

**FILED**

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STATE OF FLORIDA  
ELECTIONS COMMISSION

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: Citizens Against Unfair Taxation**  
\_\_\_\_\_ /

**Case No.: FEC 14-251**

**F.O. No.: FOFEC 15-028W**

**CONSENT FINAL ORDER**

Respondent, Citizens Against Unfair Taxation, 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 15, 2014, a complaint was filed with the Commission alleging that Respondent violated the Florida Election Code.
2. Respondent expressed a desire to enter into negotiations directed toward reaching a consent agreement.
3. Respondent and the staff stipulate to the following facts:
  - a. Respondent is a political committee registered with the Palm Beach County Supervisor of Elections.
  - b. Respondent failed to appoint a registered agent and failed to timely file the required form disclosing the identity of and contact information for the registered agent (Form DS-DE 41).

**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 the facts in paragraph three above by clear and convincing evidence and to the Commission's ability to impose a civil penalty against Respondent in this case.

### **ORDER**

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

8. The parties shall each bear its own attorney's 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. 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 by November 14, 2014, the staff withdraws this offer of settlement and will proceed with the case.

13. Payment of the civil penalty by cashier's check, money order, good for at least 120 days, 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 106.022(1), Florida Statutes, and imposes a fine of \$100.

Therefore it is

**ORDERED** that the Respondent shall remit to the Commission a civil penalty in the amount of \$100, inclusive of fees and costs. The civil penalty shall be paid by cashier's check, money order, good for at least 120 days, or attorney trust account check. The civil penalty should be made payable to the Florida Elections Commission and sent to 107 West Gaines Street, Collins Building, Suite 224, Tallahassee, Florida, 32399-1050.

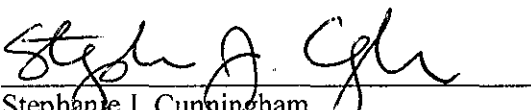
**Respondent** hereby agrees and consents to the terms of this Consent Order on

October 20<sup>th</sup>, 2014.

  
Kathleen McGiveron, Chairperson  
Citizens Against Unfair Taxation  
2121 Collier Avenue  
Lake Worth, FL 33461


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

October 24, 2014.

  
Stephanie J. Cunningham  
Assistant General Counsel

Florida Elections Commission  
107 West Gaines Street  
Collins Building, Suite 224  
Tallahassee, FL 32399-1050

Approved by the Florida Elections Commission at its regularly scheduled meeting held  
on February 24 & 25, 2014 in Tallahassee, Florida.

  
\_\_\_\_\_  
Chairman  
Florida Elections Commission

Copies furnished to:  
Stephanie J. Cunningham, Assistant General Counsel  
Citizens Against Unfair Taxation, Respondent  
Margaret L. Fisher, Complainant

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# CASHIER'S CHECK

6632600731

Office AU #

1210(8)

Operator ID: u257132

October 20, 2014

PAY TO THE ORDER OF **\*\*\*FLORIDA ELECTIONS COMMISSION\*\*\***  
**\*\*\*RE: KATHLEEN MCGIVERON\*\*\***

**\*\*\*One hundred dollars and no cents\*\*\***

**\*\*\$100.00\*\***

WELLS FARGO BANK, N.A.  
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FOR INQUIRIES CALL (480) 394-3122

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*Richard Lery*  
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