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**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Kevin Burns

Case No.: FEC 15-358

F.O. No.: FOFEC 16-132W

CONSENT FINAL ORDER

Respondent, Kevin Burns, 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 May 26, 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 Commission staff stipulate to the following facts:
 - a. Respondent was a candidate for the office of Mayor of the City of North Miami in the June 4, 2013 run-off election, and he served as his own campaign treasurer.
 - b. Respondent failed to file a 2013 Termination Report, reflecting the disposition of all remaining funds in his campaign account, within 90 days of his elimination as a candidate.
 - c. Respondent failed to disclose significant campaign contributions and expenditures, when he failed to timely file the campaign's 2013 Termination Report.

- d. According to the North Miami City Clerk's office, the report remains outstanding.

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. 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.

8. Respondent and Commission staff stipulate that all elements of the offense(s) at issue can be proven by clear and convincing evidence.

ORDER

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

10. The parties shall each bear their own attorney's 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 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.

13. 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.

14. If the Commission does not receive the signed Consent Order on or before **Friday, April 29, 2016**, the staff withdraws this offer of settlement and will proceed with the case.

15. 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 the following provisions of Chapters 106, Florida Statutes, and imposes the following fines:

Respondent violated Section 106.141(1), Florida Statutes, when he failed to file a 2013 Termination Report, reflecting the disposition of all remaining funds in his campaign account, within 90 days of his elimination as a candidate. Respondent is fined \$500.00 for this violation.

Respondent violated Section 106.19(1)(c), Florida Statutes, by falsely reporting or deliberately failing to include information required by Chapter 106, Florida Statutes, when he failed to file the campaign's 2013 Termination Report. Respondent is fined \$500.00 for this violation.

Therefore it is

ORDERED that the Respondent shall remit to the Commission a civil penalty in the amount of **\$1,000.00**, inclusive of fees and costs. 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 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

Apr. 27, 2016.



Kevin Burns
2065 Alamanda Drive
North Miami, FL 33161

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

April 29, 2016.



Amy McKeever Toman, J.D.
Executive Director
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 18-19, 2016 in Tallahassee, Florida.



M. Scott Thomas, Chairman
Florida Elections Commission

Copies furnished to:
Amy McKeever Toman, Executive Director
Kevin Burns, Respondent
Stephanie Kienzle, Complainant

Sabadell United Bank



CASHIER'S CHECK

63-964/670

NOTICE TO CUSTOMERS
In the event this check is lost, misplaced or stolen,
the purchase of an indemnity bond for twice the
amount of the check, or a declaration of loss and 90
day waiting period may be required before it is replaced
or refunded.

P.O. BOX 5460
Hialeah, FL 33014

DATE: April 28, 2016

Serial No.

129898

Issued in US Dollars

Pay to the order of

FLORIDA ELECTION COMMISSION

* *****5,000.00

THE SUM OF

FIVE THOUSAND DOLLARS AND ZERO CENTS

MEMO

Kevin Burns

2-105

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