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STATE OF FLORIDA  
ELECTIONS COMMISSION

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: Oliver G. Gilbert, III**  
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**Case No.: FEC 10-364  
F.O. No.: FOFEC 11-019W**

**CONSENT FINAL ORDER**

The Respondent, Oliver G. Gilbert, III, 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 November 29, 2010, a complaint was filed with the Commission alleging that Respondent contributed \$500 from his campaign account to Felicia Robinson, who was a candidate for Miami Gardens City Council.

2. The Respondent has expressed a desire to enter into negotiations directed toward reaching a consent agreement in this matter.

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

a. The Respondent was a candidate for a councilman on the Miami Gardens City Council.

b. During the 2010, election, Felicia Robinson was a candidate for the City of Miami Gardens City Council.

c. During the 2010, election, Dorothy Bendross-Mindingall was a candidate for Miami Dade County School Board.

d. During the 2010, election, Oscar Braynon had an account open for a 2012 election to the Florida Senate

e. Respondent contributed \$500 to Felicia Robinson's campaign; Dorothy

Bendross-Mindingall's campaign; and Oscar Braynon's Campaign out of his campaign funds in violation of 106.19(1)(d), Florida Statutes.

f. The contributions were refunded prior to the filing of the Complaint.

g. The Complaint did not include allegations about the contributions to Dorothy Bendross-Mindingall or Oscar Braynon. Respondent self reported the incidents to the Commission, and wants to resolve the additional violations as part of this Consent Order.

### **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 3 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 violated Respondent has violated Section 106.19(1)(d), Florida Statutes, and is fined \$1500 for the violations.

Therefore it is

**ORDERED** that the Respondent shall remit to the Commission a civil penalty in the amount of \$1500, inclusive of fees and costs. The civil penalty shall be paid by cashier's check, or attorney's trust account 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

Jun, 19, 2011.

  
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Oliver G. Gilbert, III

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

January 19, 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 8 & 9, 2011, in Tallahassee, Florida.



Jose Luis Rodriquez, Vice Chair  
Florida Elections Commission

FEBRUARY 15, 2011

Date

Copies furnished to:

Eric M. Lipman, General Counsel  
Oliver G. Gilbert, III, Respondent