

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

71150  
11 AUG 26 AM 11:09  
STATE OF FLORIDA  
ELECTIONS COMMISSION

FLORIDA ELECTIONS COMMISSION,  
PETITIONER,

v.

AGENCY CASE No.: FEC 08-224  
F.O. No.: FOFEC 11-132W

BRIAN L. BLAIR,  
RESPONDENT.

\_\_\_\_\_ /

**CONSENT FINAL ORDER**

The Respondent, Brian L. Blair, 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 January 21, 2009, 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.

2. On March 20, 2009, the Commission entered an Order of Probable Cause finding that there was probable cause to charge the Respondent with the following violations:

**Count 1:**

On or about February 27, 2008, Respondent violated Section 106.19(1)(a), Florida Statutes, by accepting a contribution in excess of the legal limit, when he accepted a contribution of \$100 from Mai, Couch & Associates, Inc., after previously accepting a \$500 contribution from Mai, Couch & Associates, Inc., on October 1, 2007.

**Count 2:**

On or about June 2, 2008, Respondent violated Section 106.19(1)(a), Florida Statutes, by accepting a contribution in

excess of the legal limit, when he accepted a contribution of \$500 from A.R. Savage & Son, after previously accepting a \$500 contribution from A.R. Savage & Son on February 12, 2008.

3. The Respondent received a copy of the Order of Probable Cause.
4. The Respondent requested a hearing before the Division of Administrative Hearings within 30 days of receiving the Order of Probable Cause.
5. The Respondent and the staff stipulate to the following facts:
  - a. Respondent was defeated as a candidate for re-election to the Hillsborough County Commission, District 6, in the November 2008 general elections.
  - b. Section 106.08(1)(a), Florida Statutes, prohibits a candidate for public office from accepting a contribution from any person in excess of \$500 per election.
  - c. During his campaign, Respondent accepted an excessive contribution from Mai, Couch & Associates, Inc. in the amount of \$100, and an excessive contribution from A. R. Savage & Sons in the amount of \$500. Both contributions were later returned.

### **CONCLUSIONS OF LAW**

6. The Commission has jurisdiction over the parties to and subject matter of this cause, pursuant to Section 106.26, Florida Statutes.
7. The Commission staff and the Respondent stipulate that all elements of the offenses charged in the Order of Probable Cause can be proven by clear and convincing evidence.

### **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 any way

associated with this case.

10. 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.

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 or his attorney received this order, the staff withdraws this offer of settlement and will proceed with the case.

14. Payment of the civil penalty is a condition precedent to the Commission's consideration of the Consent Order.

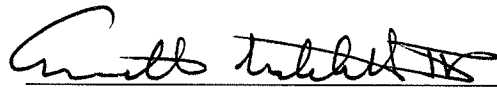
15. Respondent shall remit to the Commission a fine in the amount of \$750. The fine shall be paid to the Florida Elections Commission, by cashier's check or attorney's trust account check and sent to 107 West Gaines Street, The Collins Building, Suite 224, Tallahassee, Florida, 32399-1050, as a condition 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 Section 106.19(1)(a), Florida Statutes, and is fined \$750 for the violations.

**ORDERED** that the Respondent shall remit to the Commission a civil penalty in the amount of \$750, inclusive of fees and costs. The civil penalty shall be paid to the Florida Elections Commission by cashier's check or an attorney's trust account check and sent to 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 January 31, 2011.



---

**Emmett Mitchell, IV**  
Attorney for Respondent Brian L. Blair  
Coates Law Firm, PL  
115 East Park Avenue, Suite 1  
Tallahassee, Florida 32301

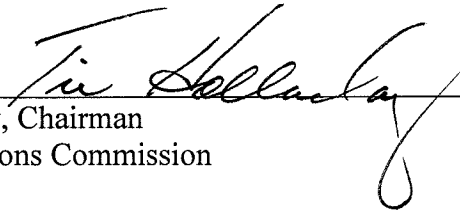
The **Commission staff** hereby agrees and consents to the terms of this Consent Order on ~~January~~ <sup>June</sup> 8 2011

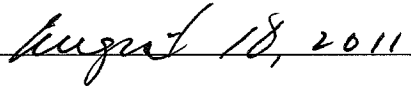


---

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 February 8 & 9, 2011, in Tallahassee, Florida.

  
\_\_\_\_\_  
Tim Holladay, Chairman  
Florida Elections Commission

  
\_\_\_\_\_  
Date

Copies furnished to:

Eric M. Lipman, General Counsel  
Emmett Mitchell IV, Attorney for Respondent