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FLORIDA ELECTIONS COMMISSION

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Timothy Meerbott
_____ /

**Case No.: FEC 10-160
F.O. No.: FOFEC 11-0020W**

CONSENT FINAL ORDER

The Respondent, Timothy Meerbott, 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 1, 2010, a complaint was filed with the Commission alleging that Respondent accepted excess cash contributions.
2. The Respondent has expressed a desire to enter into negotiations directed toward reaching a consent agreement.
3. The staff and Respondent stipulate as follows:
 - a. Respondent was a candidate for the Mayor of Cutler Bay in the November 2010 election.
 - b. Section 106.09(1), Florida Statutes, prohibits a candidate from accepting cash contributions in excess of 50.00.
 - c. During his campaign, Respondent accepted two cash contributions that were in excess of the legal limit. Respondent, however, returned the excess portion of the contributions prior to the filing of the complaint in this matter.

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 all elements of the offense set forth in paragraph three above can be proven 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. 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.

12. If the Commission does not receive the signed Consent Order within 20 days of the date Respondent or his attorney received this order, the staff withdraws this offer of settlement and will proceed with the case.

13. 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 Section 106.09(1), Florida Statutes, and imposes a \$500 fine for the violations.

Therefore it is

ORDERED that the Respondent shall remit to the Commission a civil penalty in the amount of \$500, inclusive of fees and costs. The civil penalty shall be paid by cashier's check and sent 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 January 25th, 2011.



Timothy Meerbott
19031 Sterling Way
Cutler Bay, Florida 33157

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

January 25th, 2011.



Eric M. Lipman
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 8th, 2011 in Tallahassee, Florida.



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

FEBRUARY 15, 2011

Date

Copies furnished to:

Eric M. Lipman, General Counsel
Timothy Meerbott, Respondent