FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3003

DATE FILMED 6/22/90 CAMERA NO. 4

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RECEIVED
ELECTION COMMISSION
MAIL ROOM

DAVID W. SOUTHWELL
16857 N.W. 57th. AVENUE
MIAMI, FLORIDA 33055

MUR 3002

November 2, 1989

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 NOV -7 PM 2:51

General Counsel
Federal Election Commission
999 E. Street, N.W.
Washington, D.C. 20463

Gentlemen:

RE: Complaint regarding Republican Party of Dade County

1. NAME OF COMPLAINANT: David W. Southwell
16857 N.W. 57th Avenue
Miami, Florida 33055
305-623-9118

2. PUBLICLY ACKNOWLEDGED FACTS: The Chairman of the Dade County Republican Party, Maria Alonzo-Martinez, Al Cardenas, State and Executive Committeeman, Mary Collins, State and Executive Committeewoman, and Alvin Entin, Counsel to the Party and Executive Committeeman, have acted together to cause the Capital Bank, which is the depository for the Party, to accept as valid, resolutions empowering Alonzo-Martinez, Cardenas, and Collins as authorized check signers on the "Federal Account" and to accept their signatures without the signature or consent of the Treasurer of the Party. Mr. Entin issued a legal opinion (Exhibit I) which states, in part: "....any combination of the authorized (by which is meant Alonzo-Martinez, Cardenas, and Collins) are acceptable for signing checks and that in particular, it is not necessary that the signature of the Treasurer of the Republican Party be affixed on any particular check."

This resolution was presented to the bank and accepted by them on the basis of Mr. Entin's opinion, without the knowledge or consent or signatures of either the Treasurer or Secretary of the Party. Said action was discussed in Party Board meetings prior to said action, during which meetings the Treasurer advised the Board, including the four individuals named above, that such actions were, in his opinion, in punitive violation of Federal Election Regulations, which were cited. During the months of August and September, Alonzo-Martinez, Cardenas, and Collins expended a total of $13,547.74 of the Party's funds without the knowledge or consent of the Treasurer.

Attached as Exhibit I are copies of the legal opinions and related correspondence referred to above. Exhibit II is a listing of the check numbers and amounts of the checks signed by Alonzo-Martinez with Cardenas or Collins as co-signers. As the bank statement and canceled checks have not been made available to the Treasurer, copies of the canceled checks are not available at this time. Copies of the resolutions actually presented to the Capital Bank are not available, but it has been publicly acknowledged by Alonzo-Martinez, in the Executive Committee meeting held on October 23rd, that the individuals named have taken the actions stated above.

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Exhibit III is the Board Meeting Minutes of June 27, 1989. Please refer to pages 6, 7, and 8 regarding the above matter. Exhibit IV is the Board Meeting Minutes of July 17, 1989. Please refer to pages 1, 2, 3, 4, 5, 6, 7, and 8 regarding the above matter.

All the above statements are based upon my personal knowledge, as Treasurer of the Republican Party of Dade County, and have been publicly stated or acknowledged by one or more of the parties named in this complaint.

3. COMPLAINT: 11 CFR 102.7 (c) states that: "No expenditure shall be made for or on behalf of a political committee without the authorization of its Treasurer or of an agent authorized orally or in writing by the Treasurer."

As the actions described above and the checks issued (Exhibit II) were done against the knowledge or consent of the Treasurer, and were taken in spite of the Treasurer having advised the above named parties, prior to these actions, that these actions would, if taken, be improper and would constitute a possible violation of the Federal Election Commission Regulations, it appears to be appropriate to bring this to your attention.

4. REQUEST FOR ACTION BY GENERAL COUNSEL: Therefore, as Treasurer of the Republican Party of Dade County, I hereby request that: a) your office immediately demand that Alonzo-Martinez, Cardenas, and Collins cease and desist from expending the funds of the Party without the knowledge or consent of the Treasurer; b) that a formal investigation by initiated by your office, immediately; and c) that should your office find that these individuals have acted improperly, that they be required to refund to the Party the amounts shown in Exhibit II.

5. A copy of this letter and the referenced Exhibits has been furnished to Florida State Election Commission in Tallahassee, Florida, along with additional information relating to a similar complaint regarding "State" funds.

Very truly yours,

David B. Southwell
Treasurer

This complaint was sworn to and subscribed to before me.

11/8/89
Notary Public

Notary Public
State of Florida at Large
My Commission Expires:
October 27, 1992

00040790812

Legal Department
[redacted] Avenue
Miami, Florida 33131
Telephone (305) 536-1570

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

CAPITAL BANK

September 15, 1989

Alvin E. Entin, Esq.
Entin, Schwartz, Margules & Lazarus
2450 N.E. Miami Gardens Drive
Second Floor
Miami, Florida 33180

RE: Your client, The Republican Party of Dade County

Dear Mr. Entin:

I am on the legal staff of Capital Bank and am writing to you at this time in regard to the account relationship maintained by your client, the Republican Party of Dade County, with Capital Bank.

This letter shall serve to advise you that Capital Bank has relied upon those legal opinions furnished by you in your letters of August 1, 1989 and August 28, 1989 (attached hereto) for the Bank's acceptance and reliance upon Board Meeting Minutes and signature cards submitted to Capital Bank by your client.

Thank you for your cooperation.

