

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

FILED
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TALLAHASSEE
FLORIDA
ELECTIONS COMMISSION

In Re: Alejandro S. Cruzet

Case No.: FEC 10-182
F.O. No.: FOFEC 11-021W

CONSENT FINAL ORDER

The Respondent, Alejandro S. Cruzet, 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 August 16, 2010, a complaint was filed with the Commission alleging that Respondent violated Florida's election laws.

2. The Respondent has expressed a desire to enter into negotiations directed toward reaching a consent agreement.

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

a. Respondent was a candidate for the Florida House of Representatives in the 2010 elections.

b. Respondent filed periodic reports of all contributions received and all expenditures made during his campaign. Respondent did not list the expenditure for his filing fee on his report.

c. Prior to writing a check for expenditures, candidates are required to have sufficient funds on deposit in their campaign account to pay for the full amount of the expenditure. Respondent was told by his political party that it would contribute the amount of the filing fee to his campaign and wire the money into his campaign account. However, Respondent wrote the check for his filing fee prior to his bank receiving the

funds from the political party.

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 Respondent stipulate that the Commission can establish a prima facie case for the violations set forth in paragraph three by the required burden of proof.

ORDER

7. The Respondent and the staff of the Commission have entered into this Consent Order voluntarily.

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

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

10. 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.

11. The Respondent and the staff of the Commission agree that this Consent Order and the terms contained herein do not constitute an admission against interest or acknowledgement of guilt arising from the allegations that form the basis of the complaint filed on August 16, 2010.

12. 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.

13. If the Commission does not receive the signed Consent Order within 20 days of the date Respondent or his attorney received this order, the staff withdraws this offer of settlement and will proceed with the case.

14. Payment of the civil penalty by cashier's check is a condition precedent to the Commission's consideration of the Consent Order.

PENALTY

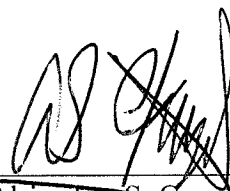
WHEREFORE, based upon the foregoing facts and conclusions of law, the Commission finds that the Respondent has violated Sections 106.07(5) and 106.11(4), Florida Statutes.

Therefore it is

ORDERED that the Respondent shall remit to the Commission \$650, inclusive of fees and costs. The amount shall be paid by cashier's check 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

January 25, , 2011.



Alejandro S. Cruzet
1690 SW 27 Avenue, Apartment 406
Miami, Florida 33145

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

_____, 2011.



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 FEBRUARY 8-9, 2011 in Tallahassee, Florida.



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

FEBRUARY 15, 2011

Date

Copies furnished to:

Eric M. Lipman, General Counsel
Alejandro S. Cruzet, Respondent