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STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

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ELECTIONS COMMISSION

FLORIDA ELECTIONS COMMISSION,
PETITIONER

v.

DOAH CASE NOS.: 07-3175, 07
3176, 07-3177, 07-3178, 07-318
AND 07-3181

PUBLIC CONCEPTS, INC., PUBLIC
CONCEPTS, L.L.C., RESIDENTS FOR
TRUTH, RANDY NIELSON AND
RICHARD JOHNSTON,
RESPONDENTS.

AGENCY CASE NOS.: FEC 05-
126, 05-133, 06-005, 06-006, 06-
007, and 06-008

F.O. NO.: DOSFEC 08-055

CONSENT FINAL ORDER

The Respondents, Public Concepts, Inc., Public Concepts, LLC, Residents for TRUTH, Randy Nielsen, Richard Johnston, and the Florida Elections Commission (Commission) agree that this Consent Order resolves all of the issues between the parties in the above referenced cases. The parties jointly stipulate to the following facts, conclusions of law, and order:

FINDINGS OF FACT

1. Respondent Public Concepts, LLC (Public Concepts), is a business that assists candidates for public office with their campaigns. Respondents Richard Johnston and Randy Nielsen are the two principle officers of Public Concepts. Respondent Residents for TRUTH is an Electioneering Communications Organization that registered with the Florida Division of Elections on February 28, 2006. The Complainants in these cases were candidates for seats on the Vero Beach City Commission in the March, 2006, municipal election.

2. Respondent Public Concepts, L.L.C., is a Florida Limited Liability Corporation that was established on March 11, 2002. Respondents Richard Johnston and Randy Nielsen are its managing partners. Together, they own 100% of Public Concepts, LLC's stock.

3. Complainant Donald Theodore Rice, Jr., is a former Vero Beach City

Commissioner who ran unsuccessfully for a seat on the Vero Beach City Commission in the March 8, 2005 election.

4. Complainant Lynne A. Larkin is also a former Vero Beach City Commissioner who ran unsuccessfully for reelection in the March 8, 2005 city election.

5. At the time of events alleged in the complaints, Public Concepts, Inc. was an active corporation and duly registered with the Department of State, Division of Corporations. The corporation was voluntarily dissolved on February 15, 2006. Public Concepts, Inc. listed Richard Johnston as its registered agent and one of its two corporate directors. Even though Public Concepts, Inc. was an active corporation, it had been a dormant for three or four years, and had been kept open upon advice from the company's tax advisors.

6. At the May 15, 2007, Probable Cause Hearing, the Commission found:

a. In Case Numbers FEC 05-126 (RFT), and FEC 05-133 (RFT)

1. No probable to cause to charge Respondent, Residents for Truth, with violating Sections 104.061, 104.091, 104.271(2), 106.03(1), 106.11(4), and 106.19(1)(d), Florida Statutes, and

2. Probable cause to charge Respondent, Residents for Truth, with violating Sections 106.03(2) and 106.19(1)(c), Florida Statutes.

b. In Case Numbers FEC 06-007 (Public Concepts, LLC), and 06-008 (Public Concepts Inc.):

1. No probable cause to charge Respondent Residents for Truth with violating Sections 104.061, 104.091, 104.271(2), and 106.03(1), Florida Statutes; and

2. Probable cause to charge Respondents with violating Sections 106.03(2) and 106.19(1)(c), Florida Statutes.

c. In Case Numbers FEC 06-005 (Richard Johnston) and FEC 06-006 (Randy Nielsen):

1. No probable cause to charge Respondents with violating Sections 104.061, 104.091, 104.271(2), 106.03(1), and 106.03(2)), Florida Statutes; and

2. Probable cause to charge Respondents with violating Sections 106.03(2) and 106.19(1)(c), Florida Statutes.

7. On June 2, 2007, the Respondents was served by certified mail through their attorney of record, John H. French, with a copy of the Orders of Probable Cause. The Respondents requested a Formal Administrative Hearing before the Division of Administrative Hearings within 30 days of receiving the Order of Probable Cause.

