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STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

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ELECTIONS COMMISSION

Florida Elections Commission,
Petitioner,

v.

Agency Case No.: FEC 10-368
F.O. No.: FOFEC 14-006W

Josue Larose,
Respondent.

FINAL ORDER

THIS MATTER was heard at a formal hearing held before the Florida Elections Commission ("Commission") on June 4, 2013.

APPEARANCES

For Commission	Jaakan A. Williams Assistant General Counsel 107 W Gaines Street Collins Building, Suite 224 Tallahassee, FL 32399
For Respondent	No Appearance

STATEMENT OF THE ISSUE

Whether the Respondent violated Section 106.07(5), Florida Statutes, when Respondent certified his political committee reports were true, correct, and complete when they were not and whether Respondent violated Section 106 19(1)(a), Florida Statutes, when Respondent falsely reported or deliberately failed to include information required to be reported by Chapter 106, Florida Statutes, on his political committee reports.

PRELIMINARY STATEMENT

On December 3, 2010, the Commission received a sworn complaint alleging violations of Florida's election laws. Staff of the Commission conducted an investigation to determine whether the facts alleged in the complaint constituted probable cause to believe that the Respondent violated the Florida Election Code.

On October 4, 2011, the staff recommended to the Commission that there was probable cause to believe that the Florida Election Code was violated. On November 30, 2011, the Commission entered an Order of Probable Cause finding that there was probable cause to charge the Respondent with the following violations:

Count 1 - 400:

On or about July 10, 2009, through on or about October 10, 2010, Respondent violated Section 106.07(5), Florida Statutes, when the Respondent certified that his political committees' reports were true, correct, and complete when they were not.

Count 401 - 800:

On or about July 10, 2009, through on or about October 10, 2010, Respondent violated Section 106 19(1)(c), Florida Statutes, when the Respondent falsely reported information in his political committees' reports listed in Exhibit B.

Count 801 - 1140:

On or about July 23, 2010, through on or about October 10, 2010, Respondent violated Section 106 07(5), Florida Statutes, when the Respondent certified that his political committees' reports listed in Exhibit C were true, correct, and complete when they were not.

Count 1141-1480:

On or about July 23, 2010, through on or about October 10, 2010, Respondent violated Section 106 19(1)(c), Florida Statutes, when the Respondent falsely reported information in his political committees' reports listed in Exhibit D.

Count 1481 - 1753:

On or about July 23, 2010, through on or about October 1, 2010, Respondent violated Section 106 07(5), Florida Statutes, when the Respondent certified that his political committees' reports listed in Exhibit A were true, correct, and complete when they were not.

Count 1754 - 2026:

On or about July 23, 2010, through on or about October 1, 2010, Respondent violated Section 106.19(1)(c), Florida Statutes, when the Respondent falsely reported information in his political committees' reports listed in Exhibit F

Count 2027:

On or about July 10, 2009, Respondent violated Section 106.07(5), Florida Statutes, when the Respondent certified that his 2009 Q2 report relating to his 2010 gubernatorial campaign was true, correct, and complete when it was not.

Count 2028:

On or about July 22, 2010, Respondent violated Section 106.07(5), Florida Statutes, when the Respondent certified that his 2010 F1 Report relating to his 2010 gubernatorial campaign was true, correct, and complete when it was not

Count 2029:

On or about July 29, 2010, Respondent violated Section 106.07(5), Florida Statutes, when the Respondent certified that his 2010 F1B Report relating to his 2010 gubernatorial campaign was true, correct, and complete when it was not.

Count 2030:

On or about August 6, 2010, Respondent violated Section 106.07(5), Florida Statutes, when the Respondent certified that his 2010 F2 Report relating to his 2010 gubernatorial campaign was true, correct, and complete when it was not.

Count 2031:

On or about August 13, 2010, Respondent violated Section 106.07(5), Florida Statutes, when the Respondent certified that his 2010 F2B Report relating to his 2010 gubernatorial campaign was true, correct, and complete when it was not.

Count 2032:

On or about August 20, 2010, Respondent violated Section 106.07(5), Florida Statutes, when the Respondent certified that his 2010 F3 Report relating to his 2010 gubernatorial campaign was true, correct, and complete when it was not

Count 2033:

On or about September 10, 2010, Respondent violated Section 106.07(5), Florida Statutes, when the Respondent certified that his 2010 G0 Report relating to his 2010 gubernatorial campaign was true, correct, and complete when it was not.

