

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

FILED
12 MAY 15 PM 3:53
STATE OF FLORIDA
ELECTIONS COMMISSION

In Re: Samuel J. Ferreri

Case No.: ~~FEC 11-142~~
F.O. No.: 12-064W

CONSENT FINAL ORDER

The Respondent, Samuel J. Ferreri, and the Florida Elections Commission (Commission) agree that this Consent Order resolves all of the issues between the parties in this case. The parties agree to the following facts, conclusions of law, and order:

FINDINGS OF FACT

1. On June 8, 2011, the Commission received a sworn complaint alleging that Respondent violated Florida election laws.
2. The information in the complaint indicated that Respondent may have committed violations of Florida's election laws.
3. The Respondent has indicated a desire to enter into settlement negotiations prior to a probable cause determination in this case.
4. The Respondent and the staff stipulate to the following facts:
 - a. The Respondent was an unopposed incumbent candidate for Mayor of Greenacres, Florida in the March 9, 2011 election.
 - b. After Respondent became unopposed, he expended funds in his campaign account for purposes other than those listed in Section 106.11(5)(a)-(d), Florida Statutes, when:
 - i. On March 3, 2011, five days before the election, Respondent published a newspaper advertisement entitled, "Mayor Sam Ferreri Endorses [Richard] Radcliffe and [Paula] Bousquet," and
 - ii. On March 7, 2011, the day before the election, Respondent published

robo calls endorsing Richard Radcliffe and Paula Bousquet.

c. Respondent failed to file timely a campaign report reflecting the disposition of all remaining funds in his campaign account within 90 days after becoming unopposed.

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. 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.

7. The Commission staff and the Respondent stipulate that staff can establish violations of Sections 106.11(5), 106.19(1)(d), and 106.141(1), Florida Statutes, by the required burden.

ORDER

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

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

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

11. 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.

12. The Respondent and the staff of the Commission agree that this Consent Order and the terms contained herein shall not constitute an admission against interest or acknowledgement of guilt as to any criminal and/or civil charge that might arise from the

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allegations that form the basis of the June 8, 2011 complaint and this Consent Order.

13. 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.

14. If the Commission does not receive the signed Consent Order within 7 days of the date Respondent or their attorney received this order, the staff withdraws this offer of settlement and will proceed with the case.

15. Payment of the civil penalty paid by money order, cashier's check, or attorney trust account check 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 Sections 106.11(5), 106.19(1)(d), and 106.141(1), Florida Statutes. The Respondent shall pay a civil penalty of \$2,750.

Therefore it is

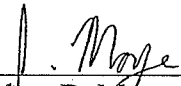
ORDERED that the Respondent shall remit to the Commission a civil penalty in the amount of \$2,750, inclusive of fees and costs. The civil penalty shall be paid with a money order, cashier's check, or attorney trust account check, and made payable to the Florida Elections Commission, 107 W. Gaines Street, Collins Building, Suite 224, Tallahassee, Florida, 32399-1050.

The **Respondent** hereby agrees and consents to the terms of this Order on April 10, 2012.




Samuel J. Ferreri, Respondent
6541 Spring Meadow Drive
Greenacres, Florida 33413

The **Commission staff** hereby agrees and consents to the terms of this Consent Order on April 18th, 2012.



Joshua B. Moye
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 5-8, 2012.



Tim Holladay, Chairman
Florida Elections Commission

5-8-12

Date

Copies furnished to:

Joshua B. Moye, Assistant General Counsel
Mark Herron, Attorney for Respondent

12285

MESSER, CAPARELLO & SELF, P.A.
TRUST ACCOUNT
P.O. BOX 15579
TALLAHASSEE, FL 32317
(850) 222-0720



PREMIER BANK
P.O. BOX 3606 TALLAHASSEE, FL 32315-3606

63-1410/631

DATE	NUMBER	AMOUNT
04/17/2012	12285	**\$2,750.00

*** TWO THOUSAND SEVEN HUNDRED FIFTY & 00/100 DOLLARS

PAY

Florida Elections Commission

MESSER, CAPARELLO & SELF, P.A.

TO THE ORDER OF

SAMUEL J. FERRERI

Norman H. Horby
MP SECURED SECURE & SECURED MP

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