



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

BY FIRST CLASS MAIL

OCT 30 2013

Yesenia A. Collazo, Esq.
Collazo Law Firm, P.A.
10200 NW 25th Street
Suite 201
Miami, FL 33172

Re: MUR 6655
David Rivera

Dear Ms. Collazo:

I received your letter responding to the Commission's finding of reason to believe that your client violated provisions of the Federal Election Campaign Act. Your letter included a request for copies of three documents: (i) the Commission's April 26, 2013, notification letter to Mr. Rivera; (ii) the Factual Basis of the Plea of Guilty in *United States v. Justin Lamar Sternad*, Case No. 13-20108-CR (S.D. Fla.); and (iii) Mr. Sternad's Supplemental Response in this matter.

At this time, your request for the Supplemental Response is premature. Under the Commission's document disclosure policy, 76 Fed. Reg. 34,986 (June 15, 2011), you generally may request relevant, non-privileged documents once we have completed our inquiry. *See also* 2 U.S.C. § 437g(a)(12)(A). As for the other documents you requested, I have enclosed a copy of the April 26 letter and its enclosures, which includes the Factual Basis.

Please contact me at (202) 694-1597 if you or your client would like to discuss this matter further.

Sincerely,

A handwritten signature in blue ink, appearing to read "LE Evans", is written over a horizontal line.

Leonard O. Evans III
Attorney, Enforcement Division

Enclosure:

Correspondence to David Rivera (Apr. 26, 2013 with encl.)



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

APR 26 2013

David Rivera
10925 NW 43rd Lane
Doral, FL 33178

Re: MUR 6655

Dear Mr. Rivera:

The Federal Election Commission ("Commission"), the regulatory agency that administers and enforces the Federal Election Campaign Act ("the Act"), has ascertained information in the normal course of carrying out its supervisory responsibilities indicating that you may have violated provisions of the Act.

Specifically, the Commission has received information suggesting that you may have been involved in an effort to provide undisclosed funds to candidate Justin Lamar Sternad and his authorized candidate committee that exceeded contribution limits prescribed by the Act. The enclosed Factual Basis of the Plea of Guilty was filed on March 15, 2013, in *United States v. Justin Lamar Sternad*, Case No. 13-20108-CR (S.D. Fla.). It identifies ten such transactions in which information available to the Commission indicates you or your funds may have been involved. These transactions occurred between March and August 2012 and involved direct and in-kind contributions exceeding one or more contributions limits, including the individual-contribution limit, 2 U.S.C. § 441a(a), and the cash-contribution limit, *id.* § 441g. The Factual Basis also states that those involved in the effort to provide funds to Sternad's campaign, which information indicates may have included you, sought to conceal the true source of contributions to the Sternad campaign. The Act, however, prohibits any person from making contributions in the name of another. *Id.* § 441f.

The Commission's Office of the General Counsel is reviewing this information to determine if it should recommend to the Commission that there is reason to believe you may have violated the Act or the Commission's regulations. A "reason to believe" finding is not a finding that any person violated the Act; rather, it means only that the Commission believes a violation may have occurred. In the event the Commission finds that there is reason to believe, it may authorize the Office of the General Counsel to conduct an investigation to determine whether, in fact, a violation occurred or to assess the scope of the alleged violation. *See id.* § 437g(a)(2).

Before the General Counsel makes such a recommendation, you have the opportunity to provide in writing a response to the allegations described above. Should you choose to respond, you may also submit any materials—including documents or sworn declarations or affidavits

Mr. David Rivera
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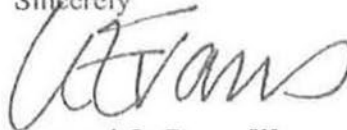
from persons with relevant knowledge—that you believe may be relevant or useful to the Commission's consideration of this matter. The Commission will take into account any additional information you provide before determining whether there is reason to believe you violated the Act or the Commission's regulations.

Your response, if you choose to provide one, must be submitted within 15 days of receipt of this letter and addressed to the Office of the General Counsel. After 15 days, the Office of the General Counsel will move forward with its recommendations to the Commission. Any response submitted by you will be taken into account in these recommendations. The Commission will then consider the recommendations and take any action it may deem appropriate, including the initiation of an enforcement matter.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by legal counsel in this matter, please advise the Commission by completing the enclosed form stating counsel's name, address, and telephone number, and authorizing your counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact me at (202) 694-1597 or toll free at 1-800-424-9530. Information is also available on the Commission's web site at www.fec.gov.

