

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: **Brian Highberger d/b/a Integrity
Mail, Inc.**

Case No.: **FEC 10-337**
F.O. No.: **FOFEC 11-018W**

CONSENT ORDER

The Respondent, Brian Highberger, d/b/a Integrity Mail, Inc., 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 Brian Highberger d/b/a Integrity Mail, Inc., the president and registered agent of a for profit corporation.
2. On November 12, 2010, the Commission received a sworn complaint alleging that Respondent violated the following section(s) of The Florida Election Code:

Section 106.143(1)(a), Florida Statutes. Brian Highberger d/b/a Integrity Mail, Inc., distributed a political flier without the proper disclaimer as alleged in the complaint. Brian Highberger d/b/a Integrity Mail, Inc., is the holder of the permit number used on the political flier.

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.

CONCLUSIONS OF LAW

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

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

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

ORDER

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

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

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

12. 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.

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

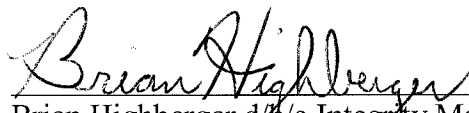
14. The Respondent agrees to correct immediately, if feasible, the violations alleged in the complaint.

15. 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.

16. The Respondent shall remit to the Commission a fine in the amount of \$250. 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 Dec. 8, 2010.



Brian Highberger d/b/a Integrity Mail, Inc.
15734 Dora Avenue
Tavares, FL 32778

The **Commission staff** hereby agrees and consents to the terms of this Consent Order on December 13, 2010.



Rosanna Catalano, 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 February 8 & 9, ²⁰¹¹~~2010~~ in Tallahassee, Florida.



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

FEBRUARY 15, 2011

Date

Copies furnished to:

Rosanna Catalano, Executive Director
Brian Highberger, Respondent