



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20543

RQ-2

Earl Scales, Treasurer  
Democratic Executive Committee of Florida  
810 Thomasville Road  
Tallahassee, FL 32303

APR 23 2003

Identification Number: C00005561

Reference: 30 Day Post-General Report (10/17/02-11/25/02)

Dear Mr. Scales:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-Schedule A of your report (pertinent portion(s) attached) discloses one or more contributions which appear to exceed the limits set forth in the Act. 2 U.S.C. §441a(f) and 11 CFR §110.1(d) prohibit a committee and its affiliates from receiving any contribution from another political committee or person in excess of \$5,000 per calendar year.

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

If any contribution you received exceeds the limits, you may have to refund the excessive amount. The funds can be retained if within 60 days of receipt, (1) the excessive amount was properly reattributed to another person, such as a joint account holder, by obtaining signed written authorizations from each person making the contribution pursuant to 11 CFR 110.1(k)(3), and (2) the treasurer informs the person making the contribution that he or she may request the return of the excessive portion of the contribution if it is not intended to be a joint contribution. Any request from a donor for a refund must be honored.

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Alternatively, the funds can be retained if within 60 days of receipt you (1) transferred the excessive 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. Any request from a donor for a refund must be honored.

If the foregoing conditions for reattributions or transfers to a non-federal account were not met within 60 days of receipt, the excessive amount must be refunded.

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

Although the Commission may take further legal action regarding the acceptance of an excessive contribution(s), prompt action by your committee to seek reattribution, transfer-out or refund the excessive amount will be taken into consideration.

-The totals listed on Lines 6(c), 7, 11(a)(iii), 11(d), 12, 17, 18, 19, 20, 21(a)(i), 21(a)(ii), 21(b), 21(c), 22, 25, 30, and 31, Column B of the Summary and Detailed Summary Page(s) appear to be incorrect. Please be advised that you should add the "Calendar Year-to-Date" total from your previous report to the current "Total This Period" figure from Column A to derive the correct Column B totals. Please amend your report and any subsequent reports that may be affected by this correction.

-The beginning cash balance of this report should equal the ending balance of your Amended 12 Day Pre-General Report (10/1/02-10/16/02), received 3/20/03. Please clarify this discrepancy and amend any subsequent report(s) that may be affected by this correction.

-Your calculations for Line 8 appear to be incorrect. Cash-on-hand at the close of the current reporting period should always equal the closing calendar year-to-date cash-on-hand amount. Please provide the corrected total on the Summary Page.

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-Your report discloses receipts totaling \$50,000 from "American Women Vote! 2002", which is a joint fundraising committee(s) affiliated with your committee. Please be advised that a memo Schedule A must be provided to itemize your committee's share of the gross contributions received through the joint fundraiser(s). The memo schedule should itemize each individual who has contributed an aggregate in excess of \$200 during the calendar year, and provide the amount of unitemized contributions received. In addition, the memo schedule should itemize your committee's share of all contributions from political committees, regardless of amount. Please amend your report by providing the omitted memo schedule(s). 11 CFR §102.17(c)(8)(i)(B)

-Schedule H4 supporting Line 21(a) of the Detailed Summary Page (pertinent portion(s) attached) discloses \$3,333.05 in disbursements for activities on behalf of Jacobs. It appears that your non-federal account has transferred-in money to your federal account to help pay for these activities. By definition, a shared activity is one which benefits both federal and non-federal candidates or committees.

Please clarify the nature of these activities, specifically whether non-federal candidates or committees were included. If non-federal candidates or committees were not included in the activities, the Commission recommends that you immediately transfer the funds received by your federal account for these activities back to the non-federal account. Although the Commission may take further legal action concerning this prohibited activity, your prompt action will be taken into consideration.

-Schedule H4 of your report discloses an apparent contribution to "Walton County DEC," "Account of Annie Betencourt," "Campaign for Walter Mondale," and "Democratic National Committee". Please be advised that contributions to federal committees and/or non-federal committees/organizations do not qualify as shared expenses to be allocated between your federal and non-federal accounts. Contributions to federal committees should be disclosed on a Schedule B supporting Line 23 of the Detailed Summary Page and contributions to non-federal committees/organizations on a separate Schedule B supporting Line 29. Any reimbursement from your committee's non-federal account for any portion of this contribution(s) is not permissible. 11 CFR §102.5(a)(1)(i)

The Commission recommends that you immediately transfer the funds received by your federal account, as reimbursement for the non-federal

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portion, back to your non-federal account. Although the Commission may take further legal action concerning this prohibited activity, your prompt action will be taken into consideration.

-Schedule H4 of your report discloses several disbursements with the purpose "refund" which have been made to individuals. Please note that refunds do not qualify as shared expenses to be allocated between your federal and non-federal accounts. Refunds to individuals should be disclosed on a Schedule B supporting Line 28(a) of the Detailed Summary Page. Any reimbursement from your committee's non-federal account for any portion of these disbursements is not permissible. 11 CFR §102.5(a)(1)(i)

The Commission recommends that you immediately transfer the funds received by your federal account, as reimbursement for the non-federal portion, back to your non-federal account. Although the Commission may take further legal action concerning this prohibited activity, your prompt action will be taken into consideration.

