

Identification Number: C00376087

Reference: 30 Day Post-General Report (10/16/2014 – 11/24/2014)

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This response will serve as clarification to your letter dated December 10, 2014.

In response to Item 1: **"... your report discloses one or more contributions that appear to exceed the limits set forth ..."** - LIUNA PAC contributed \$2,500.00 on November 5, 2012, which was sent by overnight mail and received by the Campaign on November 6, 2012 Election Day. This contribution was erroneously reported and designated by Mario Diaz-Balart for Congress (the "Campaign") as a Primary 2014 contribution. Said error occurred in the Campaign's Post-General 2012 report. As a result of this reporting error, all future contributions made by LIUNA PAC to the Campaign were offset and incorrectly reported by the Campaign. To correct the matter, filed FEC reports have been amended by the Campaign to reflect the correct contribution election cycles. For further clarification, please find attached a letter from LIUNA PAC detailing dates and contributions made to the Campaign (Attachment One).

In response to Item 2: **"... your report discloses one or more contributions that appear to exceed the limits..."** - A contribution in the amount of \$2,600.00 was made by the Campaign to Upton for All of Us. This contribution by the Campaign exceeded the contribution limit of \$2,000.00. The Campaign requested and received a refund check from Upton for All of Us in the amount of \$600.00. Accordingly, the \$600.00 credit will be reported in the Campaign's Year-End Report due January 31, 2015. Please find attached a copy of the Upton for All of Us refund check (Attachment Two).

In response to Item 3: **"... your report discloses one or more contribution received after the 2014 general election ..."** - A contribution by State Farm Federal PAC was mailed to the Campaign on November 4, 2014, Election Day. For mailed contributions, the date of the postmark is considered to be the date when the contributor relinquished control of the contribution (11 CFR §110.1(b)(6)) and as such, said contribution was correctly reported by the Campaign as a general election contribution. The Campaign requests to use the postmark as evidence that the State Farm contribution which was received after the date of the election was actually made by the contributor on or before the date of election. Please find attached a copy of the postmarked State Farm envelope (Attachment Three).

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LIUNA! PAC

905 16th Street, NW • Washington, D.C. 20006-1765

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TERRY O'SULLIVAN
General President

November 7, 2014

ARMAND E. SABITONI
General Secretary-Treasurer

Ms. Vicki Garcia
M-DB Campaign
8770 Sunset Drive
Suite 420
Miami, FL 33173

Vice Presidents:

- VERE O. HAYNES
- TERRENCE M. HEALY
- RAYMOND M. POCINO

Dear Ms. Garcia:

JOSEPH S. MANCINELLI

This serves as a follow up from our conversation regarding LIUNA PAC contributions to Mario Diaz-Balart for Congress (the "Campaign") since 2012.

ROCCO DAVIS
*Special Assistant to the
General President*

LIUNA PAC contributed \$2,500.00 on November 5, 2012, which was sent by overnight mail and received by the Campaign on November 6, 2012, Election Day. Under the Federal Election Campaign Act, a contribution is "made" for purposes of reporting and attribution to particular elections when a contributor "relinquishes control" over the contribution, including by placing it in the mail. See 11 C.F.R. § 110.2(b)(6). For that reason, this LIUNA PAC contribution was made for the 2012 General Election, and that would have been the case also if it had been mailed on Election Day itself and received by the Campaign after Election Day. LIUNA PAC accordingly reported the contribution to the Federal Election Committee (FEC) as attributed to the 2012 General Election.

