



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

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

JAN 15 2003

Identification Number: C00005561

Reference: October Quarterly Report (7/1/02-9/30/02)

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 11(a)(iii), 11(c), 11(d), 12, 21(a)(i), 21(a)(ii), 21(b), 21(c), 28(a), 28(d), and 31, Column B of the 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.

-Your report discloses receipts totaling \$40,000 from "ASDC/Dollars for Democrats", 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)

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-Schedule A supporting Line 15 discloses a refund of a disbursement made to "Greer, Margolis, Mitchell, & Burns." However, it appears that this disbursement was not previously reported by your committee. Please amend the appropriate report(s) and disclose the original date of the disbursement on Schedule B or H4 supporting Line(s) 21(b) or 21(a) of the Detailed Summary Page.

-Commission Regulations require that a committee disclose the identification of all individuals who contribute in excess of \$200 in a calendar year. (11 CFR §104.3(a)(4)(i)) Identification for an individual is defined as the full name, mailing address, occupation and name of employer. (11 CFR §100.12) Your report discloses contributions from individuals for which the identification is not complete.

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 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))

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 request 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 shall either a) file with your next regularly scheduled report, an amended memo Schedule A listing all the contributions for which

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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 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.

-Schedule B supporting Line 29 (pertinent portion(s) attached) discloses \$11,468 in disbursements to "Peoples First Community Bank" for "33/67 Account". You are advised that 11 CFR §102.5 prohibits a non-federal account from financing activity in connection with federal elections. Please provide clarifying information regarding these transactions including the date(s) when the original activity was conducted by the non-federal account. In addition, if any of the disbursements disclosed were made to influence the election or defeat of specific federal candidates, the disbursements should be allocated accordingly and disclosed as either in-kind contributions on Schedule B supporting Line 23, independent expenditures on Schedule E supporting Line 24, or as coordinated expenditures on Schedule F supporting Line 25. 11 CFR §§104.3(b)(3) and 106.1

Although the Commission may initiate legal action regarding the activities conducted by your non-federal account, any clarifying information that you can provide will be taken into consideration.

-Schedule B supporting Line 29 (pertinent portion(s) attached) discloses \$4,250 in transfers to what appears to be a non-federal account of your committee. Please provide further clarification regarding this transfer to your non-federal account, as there does not appear to be a receipt on Schedule A dated 8/21/02 to support this disbursement to your non-federal account.

You are advised that 11 CFR §102.5 prohibits a non-federal account from financing activity in connection with federal elections. If any of the disbursements disclosed on Schedule B supporting Line 29 were made to influence the election or defeat of specific federal candidates, the disbursements should be allocated accordingly and disclosed as either in-kind contributions on Schedule B supporting Line 23, independent expenditures on Schedule E supporting Line 24, or as coordinated expenditures on Schedule F supporting Line 25. 11 CFR §§104.3(b)(3) and

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106.1 In addition, if your non-federal account has paid any expenditures which should have been allocated, you are advised to correct any non-compliance with 11 CFR §106.5 and 106.6 and establish procedures to insure future compliance with allocation regulations.

-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.

-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): "A/V," "DEC Development," and "Expenses". For further guidance regarding acceptable purposes of disbursements, please refer to 11 CFR §104.3(b)(3).

-Schedule H4 of your report discloses an apparent contribution to the "Democratic Senatorial Campaign Committee" and several local party committees. 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 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.

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-Schedule H4 of your report discloses several payment(s) which are categorized as an Administrative/Voter Drive expenses; however, the purpose of disbursement disclosed are "Final charges for JJ," "Lodging-JJ," "Meals-JJ," "Plaques-JJ," "Refund-JJ Ticket," "Refund JJ Tix," and "Travel-JJ". Please be advised that payments made for your committee's fundraising activities must be allocated according to the funds received method and the ratio reflected on Schedule H2. Please amend your report to correctly disclose these activities or provide clarification regarding this apparent discrepancy.

-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.

