

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

FILED

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STATE OF FLORIDA
ELECTIONS COMMISSION

In Re: David M. Buckles

Case No.: FEC 08-068

F.O. No.: DOSFEC 08-061

CONSENT ORDER

The Respondent, David M. Buckles, and the Florida Elections Commission (Commission) agree that this Consent Order resolves all pending issues between the parties in this case. The parties jointly stipulate to the following facts, conclusions of law, and order.

FINDINGS OF FACT

1. The Respondent is David M. Buckles, a candidate for re-election to the Office of Superintendent of Schools for Putnam County.

2. On March 10, 2008, the Commission received a sworn complaint alleging that the following violations of The Florida Election Code:

Section 106.025(1)(c), Florida Statutes. The complaint alleges that David Buckles, a candidate for Superintendent of Schools for Putnam County, failed to mark an advertisement for a fund raiser with the required disclaimer.

Section 106.143(1)(a), Florida Statutes. The complaint alleges that David Buckles who made an expenditure for a political advertisement for a fund raiser failed to mark prominently the advertisement with the required disclaimer.

3. No other legally sufficient violation of Chapter 104 or 106, Florida Statutes, was alleged in the complaint.

4. The Respondent against whom the complaint was filed has not been notified of an allegation of the same violation before the conduct about which the complaint was filed.

5. If the alleged violation occurred less than 14 days before the election in which the Respondent is participating, the complainant did not allege that the political advertisement was

either deceptive or influenced the outcome of the election.

6. Respondent used his name in the political advertisement.

CONCLUSIONS OF LAW

7. The Commission has jurisdiction over the parties to and subject matter of this cause, pursuant to Section 106.26, Florida Statutes.

8. The Commission considers the allegation(s) contained in the complaint a minor violation, pursuant to Rule 2B-1.003, Florida Administrative Code.

9. The Respondent neither admits nor denies that he violated Section(s) 106.025(1)(c) and 106.143(1)(a), Florida Statutes.

ORDER

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

11. The Respondent shall bear his own attorney fees and costs that are in anyway associated with this case.

12. The Respondent understands that before the Consent Order is final agency action, it must be approved by the Commission. The Commission will consider the Consent Order at its next available meeting.

13. The Respondent voluntarily waives the right to any further proceedings under Chapters 106 and 120, Florida Statutes, and the right to appeal the Consent Order.

14. The Respondent will carefully review Chapter 106, Florida Statutes, and avoid any future violation of the chapter.

15. The Respondent agrees to correct immediately, if feasible, the violations alleged in the complaint.

16. If the Commission does not receive the signed Consent Order and the fine

within 20 days of the date you received this order, the staff withdraws this offer of settlement and will proceed with an investigation of the allegations in the complaint.

17. The Respondent shall remit to the Commission a fine in the amount of \$450. The fine shall be paid to the Florida Elections Commission, 107 W. Gaines Street, Collins Building, Room 224, Tallahassee, Florida, 32399-1050, as a condition precedent to the Commission's execution of this Consent Order.

The **Respondent** hereby agrees and consents to the terms of this Consent Order on MARCH - 20, 2008.




David M. Buckles
650 Cedar Creek Road
Palatka, FL 32177

The **Commission staff** hereby agree and consent to the terms of this Consent Order on April 8, 2008.



Barbara M. Linthicum, Executive Director
Florida Elections Commission
107 W. Gaines Street
Collins Building, Suite 224
Tallahassee, FL 32399-1050

Approved by the Florida Elections Commission at its regularly scheduled meeting held on May 15 & 16, 2008 in Tallahassee, Florida and filed with the Clerk of the Commission on May 30, 2008, in Tallahassee, Florida.



Jorge L. Cruz-Bustillo, Chairman
Florida Elections Commission
107 W. Gaines Street
Collins Building, Suite 224
Tallahassee, FL 32399-1050

Copies furnished to:

Barbara M. Linthicum, Executive Director
David M. Buckles, Respondent