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STATE OF FLORIDA
ELECTIONS COMMISSION

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Matthew Falconer
_____ /

**Case No.: FEC 10-197
F.O. No.: FOFEC 11-022W**

CONSENT FINAL ORDER

The Respondent, Matthew Falconer, and the Florida Elections Commission (Commission) agree that this Consent Order resolves all of the issues between the parties in this case. The parties agree to the following facts, conclusions of law, and order:

FINDINGS OF FACT

1. On August 24, 2010, a complaint was filed with the Commission alleging that the Respondent failed to include the required disclaimer on tickets and advertising for campaign fundraising events and failed to include the required verbal sponsorship language in several robo call political advertisements.

2. The Respondent has expressed a desire to enter into negotiations to resolve the issues in this case.

3. The Respondent and the staff jointly stipulate to the following facts:

A. The Respondent was a first-time candidate for Orange County Mayor.

B. Two of the Respondent's invitations for fundraising events were posted without the required disclaimer to a website by one of the Respondent's staff.

C. The Respondent had five robo calls distributed during the campaign. However, two of the robo calls were processed without the required disclaimer.

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 could prove all elements of violations of Sections 106.025(1)(c) and 106.147.(1)(a), Florida Statutes, 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. 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 24, 2010, and this 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 within 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.

14. Payment of the civil penalty 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 Sections 106.025(1)(c) and 106.147(1)(a), Florida Statutes. The Respondent is fined \$1,000 for the violations.

Therefore it is

ORDERED that the Respondent shall remit to the Commission a civil penalty in the amount of \$1,000, 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

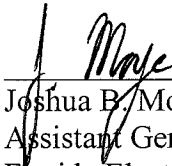
FEB 15th, 2011.



Matthew J. Falconer, Respondent
4201 Vineland Road, Suite 1-14
Orlando, Florida 32811


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

February 4th, 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 February 8 & 9, 2011, in Tallahassee, Florida.



Jose Luis Rodriguez, Vice-Chair
Acting Interim Chair
Florida Elections Commission

Copies furnished to:

Joshua B. Moye, Assistant General Counsel
Matthew J. Falconer, Respondent