Sincerely



Leonard O. Evans III
Attorney, Enforcement Division

Enclosures:


Factual Basis of the Plea of Guilty

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 13-20108-CR-ROSENBAUM/MATTHEWMAN

UNITED STATES OF AMERICA

vs.

JUSTIN LAMAR STERNAD,

Defendant.

FACTUAL BASIS OF THE PLEA OF GUILTY

The Federal Election Campaign Act of 1971, as amended, Title 2, United States Code, Sections 431 through 455 (the "Election Act"), was a federal statute that was enacted to regulate federal election campaigns. The Election Act established the Federal Election Commission (FEC), an agency of the executive branch of the Government of the United States responsible for the administration and civil enforcement of the federal election and campaign finance laws.

Among the purposes of the Election Act was the identification and disclosure of all persons and entities making contributions to candidates for federal office, the enforcement of limitations on the amount of such contributions, the prohibition against the receipt of contributions by any candidate or candidate's committee from corporate sources, the prohibition of contributions in excess of twenty-five hundred dollars (\$2,500) by any individual to any candidate or candidate's committee per federal election (in 2012), and the prohibition of contributions in excess of one hundred dollars (\$100) in United States currency by any individual to any candidate or candidate's committee per federal election (in 2012). The Election Act's contribution limits applied to anything of value

provided for the purpose of influencing the Congressional election, including (a) contributions to a candidate and his/her campaign, and (b) expenditures made in cooperation, consultation, or concert, with, or at the request or suggestion of, a candidate or his/her campaign.

In order to implement the above provisions, the Election Act requires the principal campaign committee of a candidate to file periodic campaign finance reports with the Federal Election Commission setting forth information concerning the source and expenditure of any campaign contributions. The required information was to be submitted by the Treasurer of the principal campaign committee to the Federal Election Commission on a FEC Form 3, entitled Report of Receipts and Disbursements for an Authorized Committee and attached Schedules, hereinafter referred to as "FEC Form 3".

The FEC Form 3 specifically required the true and accurate identification of all contributors and the amount of such contributions, and the true and accurate identification of all recipients of any campaign expenditures and the amount of such expenditures. The FEC Form 3 further required a true and accurate identification of the source and amount of any loans to the campaign. The FEC Form 3s were made available to the public by the Federal Election Commission. These reports were intended to provide a transparent record of the source and amount of any contributions and the recipients and amounts of any disbursements.

Defendant JUSTIN LAMAR STERNAD was a candidate in the Democratic Party primary election for Florida's 26th Congressional District which was held on August 14, 2012. On or about May 15, 2012, defendant JUSTIN LAMAR STERNAD signed a FEC Form 2 Statement of Candidacy and designated the "Justin Sternad for Congress" committee as his principal campaign committee for the Democratic Party primary election for Florida's 26th Congressional District. On

or about July 10, 2012, defendant JUSTIN LAMAR STERNAD signed a second FEC Form 2 Statement of Candidacy and designated the "Lamar Sternad for Congress" committee as his principal campaign committee for the Democratic Party primary election for Florida's 26th Congressional District. Defendant JUSTIN LAMAR STERNAD was the Treasurer of the authorized campaign committees entitled "Justin Sternad for Congress" and "Lamar Sternad for Congress," both operating under FEC identification number C00505529.

On or about April 23, 2012, a co-conspirator attempted to contact defendant Justin Lamar Sternad. The following day, the co-conspirator was able to speak with defendant Justin Lamar Sternad regarding providing funding for Sternad's campaign. As Justin Lamar Sternad was married with five children and working as the night desk clerk at a local hotel making approximately \$15.00 per hour, his financial resources were limited. Sternad accepted his co-conspirator's offer.

From in or about April 2012 until on or about August 29, 2012, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant, JUSTIN LAMAR STERNAD, did knowingly and willfully combine, conspire, confederate, and agree with his co-conspirators to commit and cause to commit an offense against the United States, that is, to knowingly and willfully: (1) in a matter within the jurisdiction of the executive branch of the United States, make a materially false, fictitious, and fraudulent statement, in violation of 18 U.S.C. § 1001(a)(2); (2) provide contributions to the "Justin Sternad for Congress" committee and the "Lamar Sternad for Congress" committee in excess of the limits of the Election Act, in violation of Title 2, United States Code, Sections 441a(a)(1)(A), and 441g; and (3) accept contributions to the "Justin Sternad for Congress" committee and the "Lamar Sternad for Congress" committee in excess of the limits of the Election Act, in violation of Title 2, United States Code, Sections 441a(f), 441a(a)(1)(A), and 441g; which

contributions, both provided and accepted, in calendar year 2012 exceeded the limits of the Election Act by \$25,000 or more.

