



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

February 7, 2013

ALMA GONZALEZ, TREASURER
DEMOCRATIC EXECUTIVE COMMITTEE OF
FLORIDA
214 SOUTH BRONOUGH STREET
TALLAHASSEE, FL 32301

Response Due Date
03/14/2013

IDENTIFICATION NUMBER: C00005561

REFERENCE: OCTOBER MONTHLY REPORT (09/01/2012 - 09/30/2012)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **Failure to adequately respond by the response date noted above could result in an audit or enforcement action.** Additional information is needed for the following 7 item(s):

1. Schedule A of your report (see attached) discloses a contribution from an individual(s) who have a mailing address outside of the United States of America. Please be advised that 2 U.S.C. §441e(a) and 11 CFR §110.20 prohibit foreign nationals from making contributions in connection with any election for political office or in connection with any primary election, convention, or caucus held to select candidates for any political office.

If the apparently prohibited contribution in question was incompletely or incorrectly disclosed, you should amend your original report with clarifying information.

If you have received a contribution from a foreign national, you must refund the impermissible contribution to the donor in accordance with 11 CFR §103.3(b). Please inform the Commission of your corrective action immediately in writing and provide a photocopy of your check for the refund. In addition, any refunds should be disclosed on Schedule B supporting Line 28 of the report during which the transaction was made.

Although the Commission may take further legal action concerning the acceptance of a prohibited contribution, prompt action on your part to refund or provide clarifying information concerning these contributions will be taken into consideration.

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2. Schedule A of your report discloses one or more contributions which appear to be a corporation(s) (see attached). 2 U.S.C. §441b(a) prohibits the receipt of contributions from corporations unless made from a separate segregated fund established by the corporation. Limited liability companies (LLC's) that choose to be treated as corporations under the Internal Revenue Service rules, or have shares that are traded publicly, are considered corporations. In the event that the LLC is treated as a partnership under IRS rules, the aforementioned contributions are to be attributed to each member in direct proportion to his or her share of the LLC's profit or by agreement of its members. Each member who has contributed in excess of \$200 for the calendar year should be identified by name, address, amount of contribution, name of employer, occupation and aggregate total on Schedule A. (11 CFR §110.1(g) (1) through (5))

If any apparently prohibited contribution in question was incompletely or incorrectly disclosed, you should amend your original report with clarifying information.

If you have received a prohibited contribution(s), you may have to make a refund. If within 30 days of receipt you (1) transferred the prohibited amount to an account not used to influence federal elections, and (2) provided written notice to the person making the contribution of the option of receiving a refund, you may retain the contribution in an account not used to influence federal elections. Any request from a donor for a refund must be honored.

If the foregoing conditions for transfers to a non-federal account were not met within 30 days of receipt, the prohibited amount must be refunded. (11 CFR §103.3(b)(1) and (3))

Please inform the Commission of your corrective action immediately in writing and provide a photocopy of your check for the transfer-out or refund. In addition, any transfers-out or refunds should be disclosed on Schedule B supporting Line 22 or 28 of the report covering the period during which the transaction was made.

Although the Commission may take further legal action concerning the acceptance of prohibited contributions, prompt action by your committee to transfer-out or refund the amount will be taken into consideration.

3. Schedule A of your report (see attached) discloses one or more contributions which appears to be from a corporation(s). 2 U.S.C. §441b(a)

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prohibits the receipt of contributions from corporations unless made from a separate segregated fund established by the corporation.

If any apparently prohibited contribution in question was incompletely or incorrectly disclosed, you should amend your original report with clarifying information.

If you have received a prohibited contribution(s), you may have to make a refund. If within 30 days of receipt you (1) transferred the prohibited amount to an account not used to influence federal elections, and (2) provided written notice to the person making the contribution of the option of receiving a refund, you may retain the contribution in an account not used to influence federal elections. Any request from a donor for a refund must be honored.

If the foregoing conditions for transfers to a non-federal account were not met within 30 days of receipt, the prohibited amount must be refunded. (11 CFR §103.3(b)(1))

Please inform the Commission of your corrective action promptly in writing and provide a photocopy of your check for any transfer out or refund. In addition, any transfers out or refunds should be disclosed on Schedule B supporting Line 22 or 28 of the report covering the period during which the transaction was made.

Although the Commission may take further legal action concerning the acceptance of a prohibited contribution, prompt action by your committee to transfer out or refund the amount will be taken into consideration.

4. Schedule B of your report discloses reimbursements to individuals for "Office Space," and "Office Lease." Please be advised that when itemizing reimbursements to individuals for goods or services, if the payment to the original vendor aggregates in \$200 or more in a calendar year, a memo entry including the name and address of the original vendor, as well as the date, amount and purpose of the original purchase must be provided. Please amend your report to include the missing information and clearly identify on the Schedule B, which reimbursement each memo entry relates to. If itemization is not necessary, you must indicate so in an amendment to this report. (11 CFR §300.36(b), and Advisory Opinions 1992-1 and 1996-20, footnote 3)

5. Itemized disbursements must include a brief statement or description of why the disbursements were made. Please amend Schedule(s) B of your report to clarify the following description(s): "Consulting/Outreach,"

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"Consulting/Political." For further guidance regarding acceptable purposes of disbursements, please refer to 11 CFR §104.3(b)(3).

