch Crest Court
Lake Mary, FL 32746


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

April 18, 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 May 10 & 11, 2011, in Tallahassee, Florida.



Jose Luis Rodriguez, Vice-Chair
Interim Chairman
Florida Elections Commission

May 18, 2011

Date

Copies furnished to:

Eric M. Lipman, General Counsel
Becky Erwin, Respondent

Florida Election Commission
107 W Gains Street, Suite 24
Collins Building
Tallahassee, FL 32399-1050

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STATE
ELECTION

December 9, 2010

RE: Case No: FEC 10-199

Dear Commissioners:

I am writing in response to the investigation of the above referenced case.

Throughout my campaign I did my best in completing the campaign finance reports. I kept an accurate record of all of my expenses. I was a first time candidate with good intentions.

I accounted for my expenses the same way I do in my business where many items fall under my marketing and advertising category. The majority of the campaign expenses fall under the advertising category and "advertising" is the term I used throughout my expense report.

Advertising is widely used in campaign finance reports throughout the state of Florida. It is an acceptable term for expenses when filing Federal Tax Returns.

Three vendor invoices were paid in part from my personal funds when my fundraising efforts were not as successful as I had hoped. After paying as much as I could from my campaign account, I supplemented the remaining with personal funds. I in no way tried to hide what I was doing. I am happy to make any corrections required to my reports. Please tell me how to make the corrections so I can make this right.

Respectfully,



Becky Erwin
1380 Birch Crest Ct.
Lake Mary, FL 32746