Very truly yours,

Michael G. Levine,
Attorney

MGL:iw

Enclosures

cc: Javier Holtz, Senior Vice President - Capital Bank
Jorge Triay, Vice President - Capital Bank

Al Cardenas - Finance Chairman & State Committeeman
Mary Collins - Campaign Activities Chairman & State Commiteewoman
Maria Alonso-Martinez - Chairman
David W. Southwell - Treasurer

EXHIBIT I

Received 8/7/89

ENTIN, SCHWARTZ, MARGULES & LAZARUS
ATTORNEYS AND COUNSELORS AT LAW

ALVIN E. ENTIN
PAUL D. LAZARUS •
LEON R. MARGULES
SHELDON R. SCHWARTZ • •

VIRGINIA B. CHOSED
STEPHEN A. LECLAIR
JAN M. MORRIS

of counsel
DAVID KENNER • • •

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• New York
• • Washington, D C
Only admitted to the Bar of
• • • California

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SECOND FLOOR
MIAMI, FLORIDA 33180
DADE: (305) 932-0550
BROWARD: (305) 761-7201
FAX (305) 945-4184

REPLY TO
MIAMI OFFICE

6300 W. OAKLAND PARK BOULEVARD
SUITE 100
SUNRISE, FLORIDA 33321

1105 HAYS STREET
TALLAHASSEE, FLORIDA 32301

16633 VENTURA BLVD.
SUITE 900
ENCINO, CALIFORNIA 91436

August 1, 1989

Mr. George Triay
Branch Manager
CAPITAL BANK
1221 Brickell Avenue
Miami, FL 33131

Dear Mr. Triay:

Please be advised that the undersigned is the General Legal Counsel for the Republican Party of Dade County.

The undersigned counsel, after having reviewed the Model Constitution under which the Republican Party of Dade County presently operates, has rendered an opinion which indicates that the [redacted] sign checks. The specific legal opinion rendered by counsel was that no specific number of signatures are required and that any number of individuals can be designated to sign checks.

Finally, the legal opinion rendered by the undersigned should reflect that any combination of the authorized are acceptable for signing checks and that in particular, it is not necessary that the signature of the Treasurer of the Republican Party be affixed on any particular check.

If you have any questions concerning this opinion letter, please do not hesitate to contact the undersigned.

Very truly yours,

Alvin E. Entin

ALVIN E. ENTIN, ESQ.

AEE/bhb

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ENTIN, SCHWARTZ, MARGULES & LAZARUS
ATTORNEYS AND COUNSELORS AT LAW

ALVIN E. ENTIN
PAUL D. LAZARUS •
LEON R. MARGULES
SHELDON R. SCHWARTZ • •

VIRGINIA B. CHOSED
STEPHEN A. LECLAIR
JAN M. MORRIS

of counsel
DAVID KENNER • • •

Also admitted to the Bar of
• New York
• • Washington, D.C.
Only admitted to the Bar of
• • • California

2450 N.E. MIAMI GARDENS DRIVE
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DADE: (305) 932-0550
BROWARD: (305) 761-7291
FAX (305) 945-4184

REPLY TO
MIAMI OFFICE

8356 W. OAKLAND PARK BOULEVARD
SUITE 100
SUNRISE, FLORIDA 33321

1105 HAYS STREET
TALLAHASSEE, FLORIDA 32301

16633 VENTURA BLVD.
SUITE 900
ENCINO, CALIFORNIA 91436

TO: Rusty Roberts
Capital Bank

DATE: August 28, 1989

FM: Alvin E. Entin, Esq.

RE: Clarification of Legal Opinion

This should clear up any confusion with regards to the August 1, 1989 letter to George Triay.

The Executive Board of the Dade County Republican Party is made up of all of the elected officers of the Republican Party as well as the Committee Chairpeople.

This represents my legal opinion.

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Letter to General Counsel, Federal Election Commission, from David W. Southwell, Treasurer of Republican Party of Dade County, regarding his formal complaint about actions taken by Maria Alonzo-Martinez, Al Cardenas, Mary Collins. Letter dated October 26th, 1989.

EXHIBIT II

The following checks were issued by the Republican Party of Dade County without the knowledge or consent of the Treasurer. These were signed by two of the following three people: Maria Alonzo-Martinez, Al Cardenas, Mary Collins.

1006	August 24th	$2,800.00
1007	August 24th	2,400.00
1008	August 24th	1,600.00
1009	August 25th	3,799.04
1010	August 25th	2,000.00
1011	August 25th	948.70
Total		$13,547.74

There were no more checks written because the above disbursements, which were not considered by or approved by any committee of organized body within the Party, prior to expenditure, depleted the resources of the "Federal Account."

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EXHIBIT II

REPUBLICAN EXECUTIVE COMMITTEE

OF DADE COUNTY

BOARD MEETING MINUTES

JUNE 27, 1989

CALL TO ORDER Meeting was called to order at 7:45 p.m. at Headquarters by Chairman Maria Alonso-Martinez. The invocation was given by Vice-Chairman David Craig. The minutes from the May 8, 1989 meeting were distributed.

ATTENDANCE Present:

Maria Alonso-Martinez	Debbie Musgrove
Earle Silver	Mary Collins
Shirley Douglas	Greg Bellamy
Raquel Egusquiza	Mercedes Rossello
Edgardo Meneses	Al Cardenas
Tere Gavalda	Eladio Armesto (guest)
Manny Gonzalez	Robert Allen
Antonio L. Montes	Carlos Rodriguez-Quesada
Luis Chiappy	John Casey
Isabel De Lara	G. Paul Gremer
Randy Ackley	Wilfrid Lazarre

Absent:

Maria Garcia-Brahim	Peter Cabrera

CHAIRMAN'S REPORT

Chairman Alonso-Martinez introduced Wilfrid Lazarre as Co-Chair for the Outreach Committee, Tere Gavalda as Co-Chair for the Strategy and Research Committee and Stephen Hill as Co-Chair for the Public Relations Committee.

