

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

FILED
OCT 26 PM 1:14
TALLAHASSEE, FLORIDA
CLERK OF THE COMMISSION

FLORIDA ELECTIONS COMMISSION,
PETITIONER,

v.

AGENCY CASE No.: FEC 10-175
F.O. No.: 11-062W

STEVEN J. MUELLER,
RESPONDENT.

_____ /

CONSENT FINAL ORDER

The Respondent, Steven J. Mueller, 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 9, 2010, the Commission received a sworn complaint alleging that Respondent violated Florida election laws.
2. On February 15, 2011, the Commission entered an Order of Probable Cause, finding that there was probable cause to charge the Respondent with the following violation:

Count 1:

On or about July 2, 2010, Respondent violated Section 106.143(1)(a), Florida Statutes, when Respondent failed to include the required disclaimer on his campaign website www.muellerforcongress.com.

3. On February 24, 2011, the Respondent was served with the Order of Probable Cause.
4. The Respondent and the staff stipulate to the following facts:
 - a. The Respondent was a candidate for the Florida House of Representatives,

District 48, in the 2010 elections.

b. On July 2, 2010, Respondent launched his campaign website, www.muellerforcongress.com.

c. Respondent's campaign website, www.muellerforcongress.com, failed to include the proper political disclaimer required by Section 106.143(1)(a), Florida Statutes.

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. 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.

7. The Commission staff and the Respondent stipulate that staff could prove all the elements of a violation of Section 106.143(1)(a), Florida Statutes, by clear and convincing evidence.

ORDER

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

9. The Respondent shall bear his own attorney 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. The Respondent and the staff of the Commission agree that this Consent Order and the terms contained herein shall not constitute an admission against interest or acknowledgement of guilt as to any criminal charge that might arise from the allegations that form the basis of the complaint filed against Respondent on August 9, 2010, and this Consent Order.

13. 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.

14. If the Commission does not receive the signed Consent Order within seven (7) days of the date Respondent or his attorney received this order, the staff withdraws this offer of settlement and will proceed with the case.

15. Payment of the civil penalty by a money order or cashier's 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 106.143(1)(a), Florida Statutes. The Commission imposes a civil penalty of \$250 for the violation.

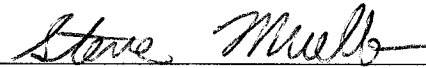
Therefore it is

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 with a money order or cashier's 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

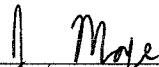
April 26, 2011.



Steven J. Mueller
51 Freshwater Drive
Palm Harbor, FL 34684

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

April 29, 2011.



Joshua B. Moye
Assistant 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 May 10, 2011, in Tallahassee, Florida.



Jose Luis Rodriguez
Vice-Chair / Acting Chair
Florida Elections Commission

Copies furnished to:
Joshua B. Moye, Assistant General Counsel
Steven J. Mueller, Respondent