However, if these disbursements meet the definition of allocable activity then please amend your report to provide additional clarifying information regarding these transactions.

-Please clarify all expenditures made for "Hispanic Radio" and "Signs" on Schedule(s) H4. If a portion or all of these expenditures were made on behalf of specifically identified federal candidates, this amount should be disclosed on Schedules B, E, or F supporting Lines 23, 24, or 25 and include the amount, name, address and office sought by each candidate. 11 CFR §§104.3(b) and 106.1

-Please clarify all expenditures relating to GOTV. If any of these activities referenced House or Senate candidates, they should be allocated accordingly, unless merely incidental to the overall activity. If a portion or all of these expenditures were made on behalf of federal candidates, they should be reported on Schedules B, E, or F for Lines 23, 24, or 25 of the Detailed Summary Page, as appropriate.

-Schedule H3 of your report discloses a transfer-in from "Peoples 1<sup>st</sup> Community Bank." Please be advised that transfers for shared activity on Schedule H3 should originate from your non-federal account. Please amend your report to clarify the specific name and source of the transfers-in.

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If this transaction represents an "internal transfer" of funds from one federal account to another, and the source(s) of such funds has been identified in previous reports of receipts and disbursements, please note that such transfers should not be itemized as doing so inflates total receipts and cash on hand. If this is the case, please amend your report to clarify the nature of these transfers.

Although the Commission may take further legal action regarding the acceptance of funds from a non-federal account, your prompt transfer-out of the impermissible funds or clarification of the transaction, will be taken into consideration.

-Your EVENT YEAR-TO-DATE calculations for Administrative/Voter Drive are incorrect. EVENT YEAR-TO-DATE totals for administrative and voter drive costs are derived by aggregating all disbursements during the calendar year for the whole Administrative/Voter Drive category. EVENT YEAR-TO-DATE totals for fundraising, direct candidate support, and exempt activities are derived by aggregating all disbursements during the calendar year within a specific event. These should be calculated by adding the latest disbursement for a category or event to the previous EVENT YEAR-TO-DATE total for that category or event. This running EVENT YEAR-TO-DATE total should be disclosed after each disbursement is listed. Please amend your report by providing the correct EVENT YEAR-TO-DATE totals.

-Schedule H4 supporting Line 21(a) discloses disbursements for "yard signs" which may qualify as exempt party activity. A state or local party committee may pay for campaign materials (such as yard signs) that are distributed by volunteers in connection with activity on behalf of the party's nominees in a general election. 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

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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 the costs allocable to federal candidates are paid with permissible funds.

If this activity indeed qualifies as exempt, please file a Schedule H2 to provide a unique identifier and allocation ratio, according to the time and space method. 11 CFR §§104.10(a)(1) and 106.5(e). Furthermore, please amend Schedule H4 to categorize the disbursements as *Exempt*. For further guidance, please refer to the Campaign Guide for 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, this amount must be disclosed on Schedule B or F supporting Line 23 or 25 of the Detailed Summary Page as appropriate. Please provide the Commission with a more detailed explanation of these activities.

-Itemized disbursements must include a brief statement or description of why the disbursements were made. Please amend Schedule(s) H4 of your report to clarify the following description(s): "Cost of Campaign" and "Research". For further guidance regarding acceptable purposes of disbursements, please refer to 11 CFR §104.3(b)(3).

-Please amend your report by providing the purpose for each disbursement itemized on Schedule(s) H4 supporting Line(s) 21(a).

-Your report disclosed certain categories of financial activity that have been reflected on the wrong lines of the Detailed Summary Page. Receipts from other political action committees and Transfers in from affiliated committees should be properly disclosed on a separate Schedule(s) A, supporting Line(s) 11(c) and 12, respectively, of the Detailed Summary Page. Please refer to the instructions contained on the forms to determine the proper categorization when preparing your next filing.

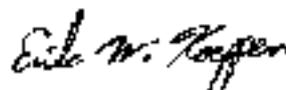
-Please be advised that Schedule H2 is used for shared federal and non-federal fundraising, exempt, and direct candidate support activity. The ratio for administrative expenses is derived from the Schedule H1 and should not be included on your Schedule H2. Please amend your report to clarify this discrepancy.

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A response or amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. 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 need assistance, please feel free to contact me on our toll-free number, (800) 424-9530 (at the prompt press 1, then press 2 to reach the Reports Analysis Division). My local number is (202) 694-1130.