The Chairman made a recommendation to the Board that an Audit Review Committee be initiated to work with the newly-elected Treasurer, David Southwell to make sure all the recommendations from the Board would be implemented.

Chairman Al Cardenas suggested employing a full computer program to assist the Committee and the Treasurer. Several software packages and their prices were discussed. He also suggested having a computer consultant, Lou Palladino, Executive Director John Casey, an attorney, and the Treasurer on the Committee.

EXHIBIT III

Treasurer Southwell stated he was willing to have others work with him, but that he needed some time to locate a computer system since there were currently three sets of books which are all different. He suggested getting an accounting system as first priority. Secondly, he advised bringing the records up to date after the system was implemented. Treasurer Southwell stated that at present having a committee to help him would not be beneficial.

MOTION Chairman Cardenas moved that since the funds had been set aside in the budget and the Treasurer and Chairman were in agreement with the need of a computer system that they should examine the different types of systems and purchase one that was within the budget allotment. The motion was seconded and approved on voice vote.

Chairman Shirley Douglas suggested that the Treasurer should choose those that are qualified and would like to work with him; and, he should be director over them.

Chairman Cardenas mentioned that the IRS and Federal Elections Commission decided to assess penalties. According to law, the treasurer is responsible for filing certain reports. The Board would need to decide whether the Committee will go ahead and pay the penalties or whether it ought to insist, by whatever practical means available, that those responsible for those particular assignments resulting in the penalties, should be responsible.

Chairman Llano-Montes stated that he did not feel the Committee's money should pay for the problems of the last administration.

Treasurer Southwell noted that no penalties had been paid yet but that there were some penalties. Secondly, he believed that what was done with respect to the previous administration should be handled with proper legal counsel.

Chairman Mary Collins asked about chairs that had not been returned to the Election Department.

Executive Director John Casey stated that a bill had been received from the Elections Department for $900 +/- for chairs that had been signed out by Tony Cotarelo and not returned. Mr. Cotarelo

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informed Casey that they were returned but the Elections Department says they have to receipt.

Co-Chair Earle Silver stated that the Committee should be responsible for the penalties when they are received. He also stated that the Board should notify Mr. Salman and his treasurer as to the debt and that it is their responsibility as to how they will handle it. He stated that if they demonstrate no interest or cooperation, then it is the Board's responsibility to make it publicly known that these debts were from the previous administration and that the Party should pay them to keep a good reputation.

Chairman Paul Gremer mentioned that when the treasury was turned over to the present Committee there was a large sum of money in it. He believes the Committee should pay the penalties out of this money which will help stop the dissention.

Chairman Llano-Montes suggested that the Treasurer should collect the money from the previous administration to pay the debts.

Chairman Douglas mentioned that the Committee did not need any unfavorable publicity and two people should be selected to bridge the gap between the present Committee and the past Committee and amicably request that they pay the debts. She suggested that the Board needed to check the legal procedures regarding this situation. She noted that the previous administration was the one elected and accountable.

Chairman Cardenas mentioned that (1) what occurred was very negligent and the Committee is faced with a financial responsibility that it did not need to incur (2) the Committee was left with more money than the debts represent (3) the Committee is going through a tense period (4) the Board should note that there will not be a suit filed in court to get the money back, which would be politically counter productive, but because of the responsibility involved, when the expenditures to cover the penalties are known, the former chairman and treasurer should be informed either in writing or in person to see if they want to contribute in any way. This should go on record.

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MOTION Chairman Cardenas moved that once the figures for the debt have been obtained, a couple of people should be selected from the Board to meet with Carlos Salman and Luis Arrizurieta to find out what they intend to do about it, but that we would pay for the penalty in either case. The motion was seconded and passed on voice vote.

Co-Chair Eladio Armesto suggested that a copy of this action should be sent to the State Party. Chairman Alonso-Martinez noted that the State Party would receive a copy of the minutes.

Chairman Alonso-Martinez stated that John Casey's contract would be expiring in August and the Board needed to renegotiate and extend the contact. The Chairman recommended that the Board decided whether they wanted to extend Director Casey's contact and legal counsel, Al Entin, would review the contract with Director Casey. Based on IRS regulations for the type of services he is providing, the counsel should report to the Board a recommendation of a new contract.

Chairman Douglas suggested that we have legal counsel meet with Director Casey and arrange a new contract on a year to year basis with a three months notice of termination or a contact for the balance of the four years.

MOTION Co-Chair Armesto moved that John Casey would stay, that his contract would be renewed, and that the Board would not look for someone else because it is happy with the job he has done. The motion was seconded.

Chairman Alonso-Martinez mentioned that Director Casey is making $32,000 a year which is the same amount the previous director received.

Treasurer Southwell noted that if John Casey's salary was to be afforded, it was in the hands of the Board since there was not at present the funds to pay him through this year. The funds would have to be raised.

Chairman Alonso-Martinez mentioned that the budget was set up contingent upon another fund raiser in the fall.

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MOTION Chairman Collins moved that the question be called. The motion was passed on voice vote.

MOTION Co-Chair Armesto restated his motion that the Board retain John Casey, that Al Entin prepare the contract with him and that the contract would be presented before the board at the next meeting for discussion and approval. The motion was seconded and approved on voice vote.

