STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: Michael Davey / **Case No.: FEC 20-333**
F.O. No.: FOFEC

CONSENT FINAL ORDER

Michael Davey ("Respondent"), and the Florida Elections Commission ("Commission") agree that this Consent Order resolves all 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 September 2, 2020, 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. Staff alleges:

   a. Respondent was a candidate for Mayor of the Village of Key Biscayne in the 2018 and 2020 elections. Respondent was elected and is serving his second term.

   b. Respondent certified several campaign treasurer's reports as true, correct, and complete when they were not.

c. Respondent did not dispose of all remaining campaign funds after the 2018 campaign.

d. Respondent used the same campaign depository for his 2020 campaign.

e. The surplus balance left in the account qualified as a premature contribution prior to the appointment of a treasurer and campaign depository.

f. Respondent did not report the surplus funds in his 2020 Termination Report.

g. Respondent disposed of all remaining campaign funds after the 2020 campaign through a donation to Born Free Pet Shelter.

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.

7. Respondent neither admits nor denies that he violated Sections 106.021(1)(a), 106.07(5), 106.141(1), and 106.19(1)(c), Florida Statutes.

ORDER

8. Respondent and the staff of the Commission have entered into this Consent Order freely and voluntarily.

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

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

11. 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.

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 pay all fees and costs associated with enforcement.

13. Any factual stipulations made by either party in this matter are for the purpose of this Consent Order and shall not be considered as admissions against interest for any other purpose or in any other proceeding.

14. 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 Sections 106.021(1)(a), 106.07(5), 106.141(1), and 106.19(1)(c), Florida Statutes, and imposes a civil penalty in the amount of **$1,500**.

Therefore, it is

ORDERED that the Respondent shall remit to the Commission a civil penalty in the amount of **$1,500**, 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, 32399-6596.

Respondent hereby agrees and consents to the terms of this Consent Order on this 9th day of June, 2021.

Mayor Michael Davey
88 West McIntyre Street
Key Biscayne, Florida 33149

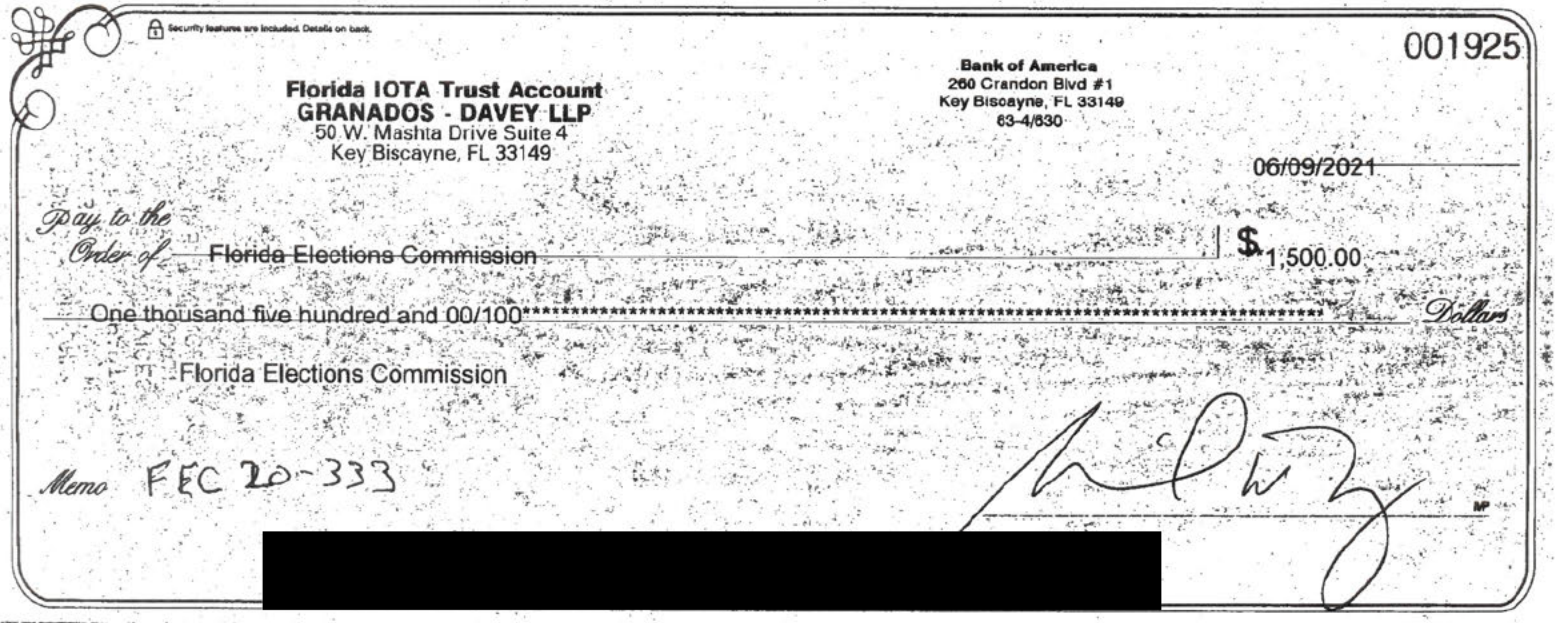
Commission staff hereby agrees and consents to the terms of this Consent Order on this 29th day of June, 2021.

Mattie T. Clay
Attorney
Florida Elections Commission
107 West Gaines Street
The Collins Building, Suite 224
Tallahassee, FL 32399-6596
Florida Bar No.: 0111931

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

Joni A. Poitier, Vice Chair
Florida Elections Commission

Copies furnished to:
Mattie T. Clay, Attorney
Michael Davey, Respondent
Inbal Horovitz, Complainant



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Florida IOTA Trust Account
GRANADOS - DAVEY LLP
50 W. Mashta Drive Suite 4
Key Biscayne, FL 33149

Bank of America
260 Crandon Blvd #1
Key Biscayne, FL 33149
63-4/630

06/09/2021

Pay to the Order of Florida Elections Commission $ 1,500.00

One thousand five hundred and 00/100********** Dollars

Florida Elections Commission

Memo FEC 20-333

[redacted]

Florida IOTA Trust Account/GRANADOS - DAVEY LLP

06/09/2021	**Florida Elections Commission**	001925
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TRUST ACCOUNTS:BoA 2419 Trust Accou	1,500.00



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