8. The parties now stipulate that the following facts are true:

a. In February 2005, Respondents, Rick Asnani & Elizabeth Buranosky participated in the formation of Residents for TRUTH (RFT). Initially, RFT was involved in municipal races in Palm Beach Gardens, Florida.

b. On February 28, 2005, an Electioneering Communications Statement of Organization form and separate Designation of Campaign Treasurer form were filed on behalf of Residents for Truth. On March 3, 2005, an Electioneering Communication Statement of Organization form that included RFT's campaign account number at Northern Trust Bank, N.A. was faxed to the Division of Elections.

c. On March 4, 2005, the Division of Elections sent a letter to Elizabeth Buranosky, RFT's chair and treasurer, that acknowledging receipt of the committee's Electioneering Communications Statement of Organization form. Enclosed with that letter, the Division provided Ms. Buranosky and RFT with a copy of Chapter 106, Florida Statutes, and the 2004 Committee and Campaign Treasurer Handbook published by the

Florida Division of Elections. The acknowledgment letter also provided the address of the Division's website if RFT needed or wanted additional information.

d. The registration statement filed by Residents for Truth with the Division of Elections incorrectly identified Elizabeth Buranosky as the custodian of books and records.

e. Shortly thereafter, RFT became involved in the Vero Beach municipal elections. RFT broadcast a radio spot and mailed electioneering communications to Vero Beach voters that were unfavorable to Lynne Larkin, Donald Theodore Ryce and one other candidate.

f. Dodger Arp, a Public Concepts, LLC employee, opened RFT's mail-box at Mail Box Etc., in Palm Beach Gardens. The expenditure for the mailbox rental fee was not properly reported on RFT's SG4 treasurer's report as required by law.

g. Vital Printing Corporation (VPI) printed the electioneering communications that RFT distributed. On March 31, 2005, Public Concepts, LLC, paid two outstanding invoices on behalf of RFT, invoice number 6840 that was dated February 28, 2005, and VPI invoice number 6854, dated March 1, 2005. Public Concepts' payment of the two invoices should have been, but was not reported on RFT's 2005 Q1 campaign treasurer's report as alleged in Counts 4 and 5.

h. Residents for Truth filed periodic campaign treasurer's reports listing all its receipts and expenditures. Each treasurer's report was certified as being true, correct and complete through the use of separate confidential passwords that were issued to the Residents for Truth's Chairman and Treasurer.

i. Mr. Johnston provided a Public Concepts employee with financial information to complete RFT's campaign reports. RFT's bank records were also used to

complete the reports. After a campaign report was prepared, Mr. Johnston reviewed and approved it. The report was then uploaded to the Division of Elections' system using the RFT chairman's and RFT's treasurer's passwords that were provided by counsel to the Committee who received them from the Division of Elections

j. . The actions of the various Respondents set forth in subparagraphs a-j above were "willful" as that term is defined by Chapter 106, Florida Statutes. No evidence was discovered during these cases that Respondent's actions were knowingly false or intentionally deceitful.

k. Even though it was still in existence at the time of the events giving rise to this case occurred, at all times pertinent to these cases, Public Concepts, Inc., was a dormant

CONCLUSIONS OF LAW

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

10. The Commission staff and the Respondent stipulate that the elements of the offenses charged in the Order of Probable Cause could be proven by clear and convincing evidence to the extent described in but not necessarily limited to the stipulated facts set forth in Paragraph 8 (a-k) above

ORDER

11. Case Number FEC 06-008, *FEC v. Public Concepts, Inc.*, is hereby Dismissed.

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

13. The Respondents shall bear their own attorney fees and costs that are in any way

associated with this case.

14. Each Respondent agrees to: (1) completely and correctly file all future Electioneering Communications Statement of Organizations as required by law; (2) to ensure that he is the appointed campaign treasurer or deputy treasurer when acting as a campaign or committee treasurer; and (3) completely and correctly report all contributions and expenditures that are required to be reported under Chapter 106, in the future.

15. The Respondents understand that before the Consent Order becomes final agency action, the Commission must approve it at a public meeting. The Commission will consider the Consent Order at its next available meeting.

16. 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.

17. This Consent Order is enforceable under Sections 106.265 and 120.69, Florida Statutes. The Respondents expressly waive 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.

18.. If the parties do not receive the signed Consent Order by close of business on Tuesday, January 22, 2008, , this offer of settlement will be deemed withdrawn and the parties will proceed with the case.