VICE-CHAIRMAN'S REPORT Vice-Chairman David Craig stated that on the morning of June 26 a press conference was held for Orlando Bosch in the ballroom of the Omni Hotel.
Vice-Chairman Craig distributed the press release and stated that a resolution from the Board of Directors of the Republican Party of Dade County was to be drawn up requesting a reversal of the decision of the Justice Department for Orlando Bosch. A special delegation to carry this petition on behalf of the Party should be selected.

MOTION Vice-Chairman Craig moved that the Board approve the drafting of a resolution requesting the reversal of the decision of the Justice Department for Orlando Bosch. The resolution would be distributed to the media and elected officials. The motion was seconded.

Chairman Edgardo Meneses stated that Dr. A. Hevia and Manolo Casanova expressed their gratitude to Vice-Chairman Craig and State Committeewoman Collins for their work on this situation.

Chairman Randy Ackley mentioned that the Cuban and Republican community understand that Bosch had been tried and found innocent of the airline crash and tried and served time for the incident with the freighter, but that much of the anglo and black community is not aware of why the Party is backing someone who has been portrayed in the press as a terrorist. He suggested that this be mentioned in the resolution or have a press release stating these facts.

Chairman Alonso-Martinez requested that Mary Collins, John Casey, David Craig, Manny Gonzalez and Earle Silver draft the resolution.

MOTION Chairman Collins moved that the question be called.

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The motion was passed on voice vote.

The Vice-Chairman Craig's motion was passed on voice vote.

TREASURER'S REPORT

Treasurer Southwell distributed Preliminary Statements on the State Account [see copy in file]. Southwell stated that the miscellaneous notation of $5,000 was funds that had been transferred from the Federal account into the State account which was per a letter in April. He also stated that the Auditors had been paid a total of $3,900. He noted that the report was marked preliminary because there were presently three sets of books and when a system was obtained for the computer, he would redo the accounting system and present a corrected statement for the records. He stated that his goal with the monthly financial statement is to show line items for each committee, also a listing of items charged to each committee would be presented to the Chairmen at the Board meetings.

Treasurer Southwell noted that there was not a documented pre-approval system which would categorize each expenditure.

Treasurer Southwell stated that legal counsel should be consulted as to a few situations and that the external auditors had not been cooperating and would not turn work papers over. He also mentioned that the Board had approved $2,500 and currently $3,900 had been paid out to the auditors.

Treasurer Southwell noted that a three-year note had been signed on fax and postage equipment which would require interest and finance charges. The contracts for this equipment were signed solely by John Casey. Treasurer Southwell stated that the Chairman and Treasurer were jointly liable for these and other expenditures and suggested the use of a pre-approval process.

Chairman Alonso-Martinez stated that Director Casey had signed the contracts with her approval.

Co-Chair Silver suggested that to expedite obtaining checks, four people should be available to sign checks, i.e. Chairman Alonso-Martinez,

Treasurer Southwell, State Committeeman and State Committeewoman Cardenas and Collins. He also stated that anything that was inside the budget should be

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allowable, but if outside the budget it would have to be cleared by the Chairman.

Treasurer Southwell responded that budgets where only valuable if there are funds in the account, and that the Party is $200,000 away from its goal for this year which the budget includes. Therefore, it would be unfair to other committees to allow any one committee to spend freely.

Co-Chair Silver suggested that the Treasurer's Committee use a monitoring process and reports at each board meeting to let the committees know how much money is available for each committee, every month from their budget.

Chairman Cardenas stated that because this year was supposed to be off-year election time and there was now the opening in the Congress that the Treasurer and Director Casey would have to work together on the budget to make the necessary adjustments.

Chairman Alonso-Martinez stated that the contracts for the equipment had termination clauses since they were five year contracts.

Chairman Cardenas stated that there should be some form of accountability in the spending of the funds.

MOTION

Co-Chair Silver moved that two more names be in the approval for check expenditures with the Chairman's and Treasurer's, which would include Al Cardenas and Mary Collins. The motion was seconded.

Treasurer Southwell stated that the Model Constitution under which we operate specifies in very specific terms that the Chairman and Treasurer are personally responsible for the finances and that to add other signatures is to violate the spirit of the Constitution.

Co-Chair Silver stated that the Model Constitution was a guide for the Board to follow, but is not a bible for us to adhere to and that if the Board wished to make changes or any alterations it was up to the Board. The Board was still in the

process of getting the new constitution and by-laws approved and that this Constitution is not the governing force for the Board's decisions. The Board of the Party should make their own decisions.

Co-Chair Silver added that the signatures on the

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checks would include any combination of the four, any two.

Chairman Cardenas suggested giving Director Casey the ability to sign checks when under $500 with one other signature.

Treasurer Southwell restated that the rules under which the Party operates makes the Treasurer and Chairman totally responsible.

Chairman Alonso-Martinez clarified that if Mary Collins and Al Cardenas sign on the checks, she and the Treasurer were still ultimately responsible. She also suggested that if the motion passed, the other two signers should be bonded.

FRIENDLY AMENDMENT TO THE MOTION

Chairman Debbie Musgrove amended the motion to read that either Collins or Cardenas would sign with the Chairman or the Treasurer in case one was unavailable.

Treasurer Southwell added that this be cleared with counsel before implementing.

MOTION

Co-Chair Gonzalez moved that the question be called. The motion was passed by voice vote.

Co-Chair Silver's motion with amendment was approved on voice vote.

FINANCE REPORT

Chairman Cardenas reported that the Finance Committee was looking for a new finance chairman. He also stated that the Board had an additional $50,000 worth of expenditures which were not realized at the beginning of the year. He noted that $70,000 had been set aside as carry over for 1992. Letters had been sent out to contributors and he suggested setting up a phone bank to follow up.

