

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

FILED

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In Re: Al Lamberti

Case No.: **FEC.09-077**
F.O. No.: **FOFEC 10-121-W**

CONSENT FINAL ORDER

The Respondent, Al Lamberti, 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 March 30, 2009, a complaint was filed with the Commission alleging that Respondent accepted a contribution in excess of the legal limits, failed to report contributions required to be reported by Chapter 106, Florida Statutes, and failed to include a proper disclaimer on a political advertisement.

2. The Respondent has expressed a desire to enter into negotiations to resolve the issues in this case.

3. The Respondent and the staff jointly stipulate to the following facts:

A. The Respondent was the incumbent candidate for Broward County Sheriff in the 2008 election.

B. During his campaign, Respondent filed regular reports of contributions received and expenditures made by his campaign. Respondent reported total aggregate contributions of approximately \$800,000. Respondent certified the reports were true, correct, and complete.

C. Although Respondent instructed his campaign staff to obtain necessary in-kind letters, Respondent's G3 report failed to list in-kind contributions for use of an

inoperable construction crane, political advertisement, light fixture and installation of lights and political advertisement banner on his campaign treasurer's report. The aggregate total of the contributions at issues is approximately \$400.

D. Respondent failed to mark an in-kind political advertisement banner hanging from a construction crane with a proper disclaimer.

E. The Respondent failed to report in-kind contributions in connection with a political advertisement.

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 Respondent agrees that staff could prove all elements of violations of Sections 106.07(5), 106.143(1)(b)3., and 106.19(1)(b), Florida Statutes, by clear and convincing evidence.

ORDER

7. Respondent voluntarily entered into this Consent Order 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 voluntarily waives the right to any further proceedings under Chapters 104, 106, and 120, Florida Statutes, and the right to appeal the Consent Order.

10. 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 charge that might arise from the allegations that form the basis of the complaint filed on March 30, 2009, against Respondent and this 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.

PENALTY

WHEREFORE, based upon the foregoing facts and conclusions of law, the Commission finds that the Respondent has violated Sections 106.07(5), 106.143(1)(b)3., and 106.19(1)(b), Florida Statutes. The Respondent is fined a total of \$500 for the violations.

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

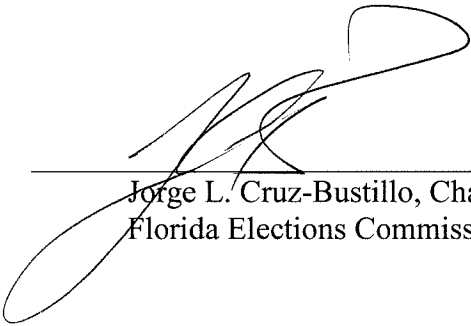
August 26, 2010.



Al Lamberti
By and through

Richard E. Coates
Florida Bar Number 930032
Coates Law Firm, PL
115 East Park Avenue, Suite 1
Tallahassee, Florida 32301

Approved by the Florida Elections Commission at its regularly scheduled meeting held
on August 10, 2010, in Tallahassee, Florida.



Jorge L. Cruz-Bustillo, Chair
Florida Elections Commission

Copies furnished to:

Joshua B. Moye, Assistant General Counsel
Richard E. Coates, Attorney for Respondent