

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Barry Moss

**Case No.: FEC 16-639
F.O. No.: FOFEC**

CONSENT FINAL ORDER

Respondent, Barry Moss, 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 October 28, 2016, a sworn complaint was filed with the Commission alleging that Respondent violated Florida's election laws.
2. Respondent has expressed a desire to enter into negotiations directed toward reaching a consent agreement.
3. Respondent and the staff stipulate to the following facts:
 - a. Respondent was a 2014 candidate for the Pompano Beach City Commission.
 - b. Respondent certified to the correctness of the campaign's Termination Report ("TR"), which covered the reporting period of October 31, 2014, through February 2, 2015, when it was incorrect or incomplete.

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 Respondent stipulate that staff could prove all the facts in paragraph three above by clear and convincing evidence and to the Commission's ability to impose a civil penalty in the case.

ORDER

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

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

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

10. The Respondent voluntarily waives confidentiality upon approval of the Consent Order by the Commission, the right to any further proceedings under Chapters 104, 106, and 120, Florida Statutes, and the right to appeal this Consent Order.

11. 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 pay all fees and costs associated with enforcement.

12. Payment of the civil penalty by cashier's check, money order, good for at least 120 days, or attorney trust account check is a condition precedent to the Commission's consideration of this Consent Order.

PENALTY

WHEREFORE, based upon the foregoing facts and conclusions of law, the Commission finds that the Respondent violated Section 106.07(5), Florida Statutes, on 1 occasion, and imposes a civil penalty in the amount of \$200.

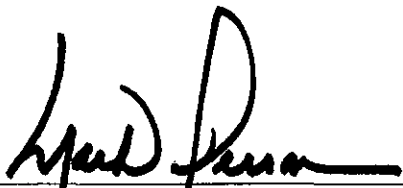
Therefore, it is

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, 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.

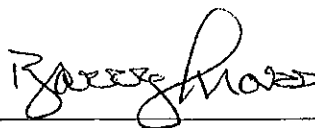
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Respondent hereby agrees and consents to the terms of this Consent Order on

Feb. 21, 2018.



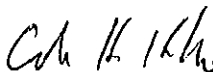
Mark Herron, Esq.
Messa Capareno, P.A.
P.O. Box 15579
Tallahassee, FL 32317



Barry Moss
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Pompano Beach, FL 33069

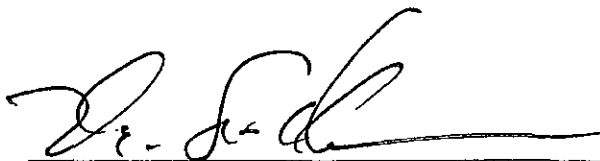
Commission staff hereby agrees and consents to the terms of this Consent Order on

March 2, 2018.



Cole H. Kekelis
Assistant 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 Mar 15, 2018, in Tallahassee, Florida.



M. Scott Thomas, Chairman
Florida Elections Commission

Copies furnished to:

Cole H. Kekelis, Assistant General Counsel
Mark Herron, Esq., Attorney for Respondent
Michael Mee, Complainant