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. Koeppe

Erik W. Koeppe
Campaign Finance Analyst
Reports Analysis Division

**SCHEDULE B (FEC Form 3X)
ITEMIZED DISBURSEMENTS**

| | | | | | | |
|---|------------------------------------|-----------------------------------|------------------------------------|------------------------------------|------------------------------------|--|
| Use separate schedule(s) for each category of the Detailed Summary Page | FOR LINE NUMBER: (check only one) | | | | | PAGE 44 / 206 |
| | <input type="checkbox"/> 21b 26 | <input type="checkbox"/> 22 27 | <input type="checkbox"/> 23 28a | <input type="checkbox"/> 24 28b | <input type="checkbox"/> 25 29c | <input checked="" type="checkbox"/> 29 |

Any information copied from such Reports and Statements may not be sold or 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

A. Full Name (Last, First, Middle Initial)
Joyce M. Cusack

Date of Disbursement
08 / 22 / 2002

Mailing Address
717 South Boundary Avenue
City: De Land, State: FL, Zip Code: 32720

Amount of Each Disbursement this Period
431.62

Purpose of Disbursement
Travel

Candidate Name

24K Category/Type

Office Sought: House, Senate, President
Disbursement For: 2002
X Primary, General, Other (specify)

State: District:

Transaction ID: D25701

B. Full Name (Last, First, Middle Initial)
Peoples 1st Community Bank

Date of Disbursement
09 / 10 / 2002

Mailing Address
P.O. Box 59950
City: Panama City, State: FL, Zip Code: 32412

Amount of Each Disbursement this Period
11469.00

Purpose of Disbursement
3367 Account

Candidate Name

24K Category/Type
3367

Office Sought: House, Senate, President
Disbursement For: 2002
Primary, X General, Other (specify)

State: District:

Transaction ID: D29602

C. Full Name (Last, First, Middle Initial)
Peoples 1st Community Bank

Date of Disbursement
09 / 10 / 2002

Mailing Address
P.O. Box 59950
City: Panama City, State: FL, Zip Code: 32412

Amount of Each Disbursement this Period
4250.00

Purpose of Disbursement
8/21/02 Contribution

Candidate Name

24K Category/Type
8/21/02

Office Sought: House, Senate, President
Disbursement For: 2002
Primary, X General, Other (specify)

State: District:

Transaction ID: D29724

SUBTOTAL of Disbursements This Page (optional) 16149.62

TOTAL This Period (last page this line number only)

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

Use separate schedule(s)
or each category of the
Detailed Summary Page

FOR LINE NUMBER: PAGE 10 / 208

(check only one)

11a 11b 11c 12
 13 14 15 16 17

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

A. Full Name (Last, First, Middle Initial)
Sally Grekhous

Mailing Address
2806 River Oaks

City State Zip Code
Monroe LA 71201

Date of Receipt
M M / D D / Y Y / Y Y
08 / 25 / 2002

FEC ID number of contributing federal political committee.

Amount of Each Receipt this Period
1000.00

Name of Employer Occupation
Antique Dealer

Credit Card

Receipt For: 2002
 Primary General
Other (specify) ▼

Aggregate Year-to-Date ▼
1000.00

Transaction ID: R35611

B. Full Name (Last, First, Middle Initial)
Carol Eick

Mailing Address
1823 Crane Creek Blvd.

City State Zip Code
Melbourne FL 32940

Date of Receipt
M M / D D / Y Y / Y Y
08 / 25 / 2002

FEC ID number of contributing federal political committee.

Amount of Each Receipt this Period
1000.00

Name of Employer Occupation
Retired

Credit Card

Receipt For: 2002
 Primary General
Other (specify) ▼

Aggregate Year-to-Date ▼
1000.00

Transaction ID: R35489

C. Full Name (Last, First, Middle Initial)
David J Epstein

Mailing Address
836 Mendosa Drive

City State Zip Code
Orlando FL 32825-0000

Date of Receipt
M M / D D / Y Y / Y Y
08 / 25 / 2002

FEC ID number of contributing federal political committee.

Amount of Each Receipt this Period
1000.00

Name of Employer Occupation
INFORMATION REQUESTED

Credit Card

Receipt For: 2002
 Primary General
Other (specify) ▼

Aggregate Year-to-Date ▼
1000.00

Transaction ID: R35487

SUBTOTAL of Receipts This Page (optional) ▶ 12000.00

TOTAL This Period (last page this line number only) ▶

2023年11月15日