

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Beth A. Dillaha

**Case Nos.: FEC 11-171
F. O. No: FECFO11-188W**

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FEC - 11-171
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CONSENT FINAL ORDER

The Respondent, Beth A. Dillaha, and the Florida Elections Commission (Commission) agree that this Consent Order resolves all of the issues between the parties in this case. The parties agree to the following facts, conclusions of law, and order:

FINDINGS OF FACT

1. On July 22, 2011, the Commission received a sworn complaint, and on August 31, 2011, the Commission received an amended sworn complaint, alleging that Respondent violated Florida election laws.
2. The Respondent has indicated a desire to enter into settlement negotiations prior to a probable cause determination in this case.
3. The Respondent and the staff stipulate that during the March 8, 2011 municipal election, Respondent circulated a mailer to the residents of Winter Park, Florida that failed to include the proper disclaimer.

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 the Respondent stipulate that staff can prove all elements to establish a violation of Section 106.1439(1), Florida Statutes, by the required burden.

ORDER

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

8. The Respondent shall bear his own attorney 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. 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.

12. If the Commission does not receive the signed Consent Order within 5 days of the date Respondent or his attorney received this order, the staff withdraws this offer of settlement and will proceed with the case.

13. Payment of the civil penalty paid by a money order, cashier's check, 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 106.1439(1), Florida Statutes.

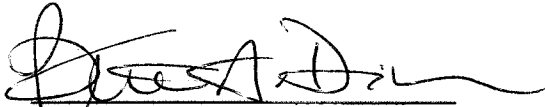
Therefore it is

ORDERED that the Respondent shall remit to the Commission a civil penalty in the amount of \$250, inclusive of fees and costs. The civil penalty shall be paid by money order,

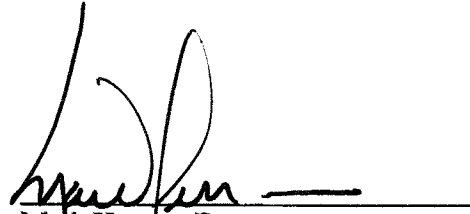
cashier's check or attorney trust account check, and made payable to the Florida Elections Commission, 107 W. Gaines Street, Collins Building, Suite 224, Tallahassee, Florida, 32399-1050.

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

October 6, 2011.



Beth A. Dillaha, Respondent
1801 Forrest Road
Winter Park, Florida 32789



Mark Herron, Esq.
Messer, Caparello & Self, P.A.
Post Office Box 15579
Tallahassee, Florida 32302

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

October 14, 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

11-15, 2011.



Tim Holladay, Chairman
Florida Elections Commission

12-7-11
Date

Copies furnished to:

Eric M. Lipman, General Counsel
Mark Herron, Attorney for Respondent