

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
14-60050-CR-COHN/SELTZER
CASE NO. _____

18 U.S.C. § 371

UNITED STATES OF AMERICA

v.

RUSSELL S. ADLER,

Defendant.

_____ /

INFORMATION

The United States Attorney charges that, at all times relevant to this Information:

GENERAL ALLEGATIONS

1. Rothstein, Rosenfeldt and Adler, P.A. (hereinafter "RRA") was a law firm with offices located at 401 East Las Olas Boulevard, Fort Lauderdale, Florida in the Southern District of Florida and elsewhere. The law firm employed approximately seventy (70) attorneys and 150 staff members and engaged in the practice of law involving a wide range of specialties, including labor, employment, corporate, commercial and personal injury law. Scott Rothstein (hereinafter referred to as "Rothstein") was the Chief Executive Officer (CEO) and Chairman of RRA.

2. RUSSELL S. ADLER (hereinafter referred to as "ADLER") was an attorney admitted to practice law in Florida and, in early 2005, became a shareholder of RRA.

3. John McCain (hereinafter referred to as "McCain") was a candidate in the 2008 federal election for the Presidency of the United States.

4. McCain Victory 2008, McCain-Palin Victory 2008, and McCain Victory Florida were joint fundraising committees that solicited and accepted contributions for McCain's 2008

primary and general election campaign, for the Republican National Committee and for various Republican state committees.

5. Charlie Crist (hereinafter referred to as "Crist") was a candidate in the 2010 federal election for the United States Senate from the State of Florida.

The Federal Election Commission
And Regulation Of Federal Elections

6. The Federal Election Commission (FEC) was an agency of the executive branch of the government of the United States that administered and enforced the Federal Election Campaign Act (FECA).

7. The FEC was responsible for providing accurate information to the public about the amounts and sources of campaign contributions, and it used quarterly reports to administer and enforce the FECA.

8. McCain Victory 2008, McCain-Palin Victory 2008, McCain Victory Florida, and the Charlie Crist for US Senate campaign were required to file quarterly reports with the FEC identifying each person who made a contribution during the reporting period whose contribution or contributions for that calendar year aggregated over \$200.

9. Title 2, United States Code, Section 441f makes it unlawful for any person to make a contribution in the name of another, including reimbursing a third person, before or after that third person's contribution, as inducement to make that contribution, or for any person to permit his or her name to be used to make such a contribution.

COUNT 1

1. From in or about early 2005 through in or about November 2009, in Broward County, in the Southern District of Florida and elsewhere, the defendant

RUSSELL S. ADLER,

knowingly and willfully combined, conspired, confederated, and agreed with co-conspirator Rothstein and with other persons known and unknown to the United States Attorney:

(a) to commit an offense against the United States, that is, to knowingly and willfully violate the FECA by making contributions in the names of other persons, aggregating \$25,000 or more in a calendar year, in violation of 2 U.S.C. §§ 437g(d)(1)(A)(i) and 441f; and

(b) to defraud the United States by impairing, impeding, obstructing, and defeating the lawful functions and duties of the FEC.

PURPOSE AND OBJECT OF THE CONSPIRACY

2. The purpose and object of the conspiracy was to generate money for defendant ADLER and co-conspirators by increasing the apparent political influence of RRA by utilizing certain attorneys and administrative personnel of RRA, and others persons associated with RRA, to unlawfully make prohibited political campaign contributions and to conceal from the FEC and the public the true source of the funds utilized to make those political campaign contributions.

MANNER AND MEANS OF THE CONSPIRACY

3. It was part of the conspiracy that co-conspirator Rothstein and other shareholders of RRA, including defendant ADLER, attempted to increase the stature and apparent political power of RRA on the federal, state, and local level by making substantial political contributions to political candidates, regardless of their personal political affiliation.

4. It was further part of the conspiracy that co-conspirator Rothstein and other shareholders of RRA would utilize these contributions as a means to influence and attempt to influence political officials on the federal, state, and local level in order to obtain political

appointments for Rothstein and others and to obtain government contracts for RRA, Rothstein's businesses, and the businesses of Rothstein's clients.

5. It was further part of the conspiracy that, in order to increase the amount of political contributions, and thereby increase his apparent influence, co-conspirator Rothstein enlisted certain attorneys and administrative personnel of RRA, including defendant ADLER, along with other individuals, to make political contributions to the political campaigns of McCain and Crist, and other federal, state, and local offices. Co-conspirator Rothstein would "bundle" those contributions, and the McCain campaign and the Crist campaign would credit RRA for having secured those contributions.

