



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

November 18, 2014

ED S. TORGAS, TREASURER
CARLOS CURBELO CONGRESS
8770 SUNSET DRIVE #355
MIAMI, FL 33173

Response Due Date

12/23/2014

IDENTIFICATION NUMBER: C00546846

REFERENCE: AMENDED OCTOBER QUARTERLY REPORT (08/07/2014 - 09/30/2014),
RECEIVED 10/28/2014

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report 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 **8** item(s):

1. Schedule A of your report discloses one or more contributions that appear to exceed the limits set forth in the Act (see attached).

An individual or a political committee other than an authorized committee or qualified multi-candidate committee may not make a contribution(s) to a candidate for federal office in excess of \$2,600 per election. An authorized committee may not make a contribution(s) to a candidate for federal office in excess of \$2,000 per election. A qualified multi-candidate committee and all affiliated committees may not make a contribution(s) to a candidate for federal office in excess of \$5,000 per election. The term "contribution" includes any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for federal office. (52 U.S.C. § 30116(a) and (f) (formerly 2 U.S.C. § 441a(a) and (f)); 11 CFR § 110.1(b), (e) and (k))

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.

Excessive contributions may be retained if, within 60 days of receipt, the

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excessive portions are properly redesignated or reattributed. Guidelines for each option are provided below.

For reattributions, excessive contributions from individuals can be retained if, within 60 days of receipt, the excessive amount is properly reattributed to another person. Please note that reattributions only apply to excessive contributions from individuals. An excessive contribution is considered properly reattributed if (1) the contributors provide the committee with written documentation, signed by each contributor, authorizing a reattribution and indicating the amount of the contribution to be attributed to each contributor; or (2) the committee reattributes by presumption the excessive portion of the contribution if the contribution was made on a written instrument from a joint account and was signed by only one of the account holders. In this case, the treasurer must notify the contributors in writing within 60 days of receiving the contribution that the committee intends to reattribute the excessive portion and must give the contributor an opportunity to request a refund. (11 CFR § 110.1(k)(3)(ii)(B))

For redesignations, the funds can be retained if, within 60 days of receipt, the excessive amount is properly redesignated for a different election. An excessive contribution is considered properly redesignated if (1) the committee obtains signed written documentation from the contributor(s) authorizing the redesignation of the contribution for another election, provided that the new designation does not exceed the limitations on contributions made with respect to that election; or (2) your committee redesignates by presumption the excessive portion of the contribution for another election provided that the new designation does not exceed the limitations on contributions made with respect to that election. In this case, the treasurer must notify the contributor of the redesignation in writing within 60 days of the treasurer's receipt of the contribution. The notification must give the contributor an opportunity to request a refund. (11 CFR § 110.1(b)(5)(ii)(B)) Please note that you cannot presumptively redesignate an excessive contribution from a multi-candidate committee. Also, a contribution can only be redesignated to a previous election to the extent that the contribution does not exceed the committee's net debts outstanding for that election. (11 CFR § 110.1(b)(3)(i))

If the foregoing conditions for reattributions or redesignations are not met within 60 days of receipt of the contribution, the excessive amount must be refunded. See 11 CFR § 103.3(b)(1).

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If you have not already done so, please inform the Commission of your corrective action immediately in writing and provide photocopies of any refund checks and/or letters reattributing or redesignating the contributions in question. Refunds are reported on Line 20(a), (b), or (c), as applicable, of the Detailed Summary Page and on a supporting Schedule B of the report covering the period in which they are made. Redesignations and reattributions are reported as memo entries on Schedule A of the report covering the period in which the authorization for the redesignation and/or reattribution is received. (11 CFR § 104.8(d)(2), (3) and (4))

Although the Commission may take further legal action concerning the acceptance of excessive contributions, your prompt action to refund, redesignate, and/or reattribute the excessive amount will be taken into consideration.

2. Schedule A of your report discloses one or more contributions received after the 2014 primary election that are designated for the 2014 primary. These contributions may only be accepted to the extent that the committee has net debts outstanding from the 2014 primary election. For more information on how to calculate net debts outstanding, please see page 27 of the Campaign Guide for Congressional Candidates and Committees, which is available online at <http://www.fec.gov/pdf/candgui.pdf>. (11 CFR § 110.1(b)(3)(i))

A contribution is considered made when the contributor relinquishes control over the contribution. A contributor shall be considered to have relinquished control over the contribution when it is delivered to the candidate, when it is delivered to an authorized committee of the candidate, or to an agent of an authorized committee of the candidate. A contribution that is mailed to any of the aforementioned recipients will be considered made on the date of the postmark. Envelopes should be retained for the committee's records. (11 CFR § 110.1(b)(6))

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

If a contribution exceeds the amount of net debts outstanding from the 2014 primary election, you may have to refund or redesignate the contribution.