6. Schedule B supporting Line 30(b) of the Detailed Summary Page discloses \$69,115.33 in disbursements for "Placards/Support Obama" on behalf of BARACK OBAMA. Please be advised that a state or local party committee may pay for campaign materials (such as bumper stickers) that are distributed by volunteers in connection with activity on behalf of the party's nominees in a general election. Payments for this type of activity are exempt from the definition of a contribution or expenditure if certain conditions are met. The conditions are that no public advertising may be used, including distribution by direct mail (mailings by a commercial vendor or from commercial lists); all funds used for the activity must be permitted under the Act; none of the funds used may have been designated for a particular candidate; and finally, payments for the activity may not be made from transfers-in from the national committee to specifically fund the activity. For further guidance, please refer to 11 CFR §§100.87 and 100.147 and to the Campaign Guide for Political Party Committees.

If the activity disclosed on your report does not meet the definition of "exempt" activity as described above and if any portion of the expenditures were made on behalf of specifically identified candidates, that amount must be disclosed on Schedule B, E or F supporting Line 23, 24 or 25 of the Detailed Summary Page as appropriate. Please amend your report or provide clarifying information.

7. You have made disbursements for "Direct Mail-Volunteer Exempt" which you have characterized as exempt activities. In order for an activity to be classified as exempt, it must meet the following conditions: (1) For slate cards and sample ballots: it names at least three candidates running for election to any public office, it is not distributed through public political advertising (including broadcast media, newspapers, magazines, and billboards), the content is limited to the identification of each candidate, the office or position currently held, the office sought and party affiliation, and the costs allocable to federal candidates are paid with permissible funds; (2) For campaign materials: the activity is conducted on behalf of the party's nominees in the general election, the materials are distributed by volunteers--not through public political advertising, the party committee does not use materials purchased by the national party committee or money transferred from the national committee to purchase materials, the party committee does not use funds designated for a particular federal candidate, a payment from a non-federal campaign to help pay for the materials does not exceed its allocated share of the expenses, and

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the costs allocable to federal candidates are paid with permissible funds; (3) For voter drives: the activity is on behalf of the party's Presidential and Vice Presidential nominees, the activity does not involve the use of public political advertising such as television, radio, newspapers, magazines, billboards or direct mail, phone banks are operated by volunteers (although paid professionals may design the system, develop calling instructions and train supervisors), the party committee does not use funds transferred by the national party committee for voter drive activities, the party committee does not use funds designated for a particular federal candidate, and the cost allocable to federal candidates are paid with permissible funds. (11 CFR §§100.80, 100.87, 100.89 and 11 CFR §§100.140, 100.147 and 100.149)

If the activity disclosed on your report does not meet the definition of "exempt" activity as described above, and if any portion of the expenditures were made on behalf of specifically identified candidates, this amount must be disclosed on Schedule B, E or F supporting Line 23, 24 or 25 of the Detailed Summary Page as appropriate. Please provide the Commission with a more detailed explanation of these activities.

Please note, you will not receive an additional notice from the Commission on this matter. Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action. **Requests for extensions of time in which to respond will not be considered.**

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1164.

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Sincerely,

A handwritten signature in black ink that reads "Nicole Miller". The signature is written in a cursive, flowing style.

Nicole Miller
Senior Campaign Finance Analyst
Reports Analysis Division

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**Excessive, Prohibited, and Impermissible Contributions
DEMOCRATIC EXECUTIVE COMMITTEE OF FLORIDA (C00005561)**

Contributions from Possible Foreign Nationals

Contributor Name	Date	Amount	Report
Ryan Allen	9/30/12	\$5,950.00	2012 October Monthly
Mark Bergman	9/30/12	\$714.00	2012 October Monthly
Daniel C. Crosby	9/30/12	\$1,564.00	2012 October Monthly
Rebecca Goodhart	9/30/12	\$136.00	2012 October Monthly
Harry A Hill	9/30/12	\$1,564.00	2012 October Monthly
Maria Kellner	9/30/12	\$782.00	2012 October Monthly
Maria Kellner	9/30/12	\$6,018.00	2012 October Monthly
Peter L. Kellner	9/30/12	\$484.50	2012 October Monthly
Peter L. Kellner	9/30/12	\$4,615.50	2012 October Monthly
Caleb Kramer	9/30/12	\$5,950.00	2012 October Monthly
Natalie Massenet	9/30/12	\$4,197.62	2012 October Monthly
Richmond Mayo-Smith	9/30/12	\$6,545.00	2012 October Monthly
Luke Miner	9/30/12	\$6,800.00	2012 October Monthly
Skipp G. Orr Jr.	9/30/12	\$6,800.00	2012 October Monthly
Robert Roche	9/30/12	\$1,564.00	2012 October Monthly
Jeff Shell	9/30/12	\$898.85	2012 October Monthly
Laura Shell	9/30/12	\$1,797.71	2012 October Monthly
Cristina Stenbeck	9/30/12	\$5,100.00	2012 October Monthly
Stephen M Zinser	9/30/12	\$425.00	2012 October Monthly
Marjorie Rawls Roberts	9/30/12	\$1,054.00	2012 October Monthly

Contributions from Possible Prohibited Entities (LLCs)

Contributor Name	Date	Amount	Report
Herman, Herman, & Katz, LLC	9/30/12	\$357.00	2012 October Monthly
The Gores Group, LLC	9/30/12	\$1,564.00	2012 October Monthly

Contributions from Possible Prohibited Entities (Corporations, Labor Organization, LLCs)

Contributor Name	Date	Amount	Report
Kramer, Dillof, Livingston & Moore	9/30/12	\$714.00	2012 October Monthly