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STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

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ELECTIONS COMMISSION

**In Re: Keith A. James**

**Case No.: FEC 13-138**

**F.O. No.: FOFEC 14-080W**

**CONSENT FINAL ORDER**

The Respondent, Keith A. James, 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 16, 2013, a complaint was filed with the Commission alleging that Respondent used campaign funds to make a prohibited expenditure of \$500 to the re-election campaign of the West Palm Beach City Commissioner, District 5, after Respondent became an unopposed candidate.

2. The Respondent expressed a desire to enter into negotiations directed toward reaching a consent agreement.

3. The Respondent and the staff stipulate that the complaint is legally sufficient and that the Commission would be able to prove the following facts:

- A. The Respondent is Keith A. James.
- B. Respondent was a candidate for West Palm Beach City Commission, District 4, and became unopposed in the election on January 8, 2013.
- C. By check dated January 21, 2013, Respondent made a \$500 contribution from his own campaign fund to the campaign of Shanon Materio.
- D. By check dated March 11, 2013, Shanon Materio's campaign reimbursed Respondent's campaign for the full \$500.
- E. Respondent made or authorized an expenditure prohibited by Chapter 106, Florida Statutes.

## CONCLUSIONS OF LAW

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

5. 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.

6. The Commission staff and the Respondent stipulate to the staff's ability to prove all of the facts listed in paragraph 3 and construct a prima facie case in this matter.

## ORDER

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

8. The parties shall each bear its own attorney fees and costs that are in any way associated with this case.

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

10. 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.

11. The Respondent and the staff of the Commission agree that this Consent Order shall not be construed as admission of liability or wrongdoing and shall not be evidence of, or constitute a waiver by, either party hereto as to the merits or lack of merit of any claim or defense which could have been asserted as part of any informal or formal hearing.

12. 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.

13. If the Commission does not receive the signed Consent Order within 20 days of the date Respondent or its attorney received this order, the staff withdraws this offer of settlement and will proceed with the case.

14. Payment of the civil penalty must be made by cashier's check, money order, or attorney trust account check and is a condition precedent to the Commission's consideration of the Consent Order. The certified funds must be good for 120 days

#### **PENALTY**

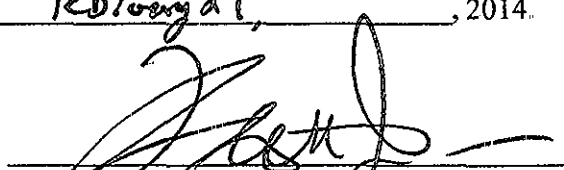
**WHEREFORE**, based upon the foregoing facts and conclusions of law, the Commission imposes a fine of \$200.

Therefore it is

**ORDERED** that the Respondent shall remit to the Commission a civil penalty in the amount of \$200, inclusive of fees and costs. The civil penalty shall be paid by cashier's check, money order, or attorney trust account check and must remain good for 120 days from the date of issuance. The civil penalty should be made payable to the Florida Elections Commission, and sent to 107 W. Gaines Street, Collins Building, Suite 224, Tallahassee, Florida, 32399-1050.

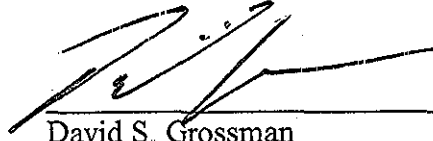
The Respondent hereby agrees and consents to the terms of this Order on

February 11, 2014.

  
\_\_\_\_\_  
Keith A. James  
4510 Portofino Way, # 209  
West Palm Beach, Florida 33409


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

March 4, 2014.



David S. Grossman  
Assistant General Counsel  
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 6-7, 2014.



Tim Holladay, Chairman  
Florida Elections Commission

Copies furnished to:  
David S. Grossman, Assistant General Counsel  
Keith A. James, Respondent

KEITH A. JAMES P A  
IOTA CLIENT TRT FND  
120 S. OLIVE AVE STE 702  
WEST PALM BEACH, FL 33401

PNC Bank, N.A. 001

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1/23/2014

PAY TO THE  
ORDER OF

Florida Elections Commission

\$ \*\*200.00

Two Hundred and 00/100\*\*\*\*\*

DOLLARS

Florida Elections Commission

MEMO Case No FEELB-138

