



FLORIDA ELECTIONS COMMISSION

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

November 2, 2010

CERTIFIED MAIL 7004 1160 0004 9190 2787

Isaac Aelion
16711 Collins Avenue, #2302
Sunny Isles Beach, FL 33160

RE: Case No.: FEC 10-316

Dear Mr. Aelion:

The Florida Elections Commission has received a complaint alleging that you, the Respondent, have violated Section(s), Florida Statutes. I have enclosed a copy of the complaint with this letter.

Rule 2B-1.003, Florida Administrative Code, provides for resolving certain cases by a consent order before investigation commences. Under the rule, an alleged violation of Chapter 106 will be considered a minor violation if the following criteria are met:

- (1) The violation is one identified in the rule;
- (2) It is the first time the person is alleged to have committed the violation;
- (3) The person agrees to correct the conduct that resulted in the violation, if feasible; and
- (4) When a violation involves political advertising, the person must be named in the political advertisement and the complainant must not allege that the advertising was either deceptive or influenced the outcome of the election if the violation occurred less than 14 days before the election.

This case meets the criteria set forth above. Therefore, the procedures of the Commission allow you one of two options at this juncture. You may either, (1) enter into a consent order with the Commission staff and pay a small fine, rather than the potential \$1,000 per violation provided for in Section 106.265, Florida Statutes, or (2) not enter into a consent order, in which case the staff will proceed to investigate the allegations in the complaint. The consent order provides that the Respondent neither admits nor denies the allegation(s) in the complaint, and requires the Respondent immediately to correct the violation, if feasible, and to avoid future

violations. The consent order does not constitute final action by the Commission until it is accepted and approved by the Commission.

If you choose to resolve this case without an investigation and possible hearing, please sign and return the enclosed consent order, together with payment of the specified fine, within 20 days of the date you receive this letter. Payment of the fine must be by either cashier's check or other certified funds. The signed consent order will then be considered by the Commission at its next available meeting. If the staff does not receive the signed consent order and the fine within 20 days, staff withdraws this offer of settlement and will proceed to investigate the allegations in the complaint.

If you choose to proceed with the investigation, the Commission staff will investigate the following statutory provision(s):

Section 106.143(1)(a), Florida Statutes: The complaint alleges that Isaac Aelion candidate for the Sunny Isles Beach City Commission, Seat 4, failed to mark a political advertisement with the required statutory disclaimer as alleged in the complaint.

You may respond to the violation(s) alleged in the complaint by filing a notarized statement providing any information regarding the facts and circumstances surrounding the allegation(s). If you choose to file a response to the complaint, you should file the response within 20 days of the date you receive this letter. Your response will be included as an attachment to the investigator's report.

Section 106.25, Florida Statutes, provides that when the investigator completes his or her report, staff will mail you a copy of the investigator's report. Should you choose to file a response to the report, you must file your response with the Commission within 15 days of the date of this letter. If your response is timely filed, the Commission will consider it when determining probable cause.

Commission staff will review the Report of Investigation and make a written recommendation to the Commission on whether there is probable cause to charge you with violating Chapter 104 or 106, Florida Statutes. You will receive a copy of this staff recommendation and will have the opportunity to file a response. Should you choose to do so, your response must be filed with the Commission within 15 days of the date the recommendation is mailed to you. If your response is timely filed, the Commission will consider it when determining probable cause.

The Commission will hold a hearing to determine whether there is probable cause to charge you with a violation. You will receive a notice of hearing at least 14 days before the hearing. The notice of hearing will indicate the location, date, and time of your hearing. If you attend the hearing, you will be permitted to make a brief oral statement to the Commission, but you cannot testify or call others to testify, or introduce any documentary or other evidence.

The staff recommendation and the notice of the probable cause hearing will be mailed to the same address as this letter. Therefore, if your address changes, you must notify the Commission of your new address. Otherwise, you may not receive the correspondence from the Commission staff. Failure to receive the documents will not delay the probable cause hearing.

Under section 106.25, Florida Statutes, complaints, Commission investigations, investigative reports, and other documents relating to an alleged violation of Chapters 104 and

106, Florida Statutes, are **confidential** until the Commission finds probable cause or no probable cause. A breach of confidentiality is a criminal violation of the law. The confidentiality provision does not apply to the person filing the complaint. However, it does apply to you, the Respondent, unless you waive confidentiality in writing. The confidentiality provision does not preclude you from seeking legal counsel. However, if you retain counsel, your attorney must file a notice of appearance with the Commission before any member of the Commission staff can discuss this case with him or her.

If you have any questions, please contact **David Flagg**, at extension 111, or at the address listed above.

Sincerely,

A handwritten signature in black ink, appearing to read "Rosanna Catalano". The signature is fluid and cursive, with the first name being the most prominent.

Rosanna Catalano
Executive Director

Enclosures: Consent Order
Complaint w/ attachments

cc: Jenniffer Viscarra, Complainant