



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

September 8, 2020

FRAN GARCIA, TREASURER
DEMOCRATIC EXECUTIVE COMMITTEE OF
FLORIDA
201 S. MONROE STE. 301
TALLAHASSEE, FL 32301

Response Due Date
10/13/2020

IDENTIFICATION NUMBER: C00005561

REFERENCE: JULY MONTHLY REPORT (06/01/2020 - 06/30/2020)

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 14 item(s):

1. The totals listed on Lines 6(c), 11(c), 11(d), 19, 20, 21(a)(i), 21(a)(ii), 21(c), 30(b), 30(c), and 32, Column B of the Summary and Detailed Summary Pages appear to be incorrect. Column B figures for the Summary and Detailed Summary Pages should equal the sum of the Column B figures on your previous report and the Column A figures on this report. Please file an amendment to your report to correct the Column B discrepancies for this report and all subsequent report(s) which may be affected by this correction. Note that Column B should reflect only the Calendar Year-to-Date totals. (52 U.S.C. §30104(b))
2. 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. (52 U.S.C. §30104(b))
3. Schedule A of your report (see attached) discloses one or more contributions which appear to exceed the limits set forth in the Act. Please be advised that 52 U.S.C. §30116(f) and 11 CFR §110.1(c) prohibit a state, district or local party committee (combined) from receiving any contribution from a person or non-multicandidate political committee in excess of \$10,000 per calendar year.

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

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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.

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 promptly by providing the date and method of your remedy (refund, transfer to a non-federal account and/or reattribution) for each contribution. The committee should retain for its records copies of refund checks, transfers to nonfederal account, and/or letters reattributing the contributions in question. 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.

4. Schedule A of your report (see attached) discloses one or more contributions which appear to exceed the limits set forth in the Act. Please be advised that 52 U.S.C. §30116(f) and 11 CFR §110.2(d) prohibit a state, district or local party committee (combined) from receiving any contribution from a multicandidate political committee in excess of \$5,000 per calendar year.

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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 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 transfers to a non-federal account were not met within 60 days of receipt, the excessive amount must be refunded. (11 CFR §103.3(b)(1) and (3))

Please inform the Commission of your corrective action promptly by providing the date and method of your remedy (refund or transfer to a non-federal account) for each contribution. The committee should retain for its records copies of refund checks and transfers to nonfederal account for the contributions in question. In addition, 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.

5. Schedule A supporting Line 12 of your report discloses transfers from political committees and fails to include the mailing address. Please amend your report to include the missing information. (11 CFR § 104.3(a)(4))

6. A review of the reports filed by your committee indicates that your committee received one or more transfers from "Sunshine PAC" which has not been disclosed on their report(s) of receipts and disbursements. Please clarify if the contribution(s) was received from the disclosed donor's federal account and amend your report(s) if necessary.

7. Please amend your report by providing the purpose for each disbursement itemized on Schedule(s) B and H4 supporting Line(s) 21(b) and 21(a). (11 CFR §§104.3(a)(4) and 104.10(4))

8. Schedule B supporting Line 30(b) of your report discloses a payment(s) for "Digital Media" and "Robo Calls" 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

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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.

9. Please amend your report by providing the purpose for each disbursement itemized on Schedule(s) B supporting Line(s) 30(b). (11 CFR §104.3(b)(3))

10. On Schedule H4, your allocated activity or event year-to-date total calculations for the Administrative category are incorrect. Allocated activity or event year-to-date totals for administrative, voter drive, exempt activity costs and expenses for public communications made by PACs referencing only political parties are derived by aggregating all disbursements during the calendar year for each separate category. Allocated activity or event year-to-date totals for fundraising and direct candidate support 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. (11 CFR §§104.10(b)(2) and 104.17(b)(1)(ii))

11. On Schedule(s) H4 supporting Line(s) 21(a) of the Detailed Summary Page, you have not included the full name and/or mailing address for the payments made to individuals. Please amend your report accordingly. (11 CFR §§104.10(b)(4) and 104.17(b)(3))

12. Schedule H4 of your report discloses \$2,340 in payments for "Administrative Consulting" to individuals. Please clarify whether these individuals are employees of your committee. If they are employees, please clarify whether this activity is for employees who spent 25% or less of their time during the month(s) referenced above on Federal Election Activity (FEA) or

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activities in connection with a Federal election. You are advised that pursuant to 11 CFR §300.33(c)(2), salaries and wages for employees who spend more than 25% of their compensated time in a given month on FEA or activities in connection with a Federal election must not be allocated between or among federal, non-federal and Levin accounts. Rather, only federal funds may be used.