The objective of the conspiracy was: to conceal the true source of the funds which were used by the political campaign of defendant JUSTIN LAMAR STERNAD during the Democratic Party primary contest of 2012 for Florida's 26th Congressional District; to secretly provide contributions in excess of the limits prescribed by the Election Act; to secretly accept contributions in excess of the limits prescribed by the Election Act; and to conceal the existence of the conspiracy and the violations of the laws of the United States.

The manner and means by which defendant JUSTIN LAMAR STERNAD and his co-conspirators sought to accomplish the purpose of the conspiracy included, among others, the following:

- (a) Cash and third party checks were utilized to conceal the source and amount of contributions that were made to the campaign.
- (b) False and misleading FEC Form 3s were composed and filed with the Federal Election Commission in order to conceal the true source, amount, and nature of the funds used by the campaign.

In furtherance of this conspiracy, and to accomplish its objective, at least one of the co-conspirators committed or caused to be committed, in the Southern District of Florida and elsewhere, at least one of the following overt acts, among others:

On or about May 25, 2012, a co-conspirator hand-delivered \$500, in cash, to JUSTIN LAMAR STERNAD, of which \$300 was subsequently deposited into the account of "Justin Sternad for Congress", account number xxx-xxx1570.

On or about July 10, 2012, defendant JUSTIN LAMAR STERNAD signed and mailed a FEC Form 3 to the Federal Election Commission on behalf of the "Justin Sternad for Congress" committee but failed to report the aforementioned cash contribution which was received on or about May 25, 2012. Instead, defendant JUSTIN LAMAR STERNAD falsely claimed the aforementioned cash contribution was a loan from his personal funds to the "Justin Sternad for Congress" committee.

On or about June 7, 2012, a deposit of \$5,000, in cash, was made into the account of "Justin Sternad for Congress", account number xxx-xxx1570, at a TD Bank branch.

On or about June 8, 2012, a deposit of \$5,500, in cash, was made into the account of "Justin Sternad for Congress", account number xxx-xxx1570, at another TD Bank branch.

On or about June 8, 2012, check number 301, payable to the Department of State, in the amount of \$10,440, drawn on the account of "Justin Sternad for Congress", account number xxx-xxx1570 at TD Bank was provided to the Florida Department of State - Division of Elections with the notation "Qualifying Fee 2012."

On or about July 10, 2012, defendant JUSTIN LAMAR STERNAD signed and mailed a FEC Form 3 to the Federal Election Commission on behalf of the "Justin Sternad for Congress" committee but failed to report a contribution of \$5,000, in cash, which was received on June 7, 2012 and a contribution of \$5,500, in cash, which was received on June 8, 2012 by the "Justin Sternad for Congress" committee, TD Bank account number xxx-xxx1570. Instead, defendant JUSTIN LAMAR STERNAD falsely claimed the aforementioned cash contributions were loans from his personal funds to the "Justin Sternad for Congress" committee.

On or about July 10, 2012, defendant JUSTIN LAMAR STERNAD signed another FEC Form 2 Statement of Candidacy which amended his previously filed FEC Form 2 and designated the

"Lamar Sternad for Congress" committee as his principal campaign committee for the Democratic Party primary election for Florida's 26th Congressional District.

On or about July 2, 2012, a co-conspirator deposited \$1,060, in cash, into the account of Justin Sternad, account number xxxxxx4360, at Wells Fargo Bank, N.A.

On or about July 2, 2012, defendant JUSTIN LAMAR STERNAD rented a motor vehicle from Enterprise Rent-A-Car to be used in his campaign for the Democratic Party primary election for Florida's 26th Congressional District.

On or about July 14, 2012, co-conspirators met with a graphic designer to develop flyers for the political campaign of defendant JUSTIN LAMAR STERNAD.

On or about July 15, 2012, co-conspirators met, again, with the graphic designer to develop flyers for the political campaign of defendant JUSTIN LAMAR STERNAD.

While working together during the weekend of July 14-15, 2012, a co-conspirator hand-delivered \$2,600, in cash, to the graphic designer for the designer's work in developing the flyers.