The funds can be retained if, within 60 days of receipt, the excessive amount was properly redesignated for a different election. An excessive contribution is considered properly redesignated if (1) the committee obtains signed written

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documentation from the contributor(s) authorizing the redesignation of the contribution for another election provided that the new designation does not exceed the limitations on contributions made with respect to that election, or (2) the committee redesignates by presumption the excessive portion of the contribution for another election provided that the new designation does not exceed the limitations on contributions made with respect to that election. In this case, the treasurer must notify the contributor of the redesignation in writing within 60 days of the treasurer's receipt of the contribution. The notification must give the contributor an opportunity to request a refund. (11 CFR § 110.1(b)(5)(ii)(B))

If the foregoing conditions for redesignations are not met within 60 days of receipt, the excessive amount must be refunded. See 11 CFR § 103.3(b)(3).

If you have not already done so, please inform the Commission of your corrective action immediately in writing and provide photocopies of any refund checks and/or letters redesignating the contributions in question. Refunds are reported on Line 20(a), (b) or (c), as applicable, of the Detailed Summary Page and on a supporting Schedule B of the report covering the period in which they are made. Redesignations are reported as memo entries on Schedule A of the report covering the period in which the authorization for the redesignation is received. (11 CFR § 104.8(d)(2), (3) and (4))

Although the Commission may take further legal action concerning the acceptance of excessive contributions, your prompt action to refund or redesignate the excessive amount will be taken into consideration.

3. Commission Regulations require that a committee discloses the identification of all individuals who contribute in excess of \$200 in an election cycle. (11 CFR § 104.3(a)(4)(i)) Identification for an individual is defined as the full name (initials for first or last name are not acceptable), complete mailing address, occupation, and name of employer. (11 CFR § 100.12) Your report discloses contributions from individuals for which the identification is not complete.

The attached employer and occupation entries appear on your report and are not considered acceptable.

You must provide the missing information, or if you are unable to do so, you must demonstrate that "best efforts" have been used to obtain the information. To establish "best efforts," you must provide the Commission with a detailed

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description of your procedures for requesting the information. Establishing "best efforts" is a three-fold process.

First, your original solicitation must include a clear and conspicuous request for the contributor information and must inform the contributor of the requirements of federal law for the reporting of such information. (11 CFR § 104.7(b)(1)) See 11 CFR § 104.7(b)(1)(B) for examples of acceptable statements regarding the requirements of federal law.

Second, if the information is not provided, you must make one follow-up, stand alone effort to obtain this information, regardless of whether the contribution(s) was solicited or not. This effort must occur no later than 30 days after receipt of the contribution and may be in the form of a written request or an oral request documented in writing. (11 CFR § 104.7(b)(2)) The requests must:

- clearly ask for the missing information, without soliciting a contribution;
- inform the contributor of the requirements of federal law for the reporting of such information, and
- if the request is written, include a pre-addressed post card or return envelope.

Third, if you receive contributor information after the contribution(s) has been reported, you should either a) file with your next regularly scheduled report, an amended memo Schedule A listing all the contributions for which additional information was received; or b) file on or before your next regularly scheduled reporting date, amendments to the report(s) originally disclosing the contribution(s). (11 CFR § 104.7(b)(4))

Please amend your report to provide the missing information or a detailed description of your procedures for requesting the information. For more information on demonstrating "best efforts," please refer to the Campaign Guide.

4. Schedule A of your report discloses contributions from political committees and fails to include the full and/or recognizable name. Reporting only the name of the connected organization, abbreviating the name of the committee so it is unrecognizable, or using an indistinguishable acronym is inadequate. (11 CFR §§ 102.14(c) and 104.3(a)(4))

A listing of the full FEC-registered committee names, FEC Committee ID numbers, and approved acronyms can be found on the FEC web site (www.fec.gov). The following entries disclosed on your report are considered

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inadequate: "AFIT-PAC," "Altria Group Inc," "American Medical Association," "Asplundh Tree Expert," "IPAA," "NFIB Safe Trust," "NSSF," "Prosperity Action, Inc," "Publix Super Markets," and "Speak Up America."

Please amend your report to include the missing information.

5. Schedule B of your report discloses disbursements to Simple Pay for "Payroll." Please be advised that when itemizing disbursements to companies for payroll services, if the payment to the salary recipient aggregates in excess of \$200 in an election cycle, a memo entry including the name and address of the individual receiving the salary, as well as the date, amount, and purpose of the original disbursement must be provided. Please amend your report to include the missing information or provide clarifying information if memo items are not required. (11 CFR § 104.9)

6. Itemized disbursements must include a brief statement or description of why each disbursement was made. Please amend Schedule B supporting Line 17 of your report to clarify the following description(s): "Production Cost." For further guidance regarding acceptable purposes of disbursement, please refer to 11 CFR 104.3(b)(4)(i)(A).

Additional clarification regarding inadequate purposes of disbursement published in the Federal Register is available on the FEC website at www.fec.gov/law/policy/purposeofdisbursement/inadequate_purpose_list_3507.pdf. A non-exhaustive list of acceptable purposes is also available on the FEC website at <http://www.fec.gov/rad/pacs/documents/ExamplesofAdequatePurposes.pdf>.

