



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

April 14, 2011

Alma Gonzalez, Treasurer  
Democratic Executive Committee of Florida  
214 South Bronough Street  
Tallahassee, FL 32301

**Response Due Date:**  
**May 19, 2011**

Identification Number: C00005561

Reference: Amended 30 Day Post-General Report (10/14/10-11/22/10), received  
3/10/11

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 20 items:

1. The beginning cash balance of this report should equal the ending balance of your Amended 12 Day Pre-General Report (10/1/10-10/13/10), received 3/10/11. Please clarify this discrepancy and amend any subsequent report(s) that may be affected by this correction.
2. Schedule A of your report discloses one or more contributions totaling \$13,669.84 from "Everglades Management, Inc.," "Image Plus Graphics, Inc.," "Adler Group, Incorporated," and "CSX Corporation," which appears to be a corporation(s). 2 U.S.C. §441b(a) 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

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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. See 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.

3. A review of the reports filed by your committee (see attached) indicates that your committee received one or more transfers from "CFSA PAC" which has not been disclosed on their report(s) of receipts and disbursements. Please provide clarifying information regarding the source of the transfer(s) received by your committee.

4. Line 11(a)(i) of the Detailed Summary Page of your report discloses a total of \$326,235.84 in Contributions From Individuals/Persons Other Than Political Committees, Itemized. The sum of the entries itemized on Schedule A, however, indicates the total to be \$326,315.84. Please amend your report to clarify the discrepancy.

5. Your calculations for Line 11(a)(iii), Column B appear to be incorrect. FEC calculations disclose this amount to be \$1,783,129.49. Please provide the corrected total on the Detailed Summary Page.

6. 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.

7. Your report discloses a returned disbursement totaling \$40,690 on Schedule A supporting Line 11(b) of the Detailed Summary Page. If the check written by your committee was not cashed, you should itemize the voided check on Schedule B supporting Line 21(b) as a negative entry. Line 15 should be used if the recipient cashed your check and wrote a

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refund on its account. Please amend your report to correct this discrepancy or provide clarification regarding this transaction.

8. Schedule B supporting Line 21(b) of your report discloses \$1,645.62 in activity identified as MEMO entries that do not appear to correspond with any itemized transaction(s). Please be advised, a memo entry is used to disclose additional information about an itemized transaction and the amount of a memo entry is not included in the total receipts or disbursements for the report. Please amend your report to provide clarifying information regarding this activity.

9. Please provide a Schedule F to support the entry reported on Line 25 of the Detailed Summary Page. Any coordinated expenditure made by a national, state or designated party committee must be itemized on Schedule F regardless of the amount expended. 11 CFR §104.3(b)(3)(viii) and 2 U.S.C. §434(b)(5)(D)

10. Your amended report discloses additional disbursements totaling \$137,812.08 on Lines 21(a)(i), 21(a)(ii), 25 and 30(b), of the Detailed Summary Page that were not disclosed on your original report. Please provide clarifying information as to why this activity was not disclosed on your original report. 11 CFR §104.3

11. Schedule A supporting Line(s) 11(c) and 12 of your report discloses a receipt(s) from "Committee to Elect Alan Grayson," "Debbie Wasserman Schultz For Congress," "LEVIN FOR CONGRESS," "Castor For Congress," and "Klein for Congress Inc." which requires further clarification. For example, if this activity represents a transfer of funds, please indicate "transfer" on Schedule A supporting Line 11(c) of your report. If this activity represents a reimbursement for services provided to this committee, please indicate this on Schedule A supporting Line 15 of your report. Please amend your report to clarify the type of activity this receipt(s) represents.

12. Schedule H6 supporting Line 30(a) of your report discloses a payment for "Telephone Calls." Please be advised that pursuant to 11 CFR §300.33(c)(1), expenditures for public communications (as defined by 11 CFR §100.26) that refer to a clearly identified candidate for Federal office and that promote, support, attack or oppose any such candidate for Federal office must not be allocated between or among federal, non-federal and Levin accounts. Only federal funds may be used.

Further, expenditures and disbursements for public communications that refer to a clearly identified candidate for Federal office and that promote,

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support, attack or oppose any candidate for Federal office, meet the definition of Federal Election Activity under by 11 CFR §100.24 and should be disclosed on Schedule B for Line 30(b) along with the identity of the candidate(s). However, public communications that meet the definition of Federal Election activity and that also contain express advocacy as defined under by 11 CFR §100.22, but do not meet the conditions of exempt activity, would constitute an in-kind contribution, an independent expenditure or a coordinated party expenditure and should be properly disclosed on a Schedule B, E or F supporting Lines 23, 24 or 25, as appropriate, rather than on Schedule B for Line 30(b). Please clarify if this activity meets the definition of Federal Election Activity or if it contains express advocacy and amend your report to properly disclose this activity, if necessary.