PROJECT: Board of Governors, like the Victory Committee Package, would include corporations and individuals entitling them to free special events, etc., excluding Lincoln Day Dinner, but does include special seating. The cost would be $1000 per year. Need to have $50,000 within 60 days.

PROJECT: Direct-mail fund raiser. Six RFP's were

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sent out to direct-mail houses and are checking on proposals. Hope to have available in 30 days to 6 weeks. The plan is to spend $10,000 to make $15,000.

The large fund raiser will be in October. The plan is to meet the budget by November.

CAMPAIGN ACTIVITIES

Chairman Collins informed the Board of one Congressional campaign with four candidates, one State Senate campaign with one candidate (Dist. 110). Chairman Collins proposed that a name, I.D. poll be taken in Dist. 113, by Luis Chiappy for $500.

A vote was taken on Chairman Collins' suggestion in favor of the proposed poll.

Chairman Collins informed the Board that: Registration for the primary closed the following week. Registration for the general election closes on July 29. Fifty-five members of the Campaign Committee will be offering to help all candidates. These members will go into any campaign which requests it in writing and work phone banks or walk, etc. Going to use telemarketing for those who are not registered but do own homes within the district. Candidates will be screened on the issues within the next few weeks. The candidates were informed that in turn for the Committee's work, they wanted an enthusiastic endorsement and support of the nominee.

Director Casey stated that $36,345 was budgeted to cover costs. The RNC gave a file of over 35,000 names of non-registered individuals with phone numbers. These will be contacted and informed where they can register at any of 20 sites. Also, a program for advertising on Hispanic radio stations and newspapers has started. Lunches and refreshments will be provided for those who work voter registration, flyers are being distributed.

The Party is responsible for the advertising in the newspapers. A request for the funds needed for the mechanics of the registration drive totalling $11,000 has been forwarded in memo form to the RNC and Chairman of the State Party. The Party is requesting $35,000 to assist in the program.

Director Casey informed the Board that the Dade County Party was awarded a plaque and $1,000 check for the Four Star Award Program as the outstanding Party in the State.

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MOTION Chairman Musgrove moved that a mail out be sent with pertinent information regarding voter registration with static sites, dates, items necessary to register and have registration updated in order to work voter registration. The motion was seconded and approved on voice vote.

MEMBERSHIP COMMITTEE Chairman Musgrove requested a list of Board members in order to send an updated membership list. Guest names are being entered into the computer for those guests desiring to attend the meetings. Requested to have members' precinct numbers for targeted mailings.

VOTER REGISTRATION COMMITTEE Chairman Paul Gremer informed the Board that the registration results are as follows: new citizens register at a rate of 7 to 1 in favor of the Republicans vs. other parties. Monday, July 3, will be Naturalization Ceremony with approximately 1700 in attendance. Saturday registration would be at 10:30.

OUTREACH COMMITTEE Chairman Douglas introduced her new Co-Chair Wilfrid Lazarre who is helping to reach out to minorities. Going back to original plan of using more structured organizations and helping with their membership.

POLITICAL EDUCATION COMMITTEE Co-Chair Silver stated that 200 copies of the Precinct Manuals had been distributed. Training classes will be made available at 20 people per class for precinct training. Services had been volunteered to Campaign Activities Committee and training for the Youth Committee. Two new sub-committees have been established: Environmental

(Chair Ackley) and Family issues (Chair Johnson).

A news release will be sent out regarding a speaker's bureau. A resolution had been drafted on Human Rights and the People's Republic of China. [See file for copy].

MOTION Co-Chair Silver moved that the aforementioned resolution be approved by the Board for distribution. The motion was seconded and approved on voice vote.

Chairman Collins suggested that a letter be drafted

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to Newt Gingrich to congratulate him on his accomplishments.

ENVIRONMENTAL SUB-COMMITTEE Chairman Ackley reported that the results of the survey showed drinking water to be the greatest concern. A full report would be ready by the next meeting.

PUBLIC RELATIONS COMMITTEE Chairman Llano-Montes reported that: Fifteen tables had been sold by the Public Relations Committee for the Lincoln Day Dinner. Coordinated the assistance of the Micossoukee Tribe and their representatives Billy Cypress and Manning Osceola to the Dinner where gifts of Indian chief jackets were presented to Atwater and Poole and a tribal flag to Chairman Alonso-Martinez. Selected model and text for plates presented to Cypress and Osceola by Chairman Alonso-Martinez. Coordinated the invitation of Dr. Fernando Penabaz. Provided information on the success of the Dinner through media. Sent out press releases in English and Spanish on the Dinner to all media. Visited Tallahassee and held meetings with various elected officials. Provided press releases to media regarding meetings with Governor.

YOUTH ACTIVITIES COMMITTEE Chairman Rocky Egusquiza reported that: A seminar on Youth Leadership was held on June 17. Speakers included: R.J. Johnson, Political Director of the Republican Party of Florida; Bob Finch, State lobbyist for the FMA; John Casey, Executive Director of Republican Party of Dade County; and, Adolfo Lantingua, a political consultant. Presently, working on the Oliver North event which is scheduled for the following Friday. Flyers were made available and volunteers needed.

APPROVAL OF MINUTES Vice-Chairman Craig moved that the minutes from the May 8th meeting be approved as distributed and corrected by the Board. The motion was seconded and approved on voice vote.

ADJOURNMENT The meeting was adjourned at 10:45 p.m.