7. Schedule B of your report discloses a reimbursement to an individual for the following disbursement(s): "Reimbursement - See Memo." No memo entries were provided. 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 an election cycle, 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 on Schedule B and clearly identify each memo entry supporting a reimbursement. If itemization is not necessary, you must indicate so in an amendment to this report. (11 CFR §§ 104.3(b)(4)(i) and 104.9, and Advisory Opinions 1992-1 and 1996-20, footnote 3)

8. Your amended report discloses an increase in receipts totaling \$52,875.00 on

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Line(s) 11(a)(i) and 11(c) of the Detailed Summary Page from those 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)

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) 694-1151.

Sincerely,



Ryan Furman
Senior Campaign Finance Analyst
Reports Analysis Division

Excessive, Prohibited, and Impermissible Contributions
Carlos Curbelo Congress (C00546846)

Excessive Contributions from Individuals

Contributor Name	Date	Amount	Election
Curbelo, Teresita Mrs.	12/31/13	\$2,600.00	G2014
Curbelo, Teresita Mrs.	9/4/14	\$2,600.00	G2014
Fanjul, Jose	8/20/14	\$2,500.00	P2014
Fanjul Jr., Jose	8/20/14	\$2,500.00	P2014
Leyva, Giraldo	9/29/14	\$1,000.00	G2014
Leyva, Giraldo	9/30/14	\$2,600.00	G2014
Ortiz, Hector P	9/15/14	\$2,600.00	G2014
Ortiz, Hector P	9/15/14	\$900.00	G2014
Pelaez, Pedro Mr.	6/13/14	\$400.00	G2014
Pelaez, Pedro Mr.	9/10/14	\$2,600.00	G2014
Santos, Juan Carlos	8/19/14	\$2,000.00	G2014
Santos, Juan Carlos	9/30/14	\$2,600.00	G2014

Excessive Contributions from Committees

Contributor Name	Date	Amount	Election
Publix Super Markets	8/25/14	\$3,000.00	G2014
Publix Super Markets	9/16/14	\$3,000.00	G2014

Inadequate Employer/Occupation Entries
Carlos Curbelo Congress (C00546846)

Employer	Occupation
Information Requested	Accountant
Information Requested	Administrator
Information Requested	Advisor
Information Requested	Agent
Information Requested	Architect
Information Requested	Assistant Dean
Information Requested	Associate
Information Requested	Attorney
Information Requested	Banker
Information Requested	Board Chair
Information Requested	Board Member
Information Requested	Board of Directors
Information Requested	Broker
Information Requested	Business
Information Requested	Business Owner
Information Requested	CEO
Information Requested	Chairman
Information Requested	Co-Founder
Information Requested	Communications Director
Information Requested	Community Relations Coordinator
Information Requested	Consultant
Information Requested	Contractor
Information Requested	Counsel
Information Requested	Counseling
Information Requested	CPA
Information Requested	Director
Information Requested	Director of Operations
Information Requested	Doctor
Information Requested	Educator
Information Requested	Engineer
Information Requested	Exec VP
Information Requested	Executive
Information Requested	Executive Director
Information Requested	Executive Director of Finance

Inadequate Employer/Occupation Entries
Carlos Curbelo Congress (C00546846)

Employer	Occupation
Information Requested	Executive Vice President
Information Requested	Finance Director
Information Requested	Fitness Instructor
Information Requested	Founder
Information Requested	Information Requested
Information Requested	Insurance
Information Requested	Insurance Agent
Information Requested	Integration Project Coordinator
Information Requested	Investments
Information Requested	Investor
Information Requested	Lobbyist
Information Requested	Manager
Information Requested	Manager Director
Information Requested	Managing Director
Information Requested	Managing Member
Information Requested	Managing Partner
Information Requested	Marketing
Information Requested	Marketing/Event Planner
Information Requested	Mecha
Information Requested	Mechanical Contractor
Information Requested	Medical Assistant
Information Requested	Member
Information Requested	Mortgage Broker
Information Requested	Mortgage Processor
Information Requested	Outside Sales
Information Requested	Owner
Information Requested	Partner
Information Requested	Physician
Information Requested	President
Information Requested	Principal
Information Requested	Private Investigator
Information Requested	Programmer
Information Requested	Project Manager
Information Requested	Real Estate

Inadequate Employer/Occupation Entries
Carlos Curbelo Congress (C00546846)

Employer	Occupation
Information Requested	Real Estate Agent
Information Requested	Realtor
Information Requested	Sales
Information Requested	Self-Employed
Information Requested	Senior Partner
Information Requested	Surgeon
Information Requested	Tax Collector
Information Requested	Treasurer
Information Requested	Trustee
Information Requested	Vice President
Information Requested	VP of Business Development
Information Requested	VP of Corporate Lead
Information Requested	Writer