



Florida Elections Commission

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September 1, 2023

Andrew Brett
739 NW 2nd Avenue
Ft. Lauderdale, FL 33311

RE: Case No.: FEC 22-185; Respondent: Andrew Brett

Dear Mr. Brett:

The Florida Elections Commission at its last regularly scheduled meeting considered this case and entered the enclosed order. Please read the order carefully.

Please let me know if you have any questions or if I can be of any further assistance.

Sincerely,

Donna Ann Malphurs

Agency Clerk/Public Information Officer

/dam

Enclosure: Executed Order

cc: Richard DeNapoli, Complainant

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

Florida Elections Commission,
Petitioner,

v.

Andrew Brett,
Respondent.

Agency Case No.: FEC 22-185
F.O. No.: FOFEC 23-224W

FILED IN ELECTIONS ON
1 SEP 23 PM 1:50

FINAL ORDER

THIS MATTER was heard at an informal hearing held before the Florida Elections Commission (Commission) on August 15, 2023.

APPEARANCES

For Commission	Stephanie J. Cunningham General Counsel 107 West Gaines Street Collins Building, Suite 224 Tallahassee, FL 32399
For Respondent	No Appearance

STATEMENT OF THE ISSUE

Whether Respondent violated Sections 106.0702(1), 106.19(1)(b), and 106.19(1)(c), Florida Statutes, as alleged in the Order of Probable Cause.

PRELIMINARY STATEMENT

On August 4, 2022, 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 sworn complaint constituted probable cause to believe that Respondent violated the Florida Election Code.

On January 11, 2023, staff recommended to the Commission that there was probable cause to believe that the Florida Election Code was violated. On June 5, 2023, the Commission entered an Order of Probable Cause finding that there was probable cause to charge Respondent with the following violation(s):

Count 1:

On or about August 14, 2020, Andrew Brett violated Section 106.0702(1), Florida Statutes, when he failed to timely file his campaign treasurer's report due on the 4th day immediately preceding the primary election.

Count 2:

On or around August 14, 2020, Andrew Brett violated Section 106.19(1)(b), Florida Statutes, when he failed to report contributions required to be reported by Chapter 106, Florida Statutes, on the campaign treasurer's report due on the 4th day immediately preceding the primary election.

Count 3:

On or around August 14, 2020, Andrew Brett violated Section 106.19(1)(c), Florida Statutes, when he deliberately failed to include information required by Chapter 106, Florida Statutes, on the campaign treasurer's report due on the 4th day immediately preceding the primary election.

Respondent did not timely elect to have a formal administrative hearing before an administrative law judge from the Division of Administrative Hearings and, therefore, the matter was set for an informal hearing before the Commission. At the informal hearing, the Commission adopted the undisputed facts set forth in the Staff's Recommendation as its findings of fact.

FINDINGS OF FACT

1. Respondent was a 2020 candidate for Broward Republican State Executive

Committeeman.

2. Respondent admitted that he received contributions and made expenditures during his 2020 campaign.
3. Joe Scott, Broward County Supervisor of Elections, served as Respondent's filing officer. Mr. Scott attested that Respondent did not file a campaign treasurer's report for his 2020 campaign.
4. Respondent was required to file a report of all contributions received and all expenditures made on the 4th day immediately preceding the primary election but failed to do so.
5. Respondent was required to report contributions received and expenditures made for the purpose of influencing the results of an election.
6. Respondent admitted that he received \$1,100 in monetary contributions and \$600 in in-kind contributions. Respondent provided a list of campaign contributors with corresponding amounts and descriptions that totaled \$2,845.
7. Respondent admitted that he paid \$500 for campaign video production and revision, and paid for campaign t-shirts, signs and tickets to Broward County Republican Party events.
8. Respondent failed to report contributions received by the campaign on the campaign treasurer's report due on the 4th day immediately preceding the primary election.
9. Respondent deliberately failed to include information required by Chapter 106, Florida Statutes, when he failed to disclose contributions received and expenditures made by the campaign on the campaign treasurer's report due on the 4th day immediately preceding the primary election.

CONCLUSIONS OF LAW

10. The Commission has jurisdiction over the *parties to and subject matter of this*

cause, pursuant to Section 106.26, Florida Statutes.

11. Respondent's conduct was willful. Respondent committed the acts while knowing that, or showing reckless disregard for whether, the acts were prohibited, or failed to commit an act while knowing that, or showing reckless disregard for whether, the acts were required.

12. Respondent committed 1 count of violating Section 106.0702(1), Florida Statutes, when he failed to timely file a report of all contributions received and all expenditures made on the 4th day immediately preceding the primary election; committed 1 count of violating Section 106.19(1)(b), Florida Statutes, when he failed to report contributions received by the campaign for the purpose of influencing the results of an election; and committed 1 count of violating Section 106.19(1)(c), Florida Statutes, when he deliberately failed to include information required by Chapter 106, Florida Statutes.

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

ORDER


The Commission finds that Respondent violated Section 106.0702(1), Florida Statutes, on 1 occasion, Section 106.19(1)(b), Florida Statutes, on 1 occasion, and Section 106.19(1)(c), Florida Statutes, on 1 occasion, and imposes a fine of \$500 per count for a total fine of \$1,500.

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Therefore, it is

ORDERED that Respondent shall remit a civil penalty in the amount of \$1,500, inclusive of fees and costs. The civil penalty shall be paid to the Florida Elections Commission, 107 West Gaines Street, Collins Building, Suite 224, Tallahassee, Florida 32399-1050, within 30 days of the date this Final Order is filed with the Commission.

DONE AND ORDERED by the Florida Elections Commission on August 15, 2023.


Tim Vaccaro, J.D., Executive Director
For Joni Alexis Poitier, Vice Chair
Florida Elections Commission

Copies furnished to:
Stephanie J. Cunningham, General Counsel
Andrew Brett, Respondent
Richard DeNapoli, Complainant

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 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.