Sincerely,



Erik W. Koeppen  
Senior Campaign Finance Analyst  
Reports Analysis Division

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**SCHEDULE A (FEC Form 3X)  
ITEMIZED RECEIPTS**

Use separate schedule(s) or each category of the Detailed Summary Page	FOR LINE NUMBER: (check only one)	PAGE 15 / 137
	<input checked="" type="checkbox"/> 11a	<input type="checkbox"/> 11b
	<input type="checkbox"/> 13	<input type="checkbox"/> 14
	<input type="checkbox"/> 15	<input type="checkbox"/> 12
		<input type="checkbox"/> 16
		<input type="checkbox"/> 17

Any information copied from such Reports and Statements may not be used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (in Full)  
Democratic Executive Committee of Florida

Full Name (Last, First, Middle Initial)

**A.** Patrick Ward

Mailing Address  
4766 North Bay Road

City State Zip Code  
Miami FL 33140

FEC ID number of contributing federal political committee.

Name of Employer Occupation  
Tetco Bank Director

Receipt For: 2002  
 Primary  General  
 Other (specify) ▾

Aggregate Year-to-Date ▼  
15000.00

Date of Receipt

M M / D D / Y Y Y Y  
11 / 13 / 2002

Amount of Each Receipt this Period  
15000.00

Credit Card

Transaction ID: R38262

Full Name (Last, First, Middle Initial)

**B.** Richard Wodack

Mailing Address  
765 Market Street 25D

City State Zip Code  
San Francisco CA 94103

FEC ID number of contributing federal political committee.

Name of Employer Occupation  
CW/Richard Ellis Investor

Receipt For: 2002  
 Primary  General  
 Other (specify) ▾

Aggregate Year-to-Date ▼  
250.00

Date of Receipt

M M / D D / Y Y Y Y  
10 / 28 / 2002

Amount of Each Receipt this Period  
250.00

Check

Transaction ID: R37057

**C.**

SUBTOTAL of Receipts This Page (optional)	15250.00
TOTAL This Period (last page this line number only)	99150.06

**DISBURSEMENT SCHEDULE H4 (FEC Form 3X)  
JOINT FEDERAL/NON-FEDERAL ACTIVITY SCHEDULE**

NAME OF COMMITTEE (In Full)  
Democratic Executive Committee of Florida

A. Full Name (Last, First, Middle Initial) AVA Flag and Banner		Type of Associated Activity: <input checked="" type="checkbox"/> Admin/Voter Drive <input type="checkbox"/> Fundraising <input type="checkbox"/> Exempt <input type="checkbox"/> Direct Candidate Support	
Mailing Address NW 12th Street		Event Year-To-Date 7422615.35	
City	State	Zip Code	ORG
Miami	FL	33125	
Purpose/Event: A009		Category/ Type	
Description: GOTV - Rally Signs		Date: M M / D D / Y Y Y Y 11 / 01 / 2002	
FEDERAL SHARE		NON-FEDERAL SHARE	
100.00		1020.00	
		TOTAL AMOUNT 1200.00	
Transaction ID: H4#30883			

A. Full Name (Last, First, Middle Initial) Account of Annie Belencourt		Type of Associated Activity: <input checked="" type="checkbox"/> Admin/Voter Drive <input type="checkbox"/> Fundraising <input type="checkbox"/> Exempt <input type="checkbox"/> Direct Candidate Support	
Mailing Address 11604 SW 100 Terrace		Event Year-To-Date 7423590.35	
City	State	Zip Code	ORG
Miami	FL	33010	
Purpose/Event: A009		Category/ Type	
Description: Contribution		Date: M M / D D / Y Y Y Y 10 / 31 / 2002	
FEDERAL SHARE		NON-FEDERAL SHARE	
148.25		828.75	
		TOTAL AMOUNT 975.00	
Transaction ID: H4#30808			

*Entk*

A. Full Name (Last, First, Middle Initial) Adkins & Associates, Inc		Type of Associated Activity: <input checked="" type="checkbox"/> Admin/Voter Drive <input type="checkbox"/> Fundraising <input type="checkbox"/> Exempt <input type="checkbox"/> Direct Candidate Support	
Mailing Address 222 Ponce De Leon Blvd. 6th Floor		Event Year-To-Date 7426923.40	
City	State	Zip Code	ORG
Orlando	FL	32834-0000	
Purpose/Event: A009		Category/ Type	
Description: Direct Mail/Jacobs/CD		Date: M M / D D / Y Y Y Y 10 / 30 / 2002	
FEDERAL SHARE		NON-FEDERAL SHARE	
489.95		2833.09	
		TOTAL AMOUNT 3323.05	
Transaction ID: H4#30846			

SUBTOTAL of Joint Federal and Non-Federal Activity This Page			
FEDERAL SHARE		NON-FEDERAL SHARE	
826.21		4581.84	
		TOTAL AMOUNT 5508.05	
TOTAL This Period (last page for each line only)(Federal share to 21(a)(i) and non-Federal share to 21(a)(f))			
FEDERAL SHARE		TOTAL AMOUNT	
NON-FEDERAL SHARE			
TOTAL This Period for the Non-Federal Share (used for line 31 of the detailed summary page)			



2023年11月10日 星期五