VINCENT R. MASINO

DENNIS L. MARTIRE

ROBERT E. RICHARDSON

RALPH E. COLE

JOHN F. PENN

OSCAR DE LA TORRE

SERGIO RASCON

JOHN F. HEGARTY

LIUNA PAC has made and reported to the FEC the following contributions to the Campaign since the 2012 General Election:

THEODORE T. GREEN
General Counsel

<u>Date</u>	<u>Amount</u>	<u>Election</u>
June 27, 2013	\$2,500.00	2014 Primary
August 11, 2013	\$2,500.00	2014 Primary
October 14, 2014	\$5,000.00	2014 General

HEADQUARTERS:
905 16th Street, NW
Washington, D.C.
20006-1765
202-737-8320
Fax: 202-737-2754

You have advised that the Campaign attributed the November 5, 2012 contribution to the 2014 Primary due to the Campaign receiving the contribution after the November 6, 2012 election; and, that as a result, the Campaign attributed

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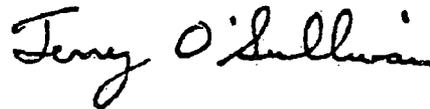
Ms. Vicki Garcia
November 7, 2014
Page 2

the June 27, 2013 contribution to the 2014 Primary; attributed the August 11, 2013 contribution to the 2014 General; and attributed half the October 14, 2014 contribution to the 2014 General, with the other half to be refunded to LIUNA PAC. However, as explained above, the legally relevant date of the 2012 contribution was when it was made, November 5, 2012, not when it was received by the Campaign.

LIUNA PAC does not seek a refund of any part of its October 14, 2014 contribution. Please let me know whether we should deposit the refund check or return it undeposited to the Campaign. If you request that LIUNA PAC deposit the refund, we will do so, however, we do not plan to amend our FEC reports to reattribute our contributions since 2012 in order to match the Campaign's reports. Whether or not the refund is deposited, we suggest that the Campaign amend its reports to attribute all of the LIUNA PAC contributions consistently with how LIUNA PAC has reported them, which we believe has been accurate as explained above.

Your time and attention are greatly appreciated.

Sincerely yours,



TERRY O'SULLIVAN
General President
Chairman, LIUNA PAC

oh



December 15, 2014

Mario Diaz-Balart for Congress
8770 Sunset Drive #420
Miami, FL 33173

Dear Mario,

Thank you for sending your contribution of \$2,600 (check #3055). Unfortunately, we have to refund \$600 of the money because it exceeds your contribution limit of \$2000 for a Campaign Committee. I apologize for any inconvenience this may have caused.

Please feel free to contact our office should you have any questions.

Sincerely,

Kathy Burch
Campaign Coordinator
Upton For All of Us

Encl.

13126

UPTON FOR ALL OF US
P.O. BOX 490
ST JOSEPH, MI 49085-0490

DATE 11-3-14

PAY TO THE ORDER OF Mario Diaz-Balart for Congress \$ 600.00
Six hundred and 00/100 DOLLARS

CHEMICAL BANK.
ChemicalBankMI.com

FOR Refund

11/19/14 11:11 AM

St. Joseph, MI 49085 • Phone (269) 983-1144 Fax (269) 983-6765

Paid for by Upton For All of Us

00001-1111-110011

0459

State Farm | Federal PAC
1 State Farm Plz., D-2
Bloomington, IL 61710-0001

STATE FARM BANK
P.O. BOX 2316
BLOOMINGTON, IL 61702-2316

PAY TO THE
ORDER OF

Mario Diaz-Balart for Congress

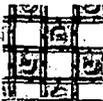
Two thousand and xx / 100 *****

Date: 11/03/2014

2,000.00

\$

DOLLARS



Mario Diaz-Balart
Mario Diaz-Balart
AUTHORIZED SIGNATURE

Rep. Diaz-Balart Federal Race in FL 2014 General

MEMO



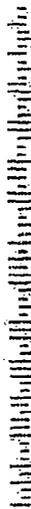
State Farm
Corporate Headquarters
One State Farm Plaza
Bloomington, IL 61710-0001



U.S. POSTAGE & RETENUE SERVICES
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Mario Diaz-Balart for Congress
8770 SW 72nd Street, #420
Miami, FL 33173-3512

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MIAMI, FL 33131

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Ryan Furman
Federal Election Commission
999 E. Street NW

WASHINGTON, DC 20463

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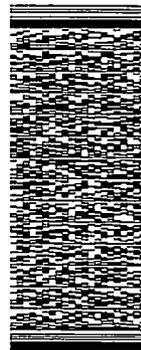
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