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STATE OF FLORIDA
ELECTIONS COMMISSION

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Kerry Keith Kelley

Case No.: FEC 15-012

F.O. No.: FOFEC 15-143W

CONSENT FINAL ORDER

Respondent, Kerry Keith Kelley, 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 January 5, 2015, a complaint was filed with the Commission alleging that Respondent violated Chapter 106, Florida Statutes.
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 State Representative, District 15, during the 2014 election cycle, and Diane Ruth McCreary Kelley was designated as Respondent's treasurer.
 - b. During Respondent's campaign, Respondent failed to notify the filing officer on the prescribed reporting date that no report would be filed on that date because he had not received funds, made contributions, or expended reportable funds during the 2014 P1 Report, 2014 P2 Report, 2014 G3 Report, 2014 G5 Report, 2014 G6 Report, and the 2014 G7 Report.
 - c. On July 17, 2014, Ms. Kelley filed waivers-of-report for the 2014 P1 Report and the 2014 P2 Report; on October 10, 2014, Ms. Kelley filed a

waiver-of-report for the 2014 G3 Report; on November 4, 2014, Ms. Kelley filed a waiver-of-report for the 2014 G5 Report; and on December 6, 2014, Ms. Kelley filed waivers-of-report for the 2014 G6 Report and the 2014 G7 Report.

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.

ORDER

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

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

8. The Commission will consider the Consent Order at its next available meeting.

9. 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.

10. 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.

11. If the Commission does not receive the signed Consent Order and payment of the civil penalty by the close of business on May 1, 2015, the staff withdraws this offer of

settlement and will proceed with the case.

12. Payment of the civil penalty by cashier's check, money order, and 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 provision of Chapter 106, Florida Statutes, and imposes the following fine:

A. Respondent has violated Section 106.07(7), Florida Statutes, when Ms Kelley, acting as treasurer for Kerry Keith Kelley, failed to notify the filing officer on the prescribed reporting date that no report would be filed for the 2014 P1 Report, 2014 P2 Report, 2014 G3 Report, 2014 G5 Report, 2014 G6 Report, and the 2014 G7 Report. Respondent is fined \$300.00 for the violations.

Therefore it is

ORDERED that the Respondent shall remit to the Commission a civil penalty in the amount of \$300.00, 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 Order on

15 APRIL, 2015.


Kerry Keith Kelley
7913 Westport Bay Drive North
Jacksonville, FL 32244

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

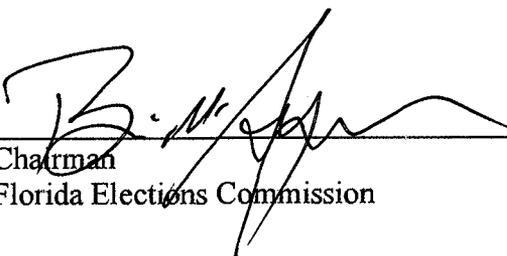
April 17

, 2015.

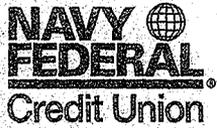
Jaakan A. Williams

Jaakan A. Williams
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:
Jaakan A. Williams, Assistant General Counsel
Kerry Keith Kelley, Respondent
Division of Elections, Complainant



PO Box 3000
Merrifield, VA 22119-3000
navyfederal.org

68-7497
2560

Cashier's Check

Serial No.	Account No	Date	Amount
0436376508	0000003001055544	04/14/15	\$*****300.00

Pay to the Order of FLORIDA ELECTIONS COMMISSION

REMITTER: KERRY KELLEY

Cynthia Lumsden
Authorized Signature

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