

FILED

14 FEB 27 PM 5:07

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

STATE OF FLORIDA
ELECTIONS COMMISSION

In Re: Latoya S. Reynolds /

Case Nos.: FEC 13-033

F.O. No.: 14-021W

CONSENT FINAL ORDER

The Respondent, Latoya S Reynolds, and the Florida Elections Commission ("Commission") agree that this Consent Order resolves all of the issues between the parties in the above case. The parties jointly stipulate to the following facts, conclusions of law, and order:

FINDINGS OF FACT

1. On January 8, 2013, a complaint was filed with the Commission alleging that Respondent violated the Florida Election Code.

2. On June 25, 2013, staff of the Commission issued a Staff Recommendation in FEC 13-033, recommending to the Commission that there was probable cause to believe that the Florida Election Code was violated.

3. The Respondent expressed a desire to enter into negotiations directed toward reaching a consent agreement in order to avoid further cost, expenses, and time

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

a. The Respondent was a candidate for the Florida House of Representatives, District 30, in the 2012 election cycle.

b. On April 24, 2012, Respondent sent a letter of withdrawal of candidacy to the Division of Elections.

c. On May 8, 2012, the Division mailed a letter to Respondent advising her that it had received her withdrawal of candidacy letter, and the letter advised

Respondent that she was still required to file her 2012 Termination Report no later than August 5, 2012.

d. On August 6, 2012, August 21, 2012, and September 18, 2012, the Division mailed letters to Respondent informing her that her 2012 Termination Report had not been filed.

e. The September 18, 2012 letter was mailed via certified mail with delivery confirmation and it included copies of the previous failure-to-file letter sent by the Division.

f. However, on October 3, 2013, Respondent filed her 2012 Termination Report as a Waiver-of-Report with the Division.

g. But for the fact that Respondent filed a Waiver-of-Report for her 2012 Termination Report, Respondent would have violated Section 106 141(1), Florida Statutes, when she failed to file her 2012 Termination Report by August 5, 2012

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. The Commission staff and the Respondent stipulate that staff can prove the facts in paragraph four above and to the Commission's ability to impose a civil penalty against Respondent in this case

7. However, pursuant to *PAC for Equality v Dep't of State, Florida Elections Commission*, 542 So 2d 459 (Fla. 2nd DCA 1989), the Commission may not penalize Respondent for failing to file timely her 2012 Termination Report.

ORDER

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

9. The parties shall each bear its own attorney's fees and costs that are in any way associated with this case.

10. The Respondent understands that before the Consent Order is final agency action, it must be approved by the Commission. 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.

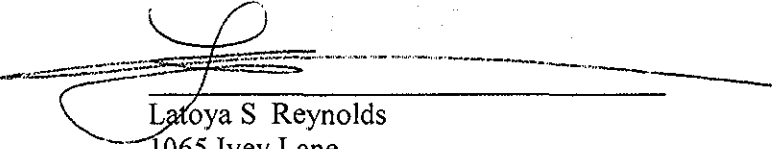
13. If the Commission does not receive the signed Consent Order by January 17, 2014, the staff withdraws this offer of settlement and will proceed with the case.

PENALTY

WHEREFORE, based upon the foregoing facts and conclusions of law, this matter is dismissed and no civil penalty is imposed.

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

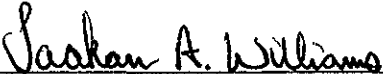
January 15, 2014.



Latoya S Reynolds
1065 Ivey Lane
McDonough, GA 30253


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

January 23, 2014.



Jaakan A Williams
Assistant General Counsel
Florida Elections Commission
107 W. Gaines Street
Collins Building, Suite 224
Tallahassee, FL 32399-1050

Approved by the Florida Elections Commission at its regularly scheduled meeting held on February 25-26, 2014 in Tallahassee, Florida.



Tim Holladay, Chairman
Florida Elections Commission

Copies furnished to:

Jaakan A. Williams, Assistant General Counsel
Latoya S. Reynolds, Respondent
Division of Elections, Complainant/Filing Officer