

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

11 cr 60282 Marra - Vitunac
CASE NO. _____

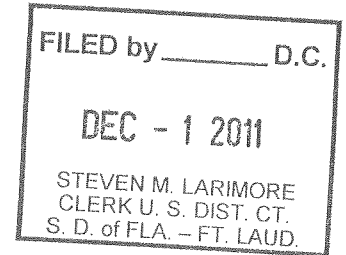
18 U.S.C. § 371

UNITED STATES OF AMERICA

v.

MARYBETH FEISS,

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 referred to as "RRA") was a law firm with offices located at 401 East Las Olas Boulevard, Fort Lauderdale, Florida and elsewhere. The law firm employed approximately seventy attorneys and engaged in the practice of law involving a wide range of specialties, including labor and employment law.

2. Scott W. Rothstein (hereinafter referred to as "Rothstein") was an attorney and was the Chief Executive Officer (CEO) and Chairman of RRA.

3. Defendant **MARYBETH FEISS** (hereinafter referred to as "**FEISS**") was employed as an administrative assistant to Rothstein at RRA. Her duties included assisting in organizing events, including functions for political candidates, and assisting in collecting campaign contributions made at those events.

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

5. John McCain 2008, Inc., John McCain 2008 General Election Compliance Fund, Inc., and McCain-Palin Compliance Fund were campaign committees that solicited and accepted contributions for John McCain’s 2008 primary and general election campaign.

6. McCain Victory 2008 was a joint fundraising committee composed of John McCain 2008, Inc., John McCain 2008 General Election Compliance Fund, Inc., the Republican National Committee, the Colorado Republican Federal Campaign Committee, the Republican Campaign Committee of New Mexico, the Republican Party of Wisconsin, and the Republican Party of Minnesota. McCain Victory 2008 solicited and accepted contributions on behalf of those entities.

7. McCain-Palin Victory 2008 was a joint fundraising committee composed of the McCain-Palin Compliance Fund, the Republican National Committee, the Michigan Republican Party, the Missouri Republican State Committee, the Ohio Republican Party State Central and Executive Committee, and the Republican Federal Committee of Pennsylvania. McCain-Palin Victory 2008 solicited and accepted contributions on behalf of those entities.

8. McCain Victory Florida was a joint fundraising committee composed of John McCain 2008, Inc., John McCain 2008 General Election Compliance Fund, Inc., the Republican National Committee, and the Republican Party of Florida. McCain Victory Florida solicited and accepted contributions on behalf of those entities.

The Federal Election Commission
And Regulation Of Federal Elections

9. 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).

10. 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.

11. John McCain 2008, Inc., John McCain 2008 General Election Compliance Fund, Inc., McCain-Palin Compliance Fund, and each of the joint fundraising committees specified above, 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.

12. During 2007 and 2008, specific FECA provisions limited the amount of campaign contributions an individual could make as follows:

(a) The maximum individual contribution allowed by law to any federal candidate or his authorized political committee was \$2,300 for a primary election and an additional \$2,300 for a general election;

(b) The maximum individual contribution allowed by law to a National Party Committee, such as the Republican National Committee, was \$28,500 per calendar year;

(c) The maximum individual contribution allowed by law to a state or local party committee, such as the Florida or Colorado Republican Party, was a combined total of \$10,000 per calendar year; and

(d) The maximum individual amount of all political contributions to all Federal campaigns, parties, and other political committees was \$108,200 during a two-year period.

13. The FECA provisions make it unlawful to make contributions in the name of another person or to knowingly permit one's name to be used to effect such a contribution.

COUNT 1

1. The General Allegations of this Information, numbered one through thirteen inclusive, are realleged and expressly incorporated herein as if set forth in full.

2. From in or about June 2007 through in or about October 2009, in the Southern District of Florida, and elsewhere, the defendant,

MARYBETH FEISS,

knowingly and willfully combined, conspired, confederated, and agreed with Rothstein and with persons known and unknown:

(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, in violation of 2 U.S.C. § 441f, specifically:

(i) during calendar year 2007 and 2008, to John McCain 2008, Inc., the John McCain 2008 General Election Compliance Fund, Inc., and the McCain-Palin Compliance Fund, which were the authorized political committees for the 2008 primary and general presidential election for John McCain;

(ii) during calendar year 2008 to the Republican National Committee;

