

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

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STATE OF FLORIDA
ELECTIONS COMMISSION

Florida Elections Commission,
Petitioner,

v.

Agency Case No.: FEC 10-305

F.O. No.: 11-139W

Lawrence S. Lazar,
Respondent.

ORDER OF PROBABLE CAUSE AND ORDER OF DISMISSAL

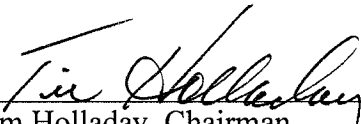
THIS CAUSE came on to be heard before the Florida Elections Commission at its meeting held on August 9, 2011, in Tallahassee, Florida.

The Commission has reviewed the complaint, Report of Investigation, Staff Recommendation, and written statements submitted by the Respondent and considered all oral statements made at the probable cause hearing. Based on the facts set forth in the Staff Recommendation, which is incorporated herein and attached to this order, the Commission finds that there is probable cause that Respondent violated Chapter 106, Florida Statutes, by accepting campaign contributions and making expenditures prior to designating a campaign depository and appointing a campaign treasurer and for distributing a political advertisement that lacked the required disclaimer.

Section 106.25(4)(j), Florida Statutes, empowers the Commission, at its discretion, to dismiss any complaint at any stage of disposition if it determines that the public interest would not be served by proceeding further. The Commission finds that the public interest would not be served by pursuing any further action in this matter. Therefore, it is

ORDERED and **ADJUDGED** that this matter is hereby **DISMISSED** pursuant to Section 106.25(4)(j), Florida Statutes.

DONE AND ORDERED by the Florida Elections Commission on August 18th 2011.



Tim Holladay, Chairman
Florida Elections Commission

Copies Provided:

Eric M. Lipman, General Counsel
Lawrence S. Lazar, Respondent
Roger Sulimirski, Complainant

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Lawrence S. Lazar

Case No.: FEC 10-305

STAFF RECOMMENDATION FOLLOWING INVESTIGATION

Pursuant to Section 106.25(4)(c), Florida Statutes, undersigned staff counsel files this written recommendation for disposition of the complaint in this case recommending that there is **probable cause** to charge Respondent with violating **Sections 106.021(1)(a), and 106.143(1)(a), Florida Statutes**. Based upon a thorough review of the Report of Investigation submitted on June 9, 2011, the following facts and law support this staff recommendation:

1. On October 27, 2010, the Florida Elections Commission (“Commission”) received a sworn complaint from Roger Sulimirski (“Complainant”), alleging that Lawrence S. Lazar (“Respondent”) violated Chapter 106, Florida Statutes.

2. By letter dated November 2, 2010, the Executive Director notified Respondent that staff would investigate an alleged violation of the following statutory provisions:

Sections 106.021(1)(a), Florida Statutes: Lawrence Lazar, candidate for the Bartram Springs Community Development District Board, Seat 2, accepted campaign contributions and/or made campaign expenditures prior to designating a campaign depository and appointing a campaign treasurer, as alleged in the complaint.

Sections 106.143(1)(a), Florida Statutes: Lawrence Lazar, candidate for the Bartram Springs Community Development District Board, Seat 2, distributed a political advertisement lacking the statutorily required disclaimer, as alleged in the complaint.

3. Respondent was a first-time candidate for the Bartram Springs Community Development District Board, Seat 2, in the November 2, 2010 election.

Section 106.021(1)(a), Florida Statutes.

4. Complainant alleged that Respondent accepted contributions and made expenditures before fulfilling the requirement to appoint a campaign treasurer and designate a campaign depository.

5. Respondent did not designate a campaign depository or campaign treasurer at any time during his 2010 election campaign. (ROI Exhibit 1)¹

6. However, Respondent created a campaign flyer that he gave to his campaign as an in-kind contribution and distributed to residents of Bartram Springs Village on October 25, 2010. (ROI Exhibits 1, 2, 6, & 7)

7. Therefore, Respondent accepted an in-kind contribution from himself before filing his Appointment of Campaign Treasurer and Designation of Campaign Depository form (“DS-DE 9”).

Section 106.143(1)(a), Florida Statutes.

8. Complainant alleged that Respondent failed to mark his campaign flyer with a political disclaimer.

9. Respondent did not include a political disclaimer on the campaign flyer that he created and distributed to residents in Bartram Springs Village on October 25, 2010. (ROI Exhibits 1, 2, 5, & 9)

10. “Probable cause” is defined as reasonable ground of suspicion supported by circumstances sufficiently strong to warrant a cautious person in the belief that the person has committed the offense charged. *Schmitt v. State*, 590 So.2d 404, 409 (Fla. 1991). Probable cause exists where the facts and circumstances, of which an [investigator] has reasonably trustworthy information, are sufficient in themselves for a reasonable man to reach the conclusion that an offense has been committed. *Dept. of Highway Safety and Motor Vehicles v. Favino*, 667 So.2d 305, 309 (Fla. 1st DCA 1995).

11. The above facts show that Respondent was a first-time candidate for the Bartram Springs Community Development District, Seat 2, in the November 2, 2010 election. Respondent accepted an in-kind contribution from himself for a campaign flyer before filing his DS-DE 9. Additionally, Respondent’s campaign flyer was distributed to residents of Bartram Springs Village without the required political disclaimer.

Based upon these facts and circumstances, I recommend that the Commission find **probable cause** to charge Respondent with violating the following:

Count 1:

On or about October 25, 2010, Respondent violated Section 106.021(1)(a), Florida Statutes, by accepting a contribution before

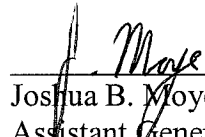
¹ The Report of Investigation is referred to herein as “ROI.”

appointing a campaign treasurer and designating a campaign depository, when Respondent accepted an in-kind contribution from himself before filing an Appointment of Campaign Treasurer and Designation of Campaign Depository form.

Count 2:

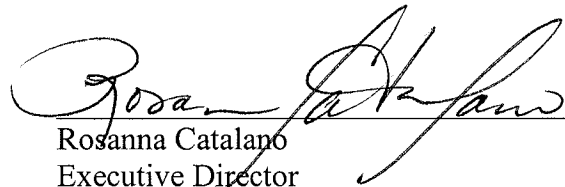
On or about October 25, 2010, Respondent violated Section 106.143(1)(a), Florida Statutes, when Respondent created and distributed a campaign flyer that failed to include the required political disclaimer.

Respectfully submitted on June 29, 2011,



Joshua B. Moye
Assistant General Counsel

I reviewed this Staff Recommendation this 30th day of June, 2011.



Rosanna Catalano
Executive Director