On or about July 23, 2012, a co-conspirator hand-delivered \$10,000, in cash, to Inkpressions, Inc. d/b/a Expert Printing & Graphics, the printer of the aforementioned flyers.

From on or about July 17, 2012 through on or about July 24, 2012, approximately \$15,901.35, in cash, was delivered to Rapid Mail & Computer Service, Inc. for their services in mailing the aforementioned flyers.

On or about July 31, 2012, defendant JUSTIN LAMAR STERNAD signed and mailed a FEC Form 3 on behalf of the "Lamar Sternad for Congress" committee to the Federal Election Commission but failed to report the aforementioned contributions which were received between July 1, 2012 and July 25, 2012.

On or about August 2, 2012, a co-conspirator provided \$5,000, in cash, to Inkpressions, Inc. d/b/a Expert Printing & Graphics.

From on or about August 2, 2012 through on or about August 8, 2012, approximately \$22,100, in cash, was delivered to Rapid Mail & Computer Service, Inc. for their services in mailing the aforementioned flyers.

On or about August 9, 2012, a co-conspirator hand-delivered check number 8939, in the amount of \$13,824.85, payable to Expert Printing, drawn on account xxxxxx-9803 at BankUnited, to Inkpressions, Inc. d/b/a Expert Printing & Graphics.

On or about August 9, 2012, at the request of a co-conspirator, Inkpressions, Inc. d/b/a Expert Printing & Graphics issued check number 9998, in the amount of \$9,000, payable to Rapid Mail, which was subsequently delivered to Rapid Mail & Computer Service, Inc.

On or about August 17, 2012, defendant JUSTIN LAMAR STERNAD signed and mailed a FEC Form 3 on behalf of the "Lamar Sternad for Congress" committee to the Federal Election Commission but failed to report the aforementioned contributions which were received between July 26, 2012 - August 17, 2012. Instead, defendant JUSTIN LAMAR STERNAD falsely claimed the aforementioned contributions were loans from his personal funds to the "Lamar Sternad for Congress" committee.

On or about August 17, 2012, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant, JUSTIN LAMAR STERNAD, in a matter within the jurisdiction of the executive branch of the United States, knowingly and willfully made a materially false, fictitious, and fraudulent statement and representation in that the defendant represented on a FEC Form 3 filed on behalf of the "Lamar Sternad for Congress" committee with the Federal Election Commission

that he had made loans in the amount of \$63,801.70 from his personal funds to the "Lamar Sternad for Congress" committee when as the defendant well knew and believed that he had loaned less than \$300.00 from his personal funds to the "Lamar Sternad for Congress" committee.

During calendar year 2012, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant, JUSTIN LAMAR STERNAD, while a candidate for federal office, knowingly and willfully accepted contributions in excess of the limits of the Federal Election Campaign Act, which aggregated at least \$25,000. In fact, the value of the illegal transactions exceeded \$70,000.

Defendant Justin Lamar Sternad, in the presence of his attorney, Enrique Yabor, has admitted to federal law enforcement that he knowing and willfully engaged in a conspiracy to commit an offense against the United States, in violation of Title 18, United States Code, Section 371; making a false statement, in violation of Title 18, United States Code, Section 1001(a)(2) and accepting illegal campaign contributions, in violation of Title 2, United States Code, Sections 441a(a)(1)(A), 441a(f), and 437g(d)(1)(A)(i), all as charged in the case for which he stands before this Court, Case Number 13-20108-CR-ROSENBAUM/MATTHEWMAN.

Because this factual basis of the plea of guilty was prepared by the Government for the limited purpose of establishing to the Court's satisfaction, pursuant to Federal Rule of Criminal Procedure 11(b)(3), that there is factual basis for the plea of guilty, the Government has not included

each and every fact known to the Government regarding the charged offenses.

WIFREDO A. FERRER
UNITED STATES ATTORNEY

Date: 3-15-13
3-15-13

By: Thomas J. Mulvihill
THOMAS J. MULVIHILL
SENIOR LITIGATION COUNSEL
UNITED STATES ATTORNEY'S OFFICE

Date: 3-15-13

By: Thomas J. Mulvihill for
RICHARD C. PILGER
PUBLIC INTEGRITY SECTION
DEPARTMENT OF JUSTICE

Date: 3-15-2013

By: Enrique L. Yabor
ENRIQUE L. YABOR
ATTORNEY FOR DEFENDANT

Date: 3/15/13

By: Justin Lamar Sternad
JUSTIN LAMAR STERNAD
DEFENDANT