

FILED

15 NOV 23 PM 2:40

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

STATE OF FLORIDA
ELECTIONS COMMISSION

**Florida Elections Commission,
Petitioner,**

v.

**Agency Case No.: FEC 14-038
F.O. No.: FOFEC 15-242 W**

**Luis B. Santiago,
Respondent.**

CONSENT ORDER

Respondent, Luis B. Santiago, 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 April 17, 2015, the staff of the Commission issued a Staff Recommendation, recommending to the Commission that there was probable cause to believe that Respondent violated Chapter 106, Florida Statutes.

2. On June 16, 2015, the Commission entered an Order of Probable Cause finding that there was probable cause to charge the Respondent with violating Florida's election laws.

3. Respondent has expressed a desire to enter into negotiations directed toward reaching a consent agreement

4. Respondent and staff stipulate to the following facts:

a. Respondent was a candidate for Opa-locka City Commission in the

November 6, 2012 election.

b. After Respondent was elected, he loaned his campaign \$780 cash and used the money to pay for a campaign expenditure which he was not allowed to do.

c. Respondent wrote a starter check to pay for an expenditure that did not have the name of the candidate's campaign account and did not contain the full purpose of the expenditure.

d. In September and October, Respondent incurred or authorized campaign expenditures when Respondent did not have sufficient funds in his campaign account to pay the full amount of the incurred and authorized expenses, to honor all other checks drawn on the account, which checks were outstanding, and to meet all expenses previously authorized but not paid.

e. The parties agree to dismiss all counts involving Section 106.19(1)(d), Florida Statutes..

f. The Commission has considered Section 106.265(2)(a-d), Florida Statutes, prior to approving this Consent Order.

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. The Commission staff and the Respondent stipulate that the Commission could prove the facts in paragraph 4(a) through 4(e) by clear and convincing evidence and to the Commission's ability to impose a civil penalty in this case.

ORDER

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

8. All counts alleging violations of Section 106.19(1)(d), Florida Statutes, are hereby dismissed.

9. Respondent shall bear his own attorney's fees and costs that are in anyway associated with this case.

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

11. 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.

12. 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.

13. If the Commission does not receive the signed Consent Order and the penalty by the close of business on **September 9, 2015**, the staff withdraws this offer of settlement and will proceed with the case.

14. Payment of the civil penalty by cashier's check, or money order, 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 Sections 106.08(3)(b), 106.11(1)(b), and 106.11(4),


Florida Statutes, and imposes a \$2,000 civil penalty for the violations.

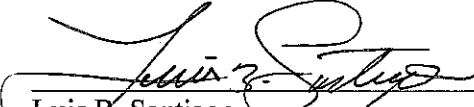
Therefore it is

ORDERED that the Respondent shall remit a civil penalty in the amount of \$2,000, inclusive of fees and costs by the close of business on **September 9, 2015**. The civil penalty shall be paid by cashier's check or money order, good for at least 120 days, or attorney trust account check. The civil penalty shall be payable to the Florida Elections Commission, 107 West Gaines Street, Collins Building, Suite 224, Tallahassee, Florida, 32399-1050.

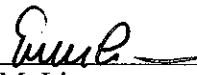
THIS SPACE INTENTIONALLY LEFT BLANK

Respondent hereby agrees and consents to the terms of this Consent Order on September 8, 2015.

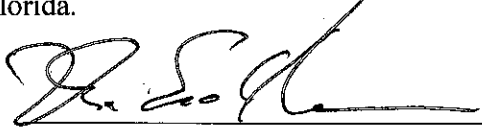

Benedict P. Kuehne
Miami Tower, Suite 3550
100 SE 2nd Street
Miami, Florida 33131
(305) 789-5389


Luis B. Santiago
1156 Peri Street
Opa-locka, Florida 33054
(305) 953-2868

Commission staff hereby agrees and consents to the terms of this Consent Order on September 10, 2015.


Eric M. Lipman
General Counsel
Florida Elections Commission
107 West Gaines Street
The Collins Building, Suite 224
Tallahassee, FL 32399-1050

Approved by the Florida Elections Commission at its regularly scheduled meeting held on November 17, 2015 in Tallahassee, Florida.


M. Scott Thomas, Chairman
Florida Elections Commission

Copies furnished to:
Eric M. Lipman, General Counsel
Benedict P. Kuehne, Attorney for Respondent
Miriam S. Ramos, Complainant

BENEDICT P. KUEHNE, P.A.
IOTA TRUST ACCOUNT
100 SE 2ND STREET STE 3550
MIAMI, FL 33131-2154

SABADELL UNITED BANK
MIAMI, FL
63-964/670

0867

9/9/2015

PAY TO THE ORDER OF: Florida Elections Commission

\$ **2,000.00

Two Thousand and 00/100*****

DOLLARS

Florida Elections Commission
107 West Gaines Street, Suite 224,
Tallahassee, FL 32399-1050.

MEMO
FEC 14-038

Benedict P. Kuhne
AUTHORIZED SIGNATURE

⑈000867⑈

THIS DOCUMENT MUST HAVE A COLORED BACKGROUND, ULTRAVIOLET FIBERS AND AN ARTIFICIAL WATERMARK ON THE BACK - VERIFY FOR AUTHENTICITY.

Details on Back. Security Features Included