19. Payment of the civil penalty by certified funds or a check drawn on an attorney's trust fund is a condition precedent to the Commission's consideration of the Consent Order.

PENALTIES AND RELATED PAYMENTS

WHEREFORE, based upon the foregoing facts and conclusions of law, the Commission and Respondents agree that:

A, Respondent RFT violated Section 106.03(2), Florida Statutes, by incorrectly

reporting the custodian of the Committee's books and records.

B. Respondents' actions, taken in their totality, violated 106.19(1)(c), Florida Statutes, on three occasions for failing to report the credit card information and two in-kind contributions in a complete and timely manner.

C. Respondents agree to pay the aggregate amount of \$5,000 for such violations as may have occurred and as partial reimbursement of the costs of investigation.

D. The parties do not intend, and this Consent Final Order does not, divide or apportion a percent or amount of fault to any individual Respondent or combination of Respondents. **Therefore it is**

ORDERED that the Respondent shall remit to the Commission the amount of \$5,000 inclusive of fees and costs which shall be paid to the Florida Elections Commission, 107 W. Gaines Street, Collins Building, Suite 224, Tallahassee, Florida, 32399-1050.

Public Concepts, LLC, hereby agrees and consents to the terms of this Order on

January 22, 2008, 2008.



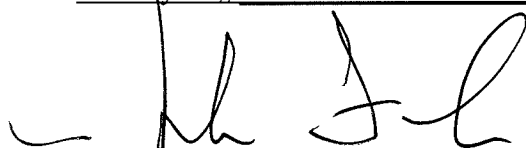
John H. French
Attorney at Law
1531 Live Oak Drive
Tallahassee, FL 32301



Public Concepts, LLC
5730 Corporate Way, Suite 214
West Palm Beach, FL 33407

Residents for Truth hereby agrees and consents to the terms of this Order on

January 22,, 2008.



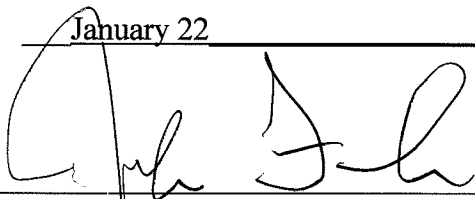
John H. French
Attorney at Law
1531 Live Oak Drive
Tallahassee, FL 32301



Residents for TRUTH
Address:

Richard Johnston, hereby agrees and consents to the terms of this Order on

January 22, 2008.



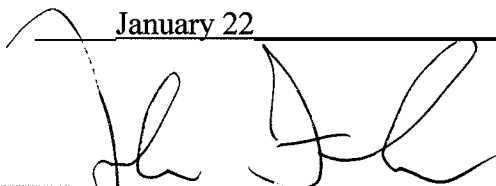
John H. French
Attorney at Law
1531 Live Oak Drive
Tallahassee, FL 32301



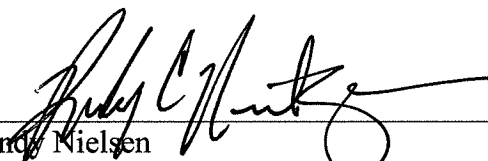
Richard Johnston
5730 Corporate Way, Suite 214
West Palm Beach, FL 33407

Randy Nielsen hereby agrees and consents to the terms of this Order on

January 22, 2008.



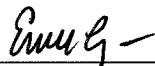
John H. French
Attorney at Law
1531 Live Oak Drive
Tallahassee, FL 32301



Randy Nielsen
5730 Corporate Way, Suite 214
West Palm Beach, FL 33407

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

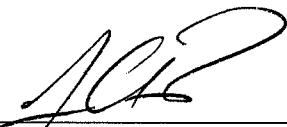
January 22, 2008.



Eric M. Lipman
Assistant 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 15 & 16, 2008 at Tallahassee, Florida and filed with the Clerk of the Commission on

May 30, 2008, in Tallahassee, Florida.



Jorge L. Cruz-Bustillo, Chairman
Florida Elections Commission
107 W. Gaines Street
Collins Building 224
Tallahassee, FL 32399-1050

Copies furnished to:

Eric M. Lipman, Assistant General Counsel
John H. French, Attorney for Respondents
Lynne Larkin, Complainant
Theodore Donald Ryce, Complaint