



**FLORIDA ELECTIONS COMMISSION**

107 W. Gaines Street  
Collins Building, Suite 224  
Tallahassee, Florida 32399-1050  
(850) 922-4539

FILED  
2010 MAR -2 A 11:06  
DIVISION OF  
ADMINISTRATIVE  
HEARINGS

March 1, 2010

The Honorable Juan-Carlos "J.C." Planas  
9530 SW 51st Street  
Miami, FL 33165

**RE: Case No.: FEC 09-073, DOAH No. 09-5465**

Dear Representative Planas:

The Florida Elections Commission at its last regularly scheduled meeting reviewed and voted to approve the Consent Order agreed to by Respondent and Commission staff.

I have enclosed for your records a copy the Consent Order signed by the Chairman. The Commission appreciates your cooperation and now considers this case closed.

I would also like to add my appreciation for the cooperative manner in which this case was resolved. Please let me know if you have any questions or if I can be of any further assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eric M. Lipman".

Eric M. Lipman  
Interim Executive Director

Enclosure: Consent Order

cc: Dept. of State, Division of Elections, Filing Officer  
Division of Administrative Hearings

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

FILED  
10 MAR -1 AM 11:07  
STATE OF FLORIDA  
ELECTIONS COMMISSION

FLORIDA ELECTIONS COMMISSION,  
PETITIONER,

v.

JUAN-CARLOS "J.C.", PLANAS, TREASURER FOR  
JUAN-CARLOS "J.C." PLANAS' CAMPAIGN.  
RESPONDENT.

AGENCY CASE No.: FEC 09-073  
DOAH CASE No.: 09-5465  
F.O. No.: FOFEC 10-007W

FILED  
2009 MAR -2 AM 11:09  
DIVISION OF  
ADMINISTRATIVE  
SERVICES

CONSENT FINAL ORDER

The Respondent, Juan-Carlos "J.C." Planas, 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 June 11, 2009, the staff of the Commission issued a Staff Recommendation, recommending to the Commission that there was probable cause to believe that The Florida Election Code was violated.

2. On September 1, 2009, the Commission entered an Order of Probable Cause finding that there was probable cause to charge the Respondent with the following violations:

**Count 1:**

Respondent violated Section 106.07(2)(b)1., Florida Statutes, when the Respondent failed to file with the candidate's filing officer an addendum to the candidate's 2008 Q1 incomplete campaign report due on April 10, 2008, after receiving notice from the filing officer.

3. On September 3, 2009, the Respondent was served by certified mail with a copy of the Order of Probable Cause.

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

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. 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.

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

13. 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 Respondent has violated Section 106.07(2)(b)1., Florida Statutes, and imposes a fine of \$500 for the violation.

Therefore it is

**ORDERED** that the Respondent shall remit to the Commission a civil penalty in the amount of \$500 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** hereby agrees and consents to the terms of this Order on \_\_\_\_\_, 2009.

a. The Respondent was a candidate for the Florida House of Representatives-District 115 in the 2008 election.

b. Section 106.07(2)(b)1., Florida Statutes, requires a candidate to file an addendum to an incomplete campaign report within three days after receiving notice from the filing officer.

c. Respondent filed his 2008 Q1 campaign treasurer's report listing campaign contributions and expenditures between January 1, 2008 and March 31, 2008 on April 11, 2008. The report was incomplete, and the filing officer requested the Respondent to file an addendum to his report.

d. Respondent did not file an addendum to his 2008 Q1 report within three days.

#### 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.

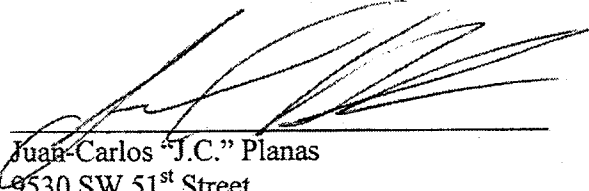
6. The Commission staff and the Respondent stipulate that all elements of the offense charged in the Order of Probable Cause can be proven by clear and convincing evidence.

#### ORDER


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

8. The Respondent shall bear his own attorney fees and costs that are in any way associated with this case.

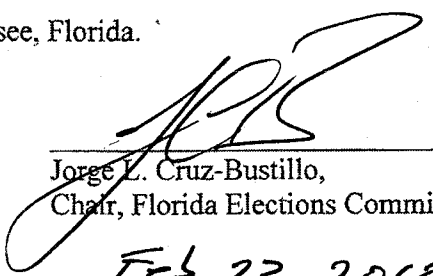
9. The Respondent understands that before the Consent Order becomes final agency action, the Commission must approve it at a public meeting. The Commission will consider the

  
\_\_\_\_\_  
Juan-Carlos "J.C." Planas  
9530 SW 51<sup>st</sup> Street  
Miami, FL 33165

The Commission staff hereby agrees and consents to the terms of this Consent Order on  
December, 2009.

  
\_\_\_\_\_  
Eric M. Lipman  
Assistant 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 November 17 & 18, 2009 in Tallahassee, Florida.

  
\_\_\_\_\_  
Jorge L. Cruz-Bustillo,  
Chair, Florida Elections Commission

Feb 23, 2010  
\_\_\_\_\_  
Date

Copies furnished to:

Eric M. Lipman, Assistant General Counsel  
Juan-Carlos "J.C." Planas, Respondent