6. It was further part of the conspiracy that, since many of the attorneys and administrative personnel of RRA, including defendant ADLER, and other individuals, neither had sufficient funds to contribute to the political campaigns nor the desire to contribute to the various political candidates selected by Rothstein, co-conspirator Rothstein enlisted defendant ADLER and other individuals to contribute to the McCain campaign and the Crist campaign by agreeing that RRA would reimburse the attorneys, administrative personnel, and other individuals for the political contributions which defendant ADLER and others made to McCain and Crist.

7. It was further part of the conspiracy that, even though defendant ADLER and other co-conspirators knew that the amount of campaign contributions that co-conspirator Rothstein and RRA could legally make to McCain, Crist, and other candidates was limited by statute, defendant ADLER and certain attorneys, administrative personnel, and other individuals, made contributions to the presidential primary campaign of McCain and the United States Senate campaign of Crist, which were unlawfully reimbursed by RRA.

8. It was further part of the conspiracy that, in or about June 2008, defendant ADLER made a contribution to McCain Victory Florida in the amount of \$80,000.

9. It was further part of the conspiracy that the "bundled" contributions made on behalf of RRA placed RRA as the second largest contributor to McCain Victory Florida.

10. It was further part of the conspiracy that approximately two weeks prior to the day that defendant ADLER made the contributions to McCain Victory Florida, defendant ADLER received a check from RRA in the amount of \$140,000 reimbursing him for the contributions made by defendant ADLER.

11. It was further part of the conspiracy that, in or about October 2008, defendant ADLER and other shareholders of RRA, one of their spouses, and one of the administrative personnel of RRA each made contributions to McCain-Palin Victory 2008, in amounts ranging from approximately \$30,000 to approximately \$124,000.

12. It was further part of the conspiracy that, at or about the time defendant ADLER made the contribution to McCain-Palin Victory 2008 in the amount of \$124,000, defendant ADLER received a check from RRA in the amount of \$143,000 reimbursing him for the contribution. The check was fraudulently backdated to reflect that it was issued approximately six days prior to the date of the actual contribution and the memo section of the check stated "bonus."

13. It was further part of the conspiracy that the "bundled" contributions made on behalf of RRA placed RRA as the nation's top contributor to McCain-Palin Victory 2008.

14. It was further part of the conspiracy that, during calendar year 2008, co-conspirator Rothstein, some of the shareholders of RRA and their spouses each made contributions to McCain Victory 2008, each in amounts ranging between \$60,000 and \$75,000.

15. It was further part of the conspiracy that the “bundled” contributions made on behalf of RRA placed RRA as the nation’s leading contributor to McCain Victory 2008.

16. It was further part of the conspiracy that the total of all “bundled” contributions made on behalf of RRA placed RRA as the nation’s top total contributor to the joint fundraising committees for McCain, which included McCain Victory 2008, McCain-Palin Victory 2008, and McCain Victory Florida.

17. It was further part of the conspiracy that each of the contributions made by RRA shareholders, their spouses, and administrative personnel to McCain-Palin Victory 2008, McCain Victory 2008, and McCain Victory Florida described above, were unlawfully reimbursed by RRA.

18. It was further part of the conspiracy that, in and around June 26, 2009, the date of a fundraiser for Crist at the home of Rothstein, ADLER, other lawyers and employees of RRA and clients and other persons associated with RRA, at the direction of Rothstein, made a total of approximately \$239,900 in contributions to the Crist campaign for the United States Senate.

19. It was further part of the conspiracy that at least \$26,000 in contributions made to the Crist campaign for the United States Senate were illegally reimbursed by RRA.

20. It was further part of the conspiracy that the “bundled” contributions made on behalf of RRA placed RRA as the second-leading contributor to the Charlie Crist for the US Senate campaign.

21. It was further part of the conspiracy that the conspirators attempted to conceal from the FEC and the public the unlawful nature of the reimbursements by fraudulently claiming that the reimbursement checks were in payment for bonuses or miscellaneous expenses.

22. It was further part of the conspiracy that, due to all the "bundled" contributions made on behalf of RRA, co-conspirator Rothstein became a delegate to the 2008 Republican National Convention.

23. It was further part of the conspiracy that, due to fraudulently acquired and "bundled" contributions made on behalf of RRA to the Republican Party of Florida, co-conspirator Rothstein was appointed to the 4th District Judicial Nominating Committee, which is a committee that advised the Florida governor as to which persons should be nominated to be state appellate judges.