Count 2034:

On or about September 17, 2010, Respondent violated Section 106.07(5), Florida Statutes, when the Respondent certified that his 2010 G1 Report relating to his 2010 gubernatorial campaign was true, correct, and complete when it was not

Count 2035:

On or about September 24, 2010, Respondent violated Section 106.07(5), Florida Statutes, when the Respondent certified that his 2010 G1B Report relating to his 2010 gubernatorial campaign was true, correct, and complete when it was not.

Count 2036:

On or about October 1, 2010, Respondent violated Section 106.07(5), Florida Statutes, when the Respondent certified that his 2010 G2 Report relating to his 2010 gubernatorial campaign was true, correct, and complete when it was not.

Count 2037:

On or about October 8, 2010, Respondent violated Section 106.07(5), Florida Statutes, when the Respondent certified that his 2010 G2B Report relating to his 2010 gubernatorial campaign was true, correct, and complete when it was not.

Count 2038:

On or about October 22, 2010, Respondent violated Section 106.07(5), Florida Statutes, when the Respondent certified that his 2010 G3B Report relating to his 2010 gubernatorial campaign was true, correct, and complete when it was not

Count 2039:

On or about October 29, 2010, Respondent violated Section 106.07(5), Florida Statutes, when the Respondent certified that his 2010 G4 Report relating to his 2010 gubernatorial campaign was true, correct, and complete when it was not

Count 2040:

On or about July 10, 2010, Respondent violated Section 106.19(1)(c), Florida Statutes, when the Respondent falsely reported information required to be reported by Chapter 106 on his 2009 Q2 campaign report relating to his 2010 campaign for governor.

Count 2041:

On or about July 22, 2010, Respondent violated Section 106.19(1)(c), Florida Statutes, when the Respondent falsely reported information required to be reported by Chapter 106 on his F1 campaign report relating to his 2010 campaign for governor.

Count 2042:

On or about July 29, 2010, Respondent violated Section 106.19(1)(c), Florida Statutes, when the Respondent falsely reported information required to be reported by Chapter 106 on his 2010 F1B campaign report relating to his 2010 campaign for governor.

Count 2043:

On or about August 6, 2010, Respondent violated Section 106.19(1)(c), Florida Statutes, when the Respondent falsely reported information required to be reported by Chapter 106 on his 2010 F2 campaign report relating to his 2010 campaign for governor.

Count 2044:

On or about August 13, 2010, Respondent violated Section 106.19(1)(c), Florida Statutes, when the Respondent falsely reported information required to be reported by Chapter 106 on his 2010 F2B campaign report relating to his 2010 campaign for governor.

Count 2045:

On or about August 20, 2010, Respondent violated Section 106.19(1)(c), Florida Statutes, when the Respondent falsely reported information required to be reported by Chapter 106 on his 2010 F3 campaign report relating to his 2010 campaign for governor.

Count 2046:

On or about September 10, 2010, Respondent violated Section 106.19(1)(c), Florida Statutes, when the Respondent falsely reported information required to be reported by Chapter 106 on his 2010 G0 campaign report relating to his 2010 campaign for governor.

Count 2047:

On or about September 17, 2010, Respondent violated Section 106.19(1)(c), Florida Statutes, when the Respondent falsely reported information required to be reported by Chapter 106 on his 2010 G1 campaign report relating to his 2010 campaign for governor.

Count 2048:

On or about September 24, 2010, Respondent violated Section 109.19(1)(c), Florida Statutes, when the Respondent falsely reported information required to be reported by Chapter 106 on his 2010 G1B campaign report relating to his 2010 campaign for governor.

Count 2049:

On or about October 1, 2010, Respondent violated Section 106.19(1)(c), Florida Statutes, when the Respondent falsely reported information required to be reported by Chapter 106 on his 2010 G2 campaign report relating to his 2010 campaign for governor.

Count 2050:

On or about October 8, 2010, Respondent violated Section 106.19(1)(c), Florida Statutes, when the Respondent falsely reported information required to be reported by Chapter 106 on his 2010 G2B campaign report relating to his 2010 campaign for governor.

Count 2051:

On or about October 22, 2010, Respondent violated Section 106.19(1)(c), Florida Statutes, when the Respondent falsely reported information required to be reported by Chapter 106 on his 2010 G3B campaign report relating to his 2010 campaign for governor.

Count 2052:

On or about October 29, 2010, Respondent violated Section 106.19(1)(c), Florida Statutes, when the Respondent falsely reported information required to be reported by Chapter 106 on his 2009 G4 campaign report relating to his 2010 campaign for governor.

The Respondent timely requested a formal hearing and was noticed to appear before the Commission on June 4, 2013. At the formal hearing, the staff presented the oral testimony of four witnesses through deposition transcripts in lieu of live testimony, five live witnesses, and offered 16 exhibits which were admitted into evidence. The Respondent did not appear at the hearing.