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KATHLEEN A. PALLADINO
RECORDING SECRETARY

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REPUBLICAN EXECUTIVE COMMITTEE

OF DADE COUNTY

BOARD MEETING MINUTES

JULY 17, 1989

CALL TO ORDER Meeting was called to order at 7:35 p.m. at Headquarters by Chairman Maria Alonso-Martinez. The invocation was given by Committeeman Jose Clay.

ATTENDANCE

Maria Alonso-Martinez	Luis Chiappy
Eladio Armesto	Earle Silver
David Craig	Kathleen Palladino
David Southwell	Wilfrid Lazarre
Shirley Douglas	Mercedes Rossello
Antonio Llano-Montes	Carlos Rodriguez-Quesada
Javier Bruzos	Mary Collins
Manny Gonzalez	Stephen Hill
Paul Gremer	Merci Rodriguez
Alvin Entin	Jose Clay*
Raquel Egusquiza	Lou Palladino*
Joe Portuondo	Richard Seiderman*
Jose Velazquez,Jr.*	Al Cardenas
Debbie Musgrove	*=guest

ABSENT: Peter Cabrera, Greg Bellamy, Teresa Gavalda, Alfredo Zayden

TREASURER'S REPORT Treasurer David Southwell stated that the financial statements for June were not yet complete. The State Account balance is approximately $41,000 and the Federal Account balance is approximately $10,000. Treasurer Southwell stated that he was not receiving proper cooperation to fulfill his duties and that a number of actions had been taken to circumvent his position as treasurer. He stated that a bank account had been opened on July 17, of which he had no knowledge, and check signatures had been presented to the bank. He noted that the auditors refused to give him copies of the auditor's working papers, which the auditor stated was an ordinary request from the Treasurer.

MOTION Co-Chairman Stephen Hill moved that Mr. Southwell detail his grievances in a special report to the Committee for their discussion. The motion was seconded.

Co-Chairman Earle Silver stated that there was a Grievance Committee and that the report should be presented to that Committee.

Co-Chair Hill questioned whether this subject should come before the Grievance Committee. He stated that this was for grievances from the Party members themselves.

EXHIBIT IV

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Co-Chair Silver stated that the elected officers hold office as leaders of the Party, but that they have the same privileges and rights as any other Committee member; they are not superior in that respect and should submit their grievances to the Grievance Committee.

Treasurer Southwell stated that this matter should come before the full Executive Committee and chose to postpone any comments to the Board, which he stated is illegally constituted.

The question was called.

Chairman Alonso-Martinez stated that at the last meeting a motion was made to add two additional signatures on the checks with the advice of legal counsel with regard to the Constitution. She also stated that a check to John Casey was not signed by the Treasurer and was held by him. Once the advice came from legal counsel, two additional signatures were added to the bank signature cards, Al Cardenas and Mary Collins.

Chairman Collins requested a vote on the question.

Treasurer Southwell stated that there was no authority for such a vote as the Model Constitution did not provide for a Committee chairman.

MOTION-CALL QUESTION The vote to call the question was approved on voice vote.

ROLL CALL VOTE-CALL QUESTION Treasurer Southwell called for a roll call vote by committee. The vote was as follows:

Membership - yes
Public Relations - yes
Youth Activities - yes
Outreach - yes
Political Ed. - yes
Campaign Activities - yes
Voter Registration - yes
Vice Chairman - no
Treasurer - no
Recording Secretary - no

LEGAL OPINION Legal Counsel Al Entin stated that the Model Constitution did not give definite parameters. He stated that there was nothing in the Model Constitution that prohibited additional signatories on the checks and that there was nothing which permitted it either. He stated that when there was no specific prohibition, the general law was that if it is not Page

prohibited, it could be done. He also stated that he reviewed several other documents, including State election laws, prior by-laws of the Committee and the State Constitution. Under the prior by-laws and the State Constitution there was an indication of responsibility of the Treasurer for the fiscal procedures of the Party. However, there was nothing stated in either document that requires only two signatories on the check. There was nothing that delineates only two signatories on the checks. He stated that this may have been the intent of the party who drafted the Constitution.

TREASURER Treasurer Southwell read from the State election laws, Section 106.021, Paragraph 4 regarding the position of campaign treasurer.

Chairman Alonso-Martinez requested the opinion of Counsel.

OPINION-LEGAL COUNSEL Counsel Entin stated that he did not disagree with the law that this was the way things should be. However, he stated that it did not specifically delineate, as involves the Dade County Executive Committee, which required the Executive Committee to have one, two or three signatures.

TREASURER Treasurer Southwell read from Section 103.121, Paragraph 3 which stated that the Chairman and Treasurer of an Executive Committee of any political party shall be accountable for the funds of such Committee and jointly liable for their proper expenditure for authorized purposes only. The treasurer of each County Executive Committee shall maintain adequate records evidencing receipt and disbursement of all party funds received by him and such records shall be publicly audited, so forth. Paragraph 4 stated that any campaign or treasurer for the state or county Executive Committee of any political party who knowingly misappropriates or makes an unlawful expenditure or or an improper accounting report of the funds of such Committee is guilty of a felony of the third degree. The Federal election laws in a pamphlet dated Feb. 1986 from the Federal Election Commission, which is provided by the Dade County Party, stated that while the treasurer is responsible for seeing that these activities are carried out, committees, support staff, volunteers and consultants may actually perform the duties. He stated an example that a person may be properly designated an assistant treasurer and may sign reports in the treasurer's absence and an accountant or bookkeeper may handle the record keeping and recording duties; however, he stated that the treasurer remains responsible for the Committee's compliance with the federal campaign finance law. He also stated that there were a number of other reference which he could site which all state that no one was to be appointed to sign checks who was not accountable to the treasurer and who signed checks without the knowledge or consent of the treasurer. He stated that he appealed to a full Committee Meeting for a further

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discussion of the matter and asked that a meeting of the Executive Committee be called in order that the Board may resolve these matters.