OVERT ACTS

24. In furtherance of the conspiracy and to achieve the objective thereof, 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:

(a) On or about October 6, 2008, defendant ADLER made a contribution in the amount of \$124,000 to McCain Palin Victory 2008.

(b) On or about October 9, 2008, defendant ADLER received a check from RRA in the amount of \$143,000 as a reimbursement for the contributions he made and caused to be made to McCain Palin Victory 2008.

(c) On or about June 11, 2009, defendant ADLER made a contribution in the amount of \$2,400 to the campaign of Crist for the United States Senate.

(d) In or about July 2009, an employee of RRA received a check in the amount of \$7,143.52 as a reimbursement for a \$4,800 contribution made to the Crist campaign for the United States Senate.

All in violation of Title 18, United States Code, Section 371.



WIFREDO A. FERRER
UNITED STATES ATTORNEY



JEFFREY N. KAPLAN
ASSISTANT UNITED STATES ATTORNEY



PAUL F. SCHWARTZ
ASSISTANT UNITED STATES ATTORNEY



LAWRENCE D. LAVECCHIO
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

CASE NO. _____

vs.

CERTIFICATE OF TRIAL ATTORNEY*

RUSSELL S. ADLER,

Defendants.

_____ /

Superseding Case Information:

Court Division: (Select One)

New Defendant(s) _____ Yes _____ No
Number of New Defendants _____
Total number of counts _____

Miami _____ Key West _____
FTL WPB _____ FTP _____

I do hereby certify that:

1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.

2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.

3. Interpreter: (Yes or No) No
List language and/or dialect English

4. This case will take 0 days for the parties to try.

5. Please check appropriate category and type of offense listed below:

(Check only one)		(Check only one)
I	0 to 5 days <input checked="" type="checkbox"/>	Petty _____
II	6 to 10 days _____	Minor _____
III	11 to 20 days _____	Misdem. _____
IV	21 to 60 days _____	Felony <input checked="" type="checkbox"/>
V	61 days and over _____	

6. Has this case been previously filed in this District Court? NO (Yes or No)

If yes: Judge: _____ Case No. _____

(Attach copy of dispositive order)

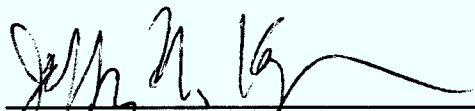
Has a complaint been filed in this matter? _____ (Yes or No)

If yes:
Magistrate Case No. _____
Related Miscellaneous numbers: _____
Defendant(s) in federal custody as of _____
Defendant(s) in state custody as of _____
Rule 20 from the District of _____

Is this a potential death penalty case? NO (Yes or No)

7. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to October 14, 2003? _____ Yes No

8. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to September 1, 2007? Yes _____ No



JEFFREY N. KAPLAN
ASSISTANT UNITED STATES ATTORNEY
Court ID No. A5500030

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: RUSSELL S. ADLER

Case No:

Count #: 1

Conspiracy to Violate the Federal Election Campaign Act and to Defraud the United States

18 U.S.C. § 371

*** Max. Penalty:** 5 years' imprisonment, \$250,000 fine, 3 years' supervised release

*Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms or forfeitures that may be applicable.


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

CASE NUMBER: _____

BOND RECOMMENDATION

DEFENDANT: RUSSELL S. ADLER

\$250,000 Personal Surety Bond
(Personal Surety) (Corporate Surety) (Cash) (Pre-Trial Detention)

By: 
for AUSA: Jeffrey N. Kaplan

Last Known Address: _____

What Facility: _____

Agent(s): IRS S/A TARYN GUARIGLIA
(FBI) (SECRET SERVICE) (DEA) (IRS) (ICE) (**OTHER**)

AO 455 (Rev. 01/09) Waiver of an Indictment

UNITED STATES DISTRICT COURT
for the
Southern District of Florida

United States of America)	
v.)	Case No.
RUSSELL S. ADLER)	
)	
_____)	
<i>Defendant</i>)	

WAIVER OF AN INDICTMENT

I understand that I have been accused of one or more offenses punishable by imprisonment for more than one year. I was advised in open court of my rights and the nature of the proposed charges against me.

After receiving this advice, I waive my right to prosecution by indictment and consent to prosecution by information.

Date: _____

Defendant's signature

Signature of defendant's attorney

Printed name of defendant's attorney

Judge's signature

U.S. Magistrate Judge
Judge's printed name and title