

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

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STATE OF FLORIDA
ELECTIONS COMMISSION

In Re: School District of Palm Beach
County and Arthur C. Johnson

Case No.: FEC 10-315
F.O. No.: FOFEC 11-003W

CONSENT FINAL ORDER

The Respondents, School District of Palm Beach County, and Arthur C. Johnson, 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 1, 2010, a complaint was filed with the Commission alleging violations of Florida's election laws.

2. On November 2, 2010, the Commission's Executive Director notified the Respondents that staff would investigate the following section of law:

Section 106.113(2), Florida Statutes: Superintendent of Schools, Arthur C. Johnson, and the School District of Palm Beach County, expended or authorized the expenditure of public funds for a political advertisement or electioneering communication concerning an issue, referendum, or amendment that is subject to a vote of the electors as alleged in the complaint.

3. The Respondents expressed a desire to enter into negotiations directed toward reaching a consent agreement.

4. The Respondents and the staff stipulate to the following facts:

a. The Respondents are Arthur C. Johnson and the Palm Beach County School District.

b. Prior to the November 2, 2010, General Election, Respondent Palm Beach

County School District authorized the use of public funds to create and distribute a political advertisement supporting a ballot initiative.

c. The Palm Beach County School District's approval of the use of public funds to support a ballot initiative violated Section 106.113(2), Florida Statutes.

d. Respondent, Arthur C. Johnson, shall be dismissed from this matter because he did not direct the development of the flyer at issue.

CONCLUSIONS OF LAW

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

6. 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.

7. The Commission staff, and the Respondent, stipulate that the Commission can find Respondent Palm Beach County School District violated Section 106.113(2), Florida Statutes, and impose a civil penalty against it for the violation.

8. The complaint against Respondent, Arthur C. Johnson shall be dismissed.

ORDER

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

10. The Respondents shall bear their own attorney fees and costs that are in any way associated with this case.

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

12. The Respondents voluntarily waives the right to any further proceedings under Chapters 104, 106, and 120, Florida Statutes, and the right to appeal the Consent Order.

13. 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.

14. If the Commission does not receive the signed Consent Order within 10 days of the date Respondents or their attorney received this order, the staff withdraws this offer of settlement and will proceed with the case.

15. Payment of the civil penalty is a condition precedent to the Commission's consideration of the Consent Order.

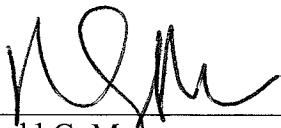
PENALTY

WHEREFORE, based upon the foregoing facts and conclusions of law, the Commission finds that the School District of Palm Beach County has violated Section 106.113(2), Florida Statutes, and imposes a penalty of \$750 for that violation.

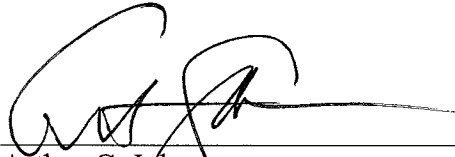
Therefore it is **ORDERED**

1. The complaint against Arthur C. Johnson is hereby **DISMISSED**.
2. The School District of Palm Beach County shall remit to the Commission a civil penalty in the amount of \$750, inclusive of fees and costs. The civil penalty shall be paid to the Florida Elections Commission, 107 W. Gaines Street, Collins Building, Suite 224, Tallahassee, Florida, 32399-1050.

The **Respondent, Arthur C. Johnson**, hereby agrees and consents to the terms of this Order on December 8, 2010.

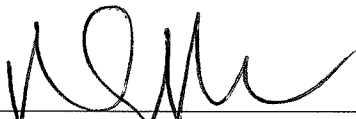


Ronald G. Meyer
131 North Gadsden Street
Tallahassee, Florida 32301



Arthur C. Johnson
3340 Forest Hill Boulevard, C-316
West Palm Beach, Florida 33406

The Respondent, School Board District of Palm Beach County, hereby agrees and consents to the terms of this Order on December 8, 2010.



Ronald G. Meyer
131 North Gadsden Street
Tallahassee, Florida 32301



School District of Palm Beach County
3340 Forest Hill Boulevard, C-316
West Palm Beach, Florida 33406
Frank A. Barbieri, Jr., Esq.
Board Chairman

The Commission staff hereby agrees and consents to the terms of this Consent Order on January 4, 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 9th, 2011, in Tallahassee, Florida.



Jose Luis Rodriguez, Vice Chair
Florida Elections Commission

FEBRUARY 15, 2011

Date

Copies furnished to:

Eric Lipman, General Counsel
Ronald G. Meyer, Attorney for Respondent