Co-Chair Hill stated that since there seemed clearly to be no specific wording that the Committee must have two signatories, but that the Committee could have three, he recommended to the Board that a policy be adopted of three signatories on a check, that two would be sufficient for the Party, and when checks are signed Treasurer Southwell be informed at that time.

Treasurer Southwell stated that he appealed to a meeting of the full Committee for further discussion.

MOTION VOTE Co-Chair Armesto restated his motion that Treasurer Southwell send a full report of his problems with the auditor or with anyone he has problems and all his grievances to the Board and the Board would send them to the Grievance Committee for its action. The motion was seconded. The motion passed on voice vote.

VICE-CHAIR QUESTION Vice-Chair Craig stated that Article 8 said that any amendment to the Constitution must be adopted by no less than two-thirds vote of the members of the Dade County Committee. He questioned Counsel as to how a motion could be made by the Board to change the Model Constitution that we are running under.

COUNSEL Mr. Entin stated that he did not like the Model Constitution because it did not do anything, that it did not set forth any responsibility. He stated that the Model Constitution did not set forth any requirements and was a very open ended document which effectively gave the Chairman of the Party full power to do what she wanted to do. He also stated that the Model Constitution made the Treasurer liable and responsible for what was done; but, it did not state that there has to be only two check signers. He stated that if the Board or the Chairman appointed 15 people at South Florida State Mental Hospital to sign the checks and they proceeded to sign checks and gave money to the Iyatola, they could do it under the Model Constitution and the Treasurer and Chairman would be responsible.

TREASURER Treasurer Southwell stated that there was nothing in the history of the Party to indicate that such an opinion was valid or such an action was valid and Counsel was entitled to an opinion just as he was.

COUNSEL Mr. Entin stated that there were two additional attorneys is the room and that he did not believe either one would have a different opinion.

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TREASURER Treasurer Southwell stated that what Counsel Entin was suggesting had not taken place in the last eight years for people to get together to do things that were in contravention, that was simply to circumvent the Treasurer.

COUNSEL Mr. Entin stated that assuming the Chairman did not want to sign a check for the secretary after she worked for four weeks, and based on the theory of only two signatures, the secretary did not get paid. She could then go to the State Attorney's office and state that her services have been stolen, that there was money in the account and because two signatures were needed to sign checks, the Chairman refused to sign her check. He stated that both the Treasurer and Chairman could be informed on at the State Attorney's office for theft of services.

TREASURER Treasurer Southwell stated that Counsel would have to admit that this was not the case and that he had written to Chairman Alonso-Martinez, on June 9, a very detailed letter expressing his concerns regarding payment to a particular individual, outlined in detail each concern, asking for legal opinion. He stated that he was aware that Counsel had admitted to receiving a copy of this letter on about June 12. He stated that from June 12 to date no one had felt it important to deal with the matter. He also stated that the manner in which it was dealt with, instead of being up front and above board, actions had been taken which, in his opinion, were done to circumvent the authority of the Treasurer. He also restated his desire for a full Committee meeting of the Executive Committee during which these matters could be discussed.

CHAIRMAN Chairman Alonso-Martinez stated that she would take this under advice.

QUESTIONS ON TREASURER'S REPORT Chairman Collins asked if the reports had been filed.

TREASURER Treasurer Southwell stated they were in the process of preparing the reports. Jose Velazquez was assisting in the preparation. He stated that the reports, federal and state, were due on July 30. He also stated that he was preparing a letter requesting an extension time to file the state report, and that there were other matters which needed to be resolved before the reports could be completed. He stated that there were discrepancies and other items that were not clear. He stated that the federal report, filed with the Federal Election Committee and dated December 31, had a different ending number in the amount of cash than the auditor's independent CPA report.

Co-Chair Silver stated that he had been a member of the Committee off and on since 1972. He stated that the treasurer's function in the Party was to record the expenditures of the Party as designated by the elected or appointed officials, to make sure the records were up to date, to inform the Party of such and to keep an accurate accounting of all funds and to report to the state and federal officials. He stated that sometimes this was done and sometimes not. He stated that we do not have a comptroller. The treasurer had never had the ability to have veto power over the decisions of the Committee, of the Board, of the Chair or anyone else. He stated that the Treasurer was weaving in a whole realm of power into the position that had never existed before. He stated that he found it very reprehensible.

TREASURER Treasurer Southwell stated that there was nothing in writing that constituted the Board and that there was nothing in writing that constituted the Board having authority over an elected official. However, the duties of the Executive Committee were to include resolving matters that could not be dealt with by the elected officers. He stated that the reason he appealed to a meeting of a full Executive Committee was that he believed there were substantial issues which had to be dealt with.

COUNSEL Mr. Entin stated that he believed there should be a meeting of the full Executive Committee and that he thought the purpose of the meeting of the full Executive Committee was to decide how to elect a Republican Congress person from the district where there is an election. He stated that the Board did not need to be squabbling over rules and regulations. He stated that this was a chance of a life time to win a seat in Congress and everything the Treasurer stated was important and needed to be addressed. He stated that the Chair needed to call a meeting of the Committee to decide how to go about electing a member to Congress.