Any reimbursement from your committee's non-federal or Levin account for salary and wage payments for employees who spent more than 25% of their compensated time in a given month on FEA is not permissible and must be returned. Please provide clarification regarding these payments.

13. Schedule H4 supporting Line 21(a) of your report discloses a payment(s) for "Payroll" and "Payroll Taxes." Please be advised that pursuant to 11 CFR §300.33(c)(2), salaries and wages for employees who spend more than 25% of their compensated time in a given month on Federal Election Activity (FEA) or activities in connection with a Federal election must not be allocated between or among federal and non-federal accounts. Rather, only federal funds may be used. Further, the Commission concluded in Advisory Opinion 2003-11 that amounts spent for employee-specific "fringe benefits," consisting of health insurance, disability insurance, life insurance, retirement benefits and payroll taxes, fall into the category of compensated time.

Please clarify whether this activity is for employees who spent 25% or less of their time during the month(s) referenced above on FEA or activities in connection with a Federal election. If this is not the case, any reimbursement from your committee's non-federal account for this payment is not permissible and must be returned. Although the Commission may take further legal action regarding any improper allocation activity, your prompt action will be taken into consideration.

14. Schedule H4 supporting Line 21(a) of your report discloses a payment(s) for "Digital Media," "Phone Calls," and "Radio Show Production." 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 and non-federal 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, support, attack or oppose any candidate for Federal office, meet the definition of Federal

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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). However, 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 amend your report to properly disclose this activity or provide clarifying information.

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 account. Although the Commission may take further legal action concerning this prohibited activity, your prompt action will be taken into consideration.

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. For information about the report review process or specific filing information for your committee type, please visit www.fec.gov/help-candidates-and-committees. For more information about Requests for Additional Information (RFAI), why you received a letter, and how to respond, please visit www.fec.gov/help-candidates-and-committees/request-additional-information. Should you 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) 694-1172.

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Sincerely,

A handwritten signature in black ink, appearing to read "Jack Baisden". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Jack Baisden

Sr. Campaign Finance & Reviewing Analyst

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**Apparent Impermissible, Excessive, and Prohibited Contributions
Democratic Executive Committee of Florida (C00005561)**

Apparent Excessive Contributions from Individuals

Contributor Name	Date	Amount	Report
Beck, Andrew	6/18/20	\$25,000.00	2020 July Monthly
Brunckhorst, Frank	6/19/20	\$10,000.00	2020 July Monthly
Brunckhorst, Frank	6/29/20	\$10,000.00	2020 July Monthly
DIMMITT, GENEVIEVE L	4/29/20	\$5,000.00	2020 May Monthly
DIMMITT, GENEVIEVE L	5/29/20	\$5,000.00	2020 June Monthly
DIMMITT, GENEVIEVE L	6/4/20	\$1,000.00	2020 July Monthly
DIMMITT, GENEVIEVE L	6/29/20	\$5,000.00	2020 July Monthly
Schorr, Lawrence J.	2/11/20	\$10,000.00	2020 March Monthly
Schorr, Lawrence J.	6/12/20	\$10,000.00	2020 July Monthly
Sugarman, Gary	1/25/20	\$1,000.00	2020 February Monthly
Sugarman, Gary	2/17/20	\$900.00	2020 March Monthly
Sugarman, Gary	3/31/20	\$5,000.00	2020 April Monthly
Sugarman, Gary	4/24/20	\$2,500.00	2020 May Monthly
Sugarman, Gary	5/9/20	\$1,000.00	2020 June Monthly
Sugarman, Gary	5/15/20	\$1,000.00	2020 June Monthly
Sugarman, Gary	5/27/20	\$1,000.00	2020 June Monthly
Sugarman, Gary	6/19/20	\$2,500.00	2020 July Monthly
Walker, Jeffrey C.	3/27/20	\$10,000.00	2020 April Monthly
Walker, Jeffrey C.	6/10/20	\$100,000.00	2020 July Monthly

Apparent Excessive Contributions from Committees

Contributor Name	Date	Amount	Report
Fair Fight Inc	2/7/20	\$5,000.00	2020 March Monthly
Fair Fight Inc	6/8/20	\$5,000.00	2020 July Monthly