If this activity was categorized incorrectly, the Commission recommends that you immediately transfer the funds received by your federal account for this activity back to the non-federal or Levin account. Although the Commission may take further legal action concerning this prohibited activity, your prompt action will be taken into consideration.

13. Schedule A supporting Line 12 discloses a transfer(s)-in from the "Democratic Congressional Campaign Committee," and the "Democratic National Committee." Schedule H6 supporting Line 30(a) reflects payments for Federal Election Activity. Please be advised that under 11 CFR §300.34, a state, district or local party committee must not use any Federal funds transferred to it from a national party committee or any other State, district or local party committee, as the Federal component of an expenditure or disbursement for Federal Election Activity. Furthermore, your committee must itself raise the Federal component of expenditure or disbursement allocated between Federal and Levin funds.

Please clarify whether the transfer(s)-in was used for the subsequent payments for Federal Election Activity. In addition, please clarify the procedures you are currently using to ensure that Federal funds transferred to your committee from national, state, district and local party committees are not being used for Federal Election Activity.

14. Schedule H5 of your report discloses \$355,000 transfers-in of Levin funds to your federal account for Generic Campaign activity. However, your report does not contain a Schedule L-B supporting Lines 4(d) of the Schedule L Aggregation Page for the Levin account. Please amend your report to clarify this apparent discrepancy.

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15. Schedule B supporting Line 30(b) of your report discloses a payment for "Persuasion Mail" which is categorized as Federal Election Activity and therefore, may require the disclosure of the candidate(s) this activity should be attributed to. The Commission notes the memo text, which stated in part, "None of the expenditures listed on Line 30b were expressed advocacy." Expenditures and disbursements for public communications that refer to a clearly identified candidate for Federal office and that promote, support, attack or oppose any candidate for Federal office, meet the definition of Federal Election Activity under 11 CFR §100.24 and should be disclosed on Schedule B for Line 30(b) along with the identity of the candidate(s).

16. Your report disclosed a category of financial activity that appears to have been reflected on the wrong schedule. All transfers received from a committee's non-federal account for shared federal and non-federal activity must be itemized on Schedule H3 regardless of the amount transferred. 2 U.S.C. §434(b)(3)(D) Please clarify whether the transfers disclosed on Schedule A supporting Line 12 were the non-federal portion of shared expenses. If so, please amend your report to properly disclose the activity on Schedule H3 supporting Line 18(a).

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

18. Schedule B of your report discloses reimbursements to individuals for "Admin Office Supplies," and "Phone Expense." Please be advised that when itemizing reimbursements to individuals for goods or services, if the payment to the original vendor aggregates in excess of \$200 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 §104.9, and Advisory Opinions 1992-1 and 1996-20, footnote 3

19. Schedule B of your report discloses a reimbursement(s) to an individual(s) for apparent travel and subsistence advances in which the total amount reimbursed exceeds \$500. When the reimbursement amount to staff for travel and subsistence advances exceeds \$500, the payments by committee staff that make up the reimbursement may have to be itemized.

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For example, if the related payment(s) to any one vendor by the staff aggregates in excess of \$200 for the calendar year, the payment(s) must be itemized as a memo entry for that reimbursement. Each memo entry must include the complete name and address of the original vendor, as well as the date, amount and an adequate purpose. 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 for a particular reimbursement to staff in excess of \$500, you must clarify this in an amendment to this report. 11 CFR §104.9 and Advisory Opinion 1996-20, footnote 3

20. Schedule H4 of your report discloses a reimbursement(s) to an individual(s) for apparent travel and subsistence advances in which the total amount reimbursed exceeds \$500. When the reimbursement amount to staff for travel and subsistence advances exceeds \$500, the payments by committee staff that make up the reimbursement have to be itemized as memo entries regardless of the amount. Each memo entry must include the complete name and address of the original vendor, as well as the date, amount and an adequate purpose. Please amend your report to include the missing information and clearly identify on the Schedule H4, which reimbursement each memo entry relates to. 11 CFR §§104.10 and 104.17, and Advisory Opinion 1996-20, footnote 3

- Your report disclosed certain categories of financial activity that have been reflected on the wrong lines of the Detailed Summary Page. Refunds of Contributions To Individuals and Refunds of Contributions To Other Political Committees should be properly disclosed on a separate Schedules B, supporting Lines 28(a) and 28(c), respectfully, of the Detailed Summary Page. Please refer to the instructions for each line when determining the proper categorization(s) for your next filing.

**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

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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.

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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Contributor Name	Date	Amount	Report
CFSA PAC	10/18/10	\$5,000	2010 30 Day Post-General

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