

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

FEDERAL ELECTION COMMISSION,)	
)	
Plaintiff,)	
)	
v.)	No. 15-cv-81732-KAM
)	
EDWARD J. LYNCH, Sr., <i>et al.</i> ,)	
)	CONSENT JUDGMENT
Defendants.)	

CONSENT JUDGMENT

This action for declaratory, injunctive, and other appropriate relief was instituted by plaintiff Federal Election Commission (“FEC” or “Commission”) against defendants Edward J. Lynch, Sr., Lynch for Congress, and Edward J. Lynch, Sr., in his official capacity as Treasurer of Lynch for Congress. This Court has jurisdiction over this suit pursuant to 28 U.S.C. § 1345 as an action brought by the Commission, an agency of the United States expressly authorized to sue by an act of Congress. 52 U.S.C. §§ 30107(a)(6), 30109(a)(6)(A). Venue is properly found in the United States District Court for the Southern District of Florida pursuant to 28 U.S.C. § 1391(b) and 52 U.S.C. § 30109(a)(6)(A). The Commission has satisfied all jurisdictional prerequisites to the initiation of this suit.

The parties have stipulated to the Court’s entry of this Consent Judgment based on the following:

1. Defendant Edward J. Lynch, Sr. was a candidate, within the meaning of 52 U.S.C. § 30101(2), to represent Florida’s 19th Congressional District in the United States House of Representatives in 2008 and in a special election for the same congressional seat in 2010.

2. Defendant Lynch for Congress was and is a political committee within the meaning of 52 U.S.C. § 30101(4). Mr. Lynch designated Lynch for Congress as his authorized principal campaign committee, within the meaning of 52 U.S.C. § 30101(5)-(6), for the 2008 and 2010 election cycles. Lynch for Congress was authorized to receive contributions and make expenditures on behalf of the candidate, Edward J. Lynch, Sr. *See* 52 U.S.C. § 30102(e)(1)-(2). No expenditure by or on behalf of Lynch for Congress could or can be made without the authorization of the Committee's treasurer or his or her agent. *See* 52 U.S.C. §§ 30102(a), 30103(b)(4).

3. In addition to being a candidate, Mr. Lynch has served as the treasurer and custodian of records for Lynch for Congress since February 28, 2008.

4. The Federal Election Campaign Act, codified at 52 U.S.C. §§ 30101-30146, provides that contributions accepted by a candidate may be used by the candidate for, *inter alia*, "otherwise authorized expenditures in connection with the campaign for Federal office of the candidate." 52 U.S.C. § 30114(a)(1).

5. The Act provides that contributions or donations described in 52 U.S.C. § 30114(a) "shall not be converted by any person to personal use." 52 U.S.C. § 30114(b)(1).

6. The Act defines "personal use" as the use of a contribution or donation "to fulfill any commitment, obligation, or expense of a person that would exist irrespective of the candidate's election campaign or individual's duties as a holder of Federal office." 52 U.S.C. § 30114(b)(2).

7. Personal use includes, *inter alia*, payments of home mortgages, rent, or utilities; clothing purchases; non-campaign related automobile expenses; and health club dues, among other payments. 52 U.S.C. § 30114(b)(2); 11 C.F.R. § 113.1(g).

8. The FEC has alleged that Mr. Lynch used campaign funds to pay for personal expenses including the following list:

Date	Amount of disbursement	Description of Payment in Bank Statement
8/20/2010	\$59.22	Chevron
8/30/2010	\$69.00	Shell Oil
8/30/2010	\$35.00	The Ladders
9/2/2010	\$82.72	ER Bradley's Saloon
9/3/2010	\$42.00	Lake Point BP
9/7/2010	\$17.36	Publix
9/16/2010	\$500.00	Over the Counter W/D
9/16/2010	\$52.77	On the Border Royal
9/16/2010	\$64.18	Shell Oil
9/16/2010	\$286.42	Kohl's
9/17/2010	\$10.65	PF Royal Palm
9/20/2010	\$52.61	Shell Oil
9/27/2010	\$62.54	Exxon Mobil
10/10/2010	\$29.00	PF Royal Palm
11/17/2010	\$10.65	PLA FIT RPB member pay
TOTAL	\$1,374.12	

9. By converting Lynch for Congress campaign funds to his own personal use for the \$1,374.12 in expenses described in paragraph 8, defendant Edward J. Lynch, Sr. violated 52 U.S.C. § 30114(b).

10. By disbursing Lynch for Congress campaign funds for Mr. Lynch's personal use for the \$1,374.12 in expenses described in paragraph 8, defendants Lynch for Congress and Edward J. Lynch, Sr., in his official capacity as Treasurer of Lynch for Congress, violated 52 U.S.C. § 30114(b).

11. The Commission releases defendants from any and all claims and causes of action that were the subject of this case and the FEC administrative matter that preceded and led to this case, FEC Matter Under Review ("MUR") 6498. The Commission also agrees that, after defendants' satisfaction of all terms of this Consent Judgment, Lynch for Congress will be

terminated by the Commission as a political committee pursuant to the Act within ten (10) business days of the entry of this Consent Judgment. The defendants release the Commission from any and all claims they may have arising from this litigation or MUR 6498, including any claims defendants have made by motion or otherwise before this Court during this case.

12. It is defendants' contention that they have agreed to a consent judgment due to the economics, the amount of time involved to defend the action and for convenience.

13. The parties have waived any and all claims for costs, attorney's fees, or other expenses related to or arising from this litigation.

14. The parties have also waived all rights of appeal from this Consent Judgment.

The Commission and defendants having stipulated to the entry of this Consent Judgment, it is HEREBY ORDERED, ADJUDGED, AND DECREED that:

15. Edward J. Lynch, Sr. converted campaign funds of Lynch for Congress to his own personal use when making the \$1,374.12 in expenses described in paragraph 8 in violation of 52 U.S.C. § 30114(b).

16. Lynch for Congress and Edward J. Lynch, Sr., in his official capacity as Treasurer of Lynch for Congress, disbursed campaign funds for Mr. Lynch's personal use when making the \$1,374.12 in expenses described in paragraph 8 in violation of 52 U.S.C. § 30114(b).

17. Within five business days of the date of entry of this Consent Judgment, Edward J. Lynch, Sr. shall disgorge the sum of \$1,374.12, the amount of the expenditures itemized in paragraph 8, to Lynch for Congress.

18. Within five business days of the date of entry of this Consent Judgment, defendants shall jointly be liable for payment of a civil penalty in the amount of Ten Thousand

dollars (\$10,000) to the Federal Election Commission, payable to the United States Treasury, pursuant to 52 U.S.C. § 30109(a)(6)(B).

19. Defendants are permanently enjoined from violating 52 U.S.C. § 30114(b).

20. Edward J. Lynch, Sr. agrees that he will never again serve as the Treasurer for any federal authorized committee for which he is the candidate.

21. The parties shall bear their own costs and attorney's fees in this litigation.

22. This Court shall retain jurisdiction of this action, in order to, among other things, implement and carry out the terms of all orders, judgments, and decrees that may be entered herein, including any that may be necessary to assure compliance with this Consent Order and Judgment.

23. The Clerk of the Court is directed to enter this Judgment.

24. The Clerk shall **CLOSE** this case.

25. Any pending motions are **DENIED** as moot.

DONE AND ORDERED in Palm Beach County, Florida, this 4th day of November 2016.


KENNETH A. MARRA
United States District Judge