

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Martin Millar

**Case No.: FEC 10-331
F.O. No.: FOFEC11-187W**

CONSENT FINAL ORDER

The Respondent, Martin Millar, 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 November 4, 2010, a complaint was filed with the Commission alleging that Respondent violated Florida's election laws.
2. The Respondent has expressed a desire to enter into negotiations directed toward reaching a consent agreement.
3. The Respondent and the staff stipulate to the following facts:
 - a. Respondent was a candidate for the Mayor of South Palm Beach in the 2009 elections.
 - b. During his campaign, Respondent was required to file periodic reports listing all contributions and expenditures.
 - c. Respondent certified that his Termination Report was true, correct, and complete when it was not.
 - d. Respondent accepted a \$500 cash contribution from "Anonymous." The Anonymous contributor was Respondent's wife.

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 all facts in paragraph three can be proven by clear and convincing evidence.

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 15 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 by cashier's check or attorney's 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 the following provisions of Chapters 106, Florida Statutes, and imposes the following fines:

A. Respondent has violated Section 106.07(5) Florida Statutes, on one occasion. Respondent is fined \$250 for that violation.

B. Respondent has violated Sections 106.09(1), Florida Statutes, on one occasion. Respondent is fined \$250 for that violation.

Therefore it is

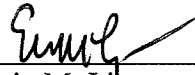
ORDERED that the Respondent shall remit to the Commission a civil penalty in the amount of \$500, inclusive of fees and costs. The civil penalty shall be paid to the Florida Elections Commission, by cashier's check or attorney's trust account check to 107 W. Gaines Street, Collins Building, Suite 224, Tallahassee, Florida, 32399-1050.

The **Respondent** hereby agrees and consents to the terms of this Order on Sept. 1, 2011.



Martin Millar
3605 South Ocean Boulevard, Apt. A134
South Palm Beach, Florida 33480

The **Commission staff** hereby agrees and consents to the terms of this Consent Order on Sept 7, 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 November 15 & 16, 2011, in Tallahassee, Florida.



Tim Holladay, Chairman
Florida Elections Commission

12.7-11

Date

Copies furnished to:

Eric M. Lipman, General Counsel
Martin Millar, Respondent