(iii) during calendar year 2008 to state and local party committees;

and

(iv) during each of calendar years 2007 and 2008 unlawfully made

contributions in the names of other persons aggregating \$25,000 or more to each of the campaign funds and committees set forth in subparagraphs (i), (ii), and (iii), in violation of 2 U.S.C. § 437g(d)(1)(A)(i), and

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

OBJECTIVE OF THE CONSPIRACY

3. It was the objective of the conspiracy that Rothstein and the co-conspirators, including **FEISS**, aimed to dramatically increase the political influence and power of RRA and become one of the most powerful law firms in the country by utilizing some of the attorneys and administrative personnel of RRA and others persons associated with RRA to unlawfully make prohibited political campaign contributions which were reimbursed by RRA, and thereby knowingly evade the campaign limitations set forth in the FECA.

MANNER AND MEANS OF THE CONSPIRACY

4. It was part of the conspiracy that Rothstein attempted to dramatically increase the stature and political power of RRA on the federal, state, and local level by making substantial political contributions to political candidates.

5. It was further part of the conspiracy that Rothstein and 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 himself and others and to obtain government contracts for his firm, his businesses, and the businesses of his clients.

6. It was further part of the conspiracy that, with the assistance of defendant **FEISS** and others, Rothstein held political fundraisers at his home and elsewhere for McCain.

7. It was further part of the conspiracy that in order to dramatically increase the amount of political contributions, and thereby increase his influence, Rothstein enlisted some of the attorneys and administrative personnel of RRA, and other individuals, to make political contributions to various political campaigns. Rothstein would “bundle” those contributions, and the McCain campaign would give RRA credit for those contributions.

8. It was further part of the conspiracy that, since many of the attorneys and administrative personnel of RRA, including defendant **FEISS**, 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, Rothstein enlisted **FEISS** and other individuals to contribute to the McCain campaign by agreeing that RRA would reimburse the attorneys, administrative personnel, and other individuals for the political contributions which **FEISS** and others made to McCain.

9. It was further part of the conspiracy that, even though **FEISS**, and other co-conspirators knew that, due to the federal election campaign laws, the amount of campaign contributions that Rothstein and RRA could make to McCain and other candidates was limited, during calendar year 2007 and calendar year 2008, some of the attorneys, administrative personnel, including defendant **FEISS**, and other individuals, made contributions to the presidential primary campaign of McCain, which were unlawfully reimbursed by RRA.

10. It was further part of the conspiracy that, during calendar year 2008, a few of the attorneys of RRA and their spouses each made contributions to McCain Victory 2008, in the amount of approximately \$67,000.

11. 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 Victory 2008.

12. It was further part of the conspiracy that, during calendar year 2008, a few of the attorneys of RRA, their spouses, and administrative personnel of RRA made contributions to McCain-Palin Victory 2008, in amounts ranging from approximately \$30,000 to approximately \$65,000.

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, a few of the attorneys of RRA and their spouses each made contributions to McCain Victory Florida, in the amount of approximately \$40,000.

15. It was further part of the conspiracy that the "bundled" contributions made on behalf of RRA placed RRA as the nation's second-leading contributor to McCain Victory Florida.

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.

17. It was further part of the conspiracy that the contributions made by RRA attorneys, their spouses, and administrative personnel to the joint fundraising committees for McCain resulted in approximately \$400,000 in contributions made to the Republican National Party and approximately \$450,000 to the state Republican parties.

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

19. It was further part of the conspiracy that the conspirators attempted to hide the unlawful nature of the reimbursements by claiming that the reimbursement checks were for bonuses or miscellaneous expenses.

20. It was further part of the conspiracy that the reimbursement checks would, in many instances, exceed the amount of the actual political contribution in order to compensate for any federal income taxes due on the alleged bonuses or miscellaneous expenses, and in order to conceal the fact that the payments were reimbursements for political contributions.

21. It was further part of the conspiracy that, due to all the “bundled” contributions made on behalf of RRA, Rothstein would and did become a delegate to the 2008 Republican National Convention.

22. It was further part of the conspiracy that, due to all the “bundled” contributions made on behalf of RRA to the Republican Party of Florida, Rothstein would and did become a member of the Judicial Nominating Committee, which is a committee that advised the Florida governor as to which persons should be nominated to be state judges.

OVERT ACTS

23. 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 January 18, 2008, defendant **FEISS** made a \$2,300 contribution to John McCain 2008, Inc.

(b) On or about January 25, 2008, defendant **FEISS** was reimbursed in cash for the contribution she made to John McCain 2008, Inc.

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