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STATE OF FLORIDA
ELECTIONS COMMISSION

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Virginia M. Gianakos

Case No.: FEC 14-406

F.O. No.: FOPEC 15-107W

CONSENT FINAL ORDER

Respondent, Virginia M. Gianakos, 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 October 30, 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 was a candidate for the office of Supervisor for the Lake Saint Charles Community Development District, Seat 1.
 - b. Respondent accepted in-kind campaign contributions from herself in the form of repurposed campaign yard signs prior to appointing a treasurer or designating a campaign depository.
 - c. Respondent displayed political advertisements that contained express advocacy but did not include proper disclaimers.
 - d. Respondent failed to report in-kind campaign contributions from herself as required by Chapter 106, Florida Statutes.

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 consent agreement was executed prior to the Commission's consideration of probable cause in this matter; therefore, a determination as to willfulness on the part of Respondent has not been made.

7. The Commission staff and 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

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

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

10. 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. 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 April 24, 2015, the staff withdraws this offer of settlement and will proceed with the case.

14. 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 the following provisions of Chapters 106, Florida Statutes, and imposes the following fines:

A. Respondent has violated Section 106.021(1)(a), Florida Statutes, on 1 occasion for accepting in-kind campaign contributions from herself in the form of repurposed campaign yard signs prior to appointing a treasurer or designating a campaign depository. Respondent is fined \$50 for each count for a total of \$50.

B. Respondent has violated Section 106.143(1)(a), Florida Statutes, on 1 occasion for displaying political advertisements that contained express advocacy while failing to include proper disclaimers. Respondent is fined \$50 for each count for a total of \$50.

C. Respondent has violated Section 106.19(1)(b), Florida Statutes, on 1 occasion for failing to report in-kind campaign contributions from herself as required by Chapter 106, Florida Statutes. Respondent is fined \$50 for each count for a total of \$50.

Therefore it is

ORDERED that the Respondent shall remit to the Commission a civil penalty in the amount of \$150, 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

April 20, 2015.



Virginia M. Gianakos
6904 Waterton Drive
Riverview, FL 33578

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

May 4, 2015.



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 May 20 & 21, 2015 in Tallahassee, Florida.



Acting Chairman
Florida Elections Commission

Copies furnished to:
Stephanie J. Cunningham, Assistant General Counsel

Virginia M. Gianakos, Respondent
Gary Scruggs, Complainant

THIS DOCUMENT HAS AN ARTIFICIAL WATERMARK PRINTED ON

THE BACK ABSENCE OF THIS FEATURE WILL INDICATE A COPY

OFFICIAL CHECK



P.O. Box 172599
Tampa, FL 33672-0599
1-813-871-2690
GTE Federal Credit Union DBA GTE Financial

49-55
1031

No. 2300019619

Date: April 08, 2015

One Hundred Fifty and 00/100*****

DOLLARS

Amount \$ *****150.00

DRAWER: GTE FINANCIAL

Pay to the Order of FL ELECTIONS COMMISSION
107 W. Gaines St. Collins Bldg. Suite 224
Tallahassee, FL. 32399-1050

[Handwritten Signature]
Authorized Signature

ISSUED BY: MONEYGRAM PAYMENTS SYSTEMS, INC.
P. O. BOX 9476 MINNEAPOLIS MN 55480
DRAWEE: BOKF, NA
EUFAULA, OK

RE: Virginia M. Gianakos FEC 14-406



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