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STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: John P. Ottino III
_____ /

Case No.: FEC 10-137

In Re: Randi Tompkins
_____ /

Case No.: FEC 10-136

F.O. No.: FOFE 11-063W

CONSENT FINAL ORDER

The Respondents, John P. Ottino III, and Randi Tompkins, 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 July 1, 2010, John Kent filed a complaint with the Commission alleging that the Respondent Ottino violated Florida's election laws. Mr. Kent filed an identical complaint against Respondent Tompkins. Respondent Tompkins was Mr. Kent's former wife.

2. The Respondents and Commission staff have entered into negotiations directed toward reaching a consent agreement prior to a determination of probable cause.

3. The parties stipulate to the following facts:

A. Section 106.08(1), Florida Statutes, provides that a person may contribute no more than \$500 to a candidate per election. Section 106.08(5), Florida Statutes, prohibits an individual from making a contribution to a candidate through, or in the name of another.

B. The July 1, 2010, complaint alleged that Respondent Tompkins stated that Respondent Ottino made contributions through, or in the name of another, specifically

Respondent Tompkins. In his complaint, Mr. Kent set forth statements allegedly made to him by Respondent Tompkins regarding two instances in which this occurred.

C. Contributions made in excess of \$500 through, or in the name of another, are violations of Sections 106.08(1), and 106.08(5), Florida Statutes

D. Respondent Ottino is stipulating to the above facts for the sole purposes of entering into this consent order and resolving the above referenced cases.

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 the Respondents stipulate that the Commission could establish a prime facie case for violations by the required burden of proof.

7. If the Commission does not accept all the terms of this Consent Order as set forth in this agreement, the parties agree that staff may proceed with the investigations of the above referenced complaints.

ORDER

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

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

10. The complaint in Case Number FEC 10-136 against Randi Tompkins is hereby dismissed.

11. The Respondents voluntarily waive the right to any further proceedings under Chapters 104, 106, and 120, Florida Statutes, and the right to appeal the Consent Order.

12. The Respondents 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 other charge or charges that might arise in another forum from the allegations that form the basis of the complaints filed on July 1, 2010, or from the facts that form the basis of this settlement agreement.

13. This Consent Order is enforceable under Sections 106.265, and 120.69, Florida Statutes. The Respondents expressly waive any venue privileges and agree that if enforcement of this Consent Order is necessary, venue shall be in Leon County, Florida, and Respondents shall be responsible for all fees and costs associated with enforcement.

14. If the Commission staff does not receive the signed Consent Order within 20 days of the date Respondents and their attorneys receive this order, the staff withdraws this offer of settlement and will proceed with the cases.

15. Payment of the civil penalty by cashier's check or attorney's 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 Respondent, J.P. Ottino III has violated Sections 106.08(1), and 106.08(5), Florida Statutes, and Respondent Ottino agrees to pay a \$50,000 civil penalty, inclusive of staff's investigative fees and costs. The civil penalty shall be paid by cashier's check or attorney's trust


account check.

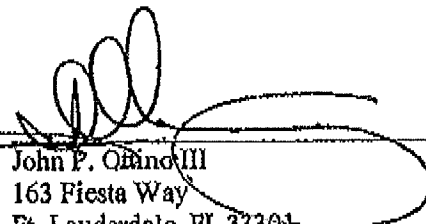
Therefore it is

ORDERED that Respondent J. P. Ottino III shall remit to the Commission a civil penalty in the amount of \$50,000, inclusive of staff's case related fees and costs. The civil penalty shall be paid by cashier's check or attorney's trust account check, and sent to the Florida Elections Commission, 107 W. Gaines Street, Collins Building, Suite 224, Tallahassee, Florida, 32399-1050.

Respondent J.P. Ottino III hereby agrees and consents to the terms of this Order on


JANUARY 25, 2011.



Mark Heron
Messer, Caparello & Self, P.A.
Post Office Box 15579
Tallahassee, Florida 32317


John P. Ottino III
163 Fiesta Way
Ft. Lauderdale, FL 33301

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

March 14 2011.


Benedict P. Kuehne
Miami Tower, Suite 3550
100 SE 2nd Street
Miami, Florida 33131


Randi Tompkins
2410 NW 30th Road
Boca Raton, FL 33431

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

March 21 2011.

Eric M. Lipman

Eric M. Lipman
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 MAY ~~18~~ 10, 2011, in Tallahassee, Florida.

Jose Luis Rodriguez

Jose Luis Rodriguez, Vice-Chair
Acting Interim Chair
Florida Elections Commission

MAY 18, 2011

Date

Copies furnished to:
Eric M. Lipman, General Counsel
Mark Herron, Attorney for J.P. Ottino III
Benedict P. Kuehne, Attorney for Randi Tompkins