FINDINGS OF FACT

1. The Respondent is Josue Larose.
2. Respondent was the chairman and treasurer of 331 political committees registered with the State of Florida, Division of Elections.

3. The political committees at issue in this case start with the words, "American," "Florida," and "Billionaire Josue Larose."

4. Respondent reported millions of dollars in monetary contributions from non-existent donors

5. Respondent reported campaign depositories for non-existent bank accounts.

6. Respondent falsely accused Division of Elections employees of attempting to extort \$10,000 from him.

7. Respondent falsely accused Division of Elections employees of changing information on his campaign reports

8. Respondent admitted that he never received any contributions for any of his political committees, and that he never opened a campaign depository for his campaign for governor

9. Respondent never opened campaign accounts for any of his 331 political committees

10. Respondent signed reports during his campaign for Governor and for his political committees knowing that the information on the reports was false even though he certified the reports were true, correct, and complete

11. Respondent admitted that none of his committees ever received any of the contributions that he reported in his campaign reports.

12. Respondent admitted that he was aware when he signed the reports for the political committees that the information contained in the reports was false.

13. Respondent admitted that he didn't open a single campaign depository for any of his political committees.

14. Respondent certified 1,026 campaign treasurer's reports as being true, correct,

and complete when they were not.

15. Respondent falsely reported, or deliberately failed to include information required to be reported by Chapter 106, *Florida Statutes*, on 1,026 campaign reports.

16. Respondent alleged that Miguel Hernandez, Leonard Randolph and other Division of Elections employees attempted to elicit a \$10,000 bribe from him.

17. Respondent failed to corroborate his claims that Division of Elections employees attempted to elicit a \$10,000 bribe from him and that the Division retaliated against him when he failed to pay the bribe.

CONCLUSIONS OF LAW

18. The Commission has jurisdiction over the parties to and subject matter of this cause, pursuant to Section 106.26, Florida Statutes.

19. The Respondent committed 1,026 counts of violating Section 106.07(5), Florida Statutes, when he certified that his political committees' campaign reports were true, correct, and complete when they were not; committed 1,026 counts of violating Section 106.19(1)(c), Florida Statutes, when he falsely reported information required to be reported by Chapter 106 on his political committees' campaign reports.

20. In determining the amount of the civil penalty, the Commission considered the mitigating and aggravating circumstances set forth in Section 106.265, Florida Statutes.

21. Respondent's actions were willful as Respondent knowingly and intentionally certified 1,026 campaign reports as true, correct, and complete when they were not. Additionally, Respondent falsely reported or deliberately fail to report information required to be reported by Chapter 106, *Florida Statutes*, on 1,026 occasions.

ORDER

WHEREFORE the Commission finds that Respondent has violated the following provisions of Chapter 106, Florida Statutes, and imposes the following fines:

A. Respondent violated Section 106.07(5), Florida Statutes, on 1,026 occasions for certifying that his political committees' campaign reports were true, correct, and complete when they were not. Respondent is fined \$400 for each of the 1,026 counts for a total of \$410,400

B. Respondent violated Section 106.19(1)(c), Florida Statutes, on 1,026 occasions for falsely reporting information required to reported by Chapter 106 on his political committees' campaign reports. Respondent is fined \$100 for each of the 1,026 counts for a total of \$102,600.

Therefore it is

ORDERED that the Respondent shall remit a civil penalty in the amount of \$513,000, inclusive of fees and costs. The civil penalty shall be paid to the Florida Elections Commission, the Collins Building, Suite 224, 107 West Gaines Street, Tallahassee, Florida 32399-0250, within 30 days of the date this Final Order is received by the Respondent.

DONE AND ORDERED by the Florida Elections Commission on February 25, 2014.



Tim Holladay, Chair
Florida Elections Commission

Copies furnished to:

Jaakan A. Williams, Assistant General Counsel
Josue Larose, Respondent (certified mail)
Division of Elections, Complainant/Filing Officer

NOTICE OF RIGHT TO APPEAL

This order is final agency action. Any party who is adversely affected by this order has the right to seek judicial review pursuant to Section 120.68, Florida Statutes, by filing a notice of administrative appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Florida Elections Commission at 107 West Gaines Street, Suite 224, Collins Building, Tallahassee, Florida 32399-1050 and by filing a copy of the notice of appeal with the appropriate district court of appeal. The party must attach to the notice of appeal a copy of this order and include with the notice of appeal filed with the district court of appeal the applicable filing fees. **The notice of administrative appeal must be filed within 30 days of the date of this order is filed with the Commission.** The date this order was filed appears in the upper right-hand corner of the first page of the order.