



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

December 17, 2014

JUDY MOUNT, TREASURER
DEMOCRATIC EXECUTIVE COMMITTEE OF
FLORIDA
214 SOUTH BRONOUGH STREET
TALLAHASSEE, FL 32301

Response Due Date
01/21/2015

IDENTIFICATION NUMBER: C00005561

REFERENCE: 12 DAY PRE-GENERAL REPORT (10/01/2014 - 10/15/2014)

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 (see attached) discloses one or more contributions which appears to be from a corporation(s). Please be advised that 52 U.S.C. §30118(a) (formerly 2 U.S.C. §441b(a)) prohibits the receipt of contributions from corporations unless made from a separate segregated fund established by the corporation. Limited liability companies (LLCs) that choose to be treated as corporations under the Internal Revenue Service rules, or have shares that are traded publicly, are considered corporations. In the event that the LLC is treated as a partnership under IRS rules, the aforementioned contributions are to be attributed to each member in direct proportion to his or her share of the LLC's profit or by agreement of its members. Each member who has contributed in excess of \$200 for the calendar year should be identified by name, address, amount of contribution, name of employer, occupation and aggregate total on Schedule A. (11 CFR §110.1(g)(1) through (5))

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

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notice to the person making the contribution of the option 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. (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.

2. Schedule B supporting Line 30(b) of your report discloses a payment(s) for "Direct Mail/ Volunteer Exempt Mail" which is categorized as Federal Election Activity and therefore, may require the disclosure of the candidate(s) this activity should be attributed to. 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).

Further, please be advised that public communications that meet the definition of Federal Election Activity and that also contain express advocacy as defined under 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.

3. Itemized disbursements must include a brief statement or description of why the disbursements were made. Please amend Schedule(s) B and H6 of your report to clarify the following description(s): "GOTV Activity" and "GOTV"

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respectively. For further guidance regarding acceptable purposes of disbursements, please refer to 11 CFR §104.3(b)(3).

4. Schedule H6 of your report discloses \$106,414.10 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. (11 C.F.R. § 104.3(a) and (b))

5. Schedule H6 discloses \$106,414.10 in disbursements to "Democratic Executive Committee Levin" for "GOTV" with a memo text that states: "Please note that this allocation expenditure was inadvertently paid from the Levin Account on 9/15/2014. The Federal Account reimbursed the Levin Account to correct this error on 10/8/2014." You are advised that 11 CFR §102.5 prohibits a non-federal or Levin 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 or Levin 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 or Levin account, any clarifying information that you can provide will be taken into consideration.

6. On the Schedule L Aggregation Page for the "NF expenses" account, the beginning cash balance, Line 7, Column A, should equal the ending balance, Line 11, Column A, of your previously reported Schedule L. Please clarify this discrepancy and amend any subsequent report(s) that may be affected by this correction. (52 U.S.C. §30104(b) and (e) (formerly 2 U.S.C. §434(b) and (e)))

7. Your calculations for Line 11 on the Schedule L Aggregation Page for the "NF expenses" account appear to be incorrect. Cash on hand at the close of the current reporting period (Column A) should always equal the closing calendar year to date (Column B) cash on hand amount. Please amend your report to disclose the corrected total(s). (52 U.S.C. §30104(b) and (e))

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(formerly 2 U.S.C. §434(b) and (e)))

8. Schedule H6 discloses a \$106,414.99 transfer-out of Levin funds from your federal account for GOTV activity. However, Schedule L-A supporting Line 2 of the Schedule L Aggregation Page for the "NF expenses" account account does not disclose this activity. Please amend your report to clarify this apparent discrepancy. (11 CFR §300.36)

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) 694-1164.

Sincerely,



Nicole Miller
Sr. Campaign Finance & Reviewing Analyst
Reports Analysis Division

Excessive, Prohibited, and Impermissible Contributions
DEMOCRATIC EXECUTIVE COMMITTEE OF FLORIDA(C00005561)

Contributions from Possible Prohibited Entities (Corporations, Labor Organization, LLCs)

Contributor Name	Date	Amount	Report
Slawson Cunningham Whalen & Stewart, P.L.	9/30/14	\$250.00	2014 12 Day Pre-General
DFG Group LLC	10/10/14	\$2,500.00	2014 12 Day Pre-General
Falcon Funding LLC	10/10/14	\$2,500.00	2014 12 Day Pre-General
Falcone & Associates LLC	10/10/14	\$2,400.00	2014 12 Day Pre-General