TREASURER Treasurer Southwell stated that the request for the full Executive Committee meeting was brought about because actions were taken to circumvent the operations of the Treasurer.

STATEMENT-FINANCE CHAIRMAN
CARDENAS Chairman Cardenas stated that he was in favor of the Treasurer's idea of a "checks and balance" situation and other ideas which had been previously discussed. He stated that he was also under the impression that a sort of common sense of priorities would be the rule of the day in the Party in view of what needed to be done. He stated that a meeting was to be held with the Treasurer and John Casey to amend the budget. He stated that two out of three phone calls that he received were from fellow Party members complaining about inside problems, Party procedures, etc. He stated that about 20% of the calls were from

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those wanting to participate in voter's registration and the new Board of Governor's effort to raise $100,000 in 45 days. He stated that the Treasurer and Vice-Chair stated that there should be a much greater say by the elected officials of the Party, that the Executive Board was controlled by people named by the Chair, and that this was not, in their opinion, how the democratic process should operate. He stated that since 1974, the Party had always handled things as stated without exception. He stated that there were things that could be done, but now was not the time to do them. He stated that if the elected Board was to have greater weight than was shown in the Model or earlier Constitution, then action must be taken. He stated that the Treasurer said that under the Model Constitution there should be certain priorities and powers. He stated that legal counsel did not agree with the Treasurer and that State Party counsel would not agree either. He stated that two things could be done: (1) to go to the full Committee to adopt a newly revised Constitution or (2) go to court if there was a disagreement with legal counsel. He stated that every motion was made contingent upon legal counsel finding them to be appropriate under the Model Constitution. He stated that his grievance was with the check not being signed by the Treasurer, which was the only one the Treasurer had not signed. He also stated that he was disturbed with the bonding situation.

TREASURER Treasurer Southwell stated that he wrote a letter on June 9 and it was transmitted to Legal Counsel on the 12th or 13th asking for an opinion.

Chairman Cardenas stated that these procedures could be handled by telephone and not by letter.

Counsel Portuondo stated that not only did Counsel Entin state that it was legal, but that he also telephoned the Treasurer, about not signing a check on a tax matter, and gave him authority to write the check.

TREASURER Treasurer Southwell stated that he wrote a letter on June 9 which was received by the Chairman and was transferred to Legal Counsel on June 12 or 13 asking for an opinion. He stated that he was satisfied that Mr. Entin had given an opinion. He stated that actions had been taken to circumvent the whole process. He also stated that he had spoken with the Chairman who said that legal counsel had informed her that she could appoint whomever she chose to sign checks. He stated that Legal Counsel had informed him that Counsel had not discussed this with the Chairman and this was not his opinion with regard to who could sign checks and that he had not formed an opinion on this matter. He also stated that the Chairman had informed him that she had added Mary Collins and Al Cardenas to the list of those who could sign checks. He stated that this disturbed him since Legal Counsel stated he had not formed an opinion and the Chair had taken different actions.

FINANCE CHAIRMAN CARDENAS Chairman Cardenas stated that when a motion was made and approved at the Board meeting authorizing the two additional signatures, subject to legal counsel's opinion and signatures are added to the bank account, he did not feel the Treasurer's authority had been circumvented.

TREASURER Treasurer Southwell stated that Mr. Entin had informed him that he had not formed an opinion and that he was continuing to examine Robert's Rule of Order.

COUNSEL ENTIN Mr. Entin stated that he had contacted the Treasurer and Chairman and upon reading the Constitution he found that the Chairman could do anything she wanted to. He stated that he had not put anything in writing and that he was open to other authorities. After checking other authorities, he had not changed his original opinion that was based upon a reading of the Model Constitution that the Chairman could do anything she pleased. He also stated that he was unhappy with the Model Constitution because it set forth no rules, regulations or restraints.

FINANCE CHAIRMAN CARDENAS Chairman Cardenas stated that he never remembered, in 15 years, a written legal opinion being asked of Legal Counsel.

COUNSEL ENTIN Mr. Entin stated that the objections shown by Mr. Southwell with reference to Mr. Casey's contract were legitimate. Mr. Entin recommended that the Chairman renegotiate a contract with Mr. Casey on an employer-employee basis. He stated that a contract was being prepared.

MOTION Vice-Chairman Craig moved that Legal Counsel prepare a contract for John Casey which would be approved by the board, would take into consideration cost-of-living salary increases, and would be reevaluated and renewable on a yearly basis. The motion was seconded.

Chairman Collins called the question. The call for the question was passed on voice vote. The motion was approved on voice vote.

FINANCE CHAIRMAN CARDENAS Mr. Cardenas stated that many important points were being raised. He suggested forming a committee consisting of David Craig, John Collins and legal counsel to begin formulating a document that would be more specific and acceptable to the Board. He suggested that David Craig call the meetings.

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CAMPAIGN ACTIVITIES Chairman Collins stated that Thursday's meeting would be at the Berkeley Shores Hotel. She stated that the Committee had problems with the Candidates in District 110. She stated that she and the Chairman had helped to work these problems out. Chairman Collins stated that all seats were filled and that a screening process and questionnaire would be sent out to all the candidates. She stated that after the screening a statement would be sent out from the Party stating that the candidates are qualified to serve if they were elected. All candidates had been interviewed except one. She also stated that she had tried to talk several candidates out of the race because it was a special election and her job was to recruit candidates. She stated that the Party had never lost a special election and that the Party needed to stand together. She stated that there was a restriction that five days before the runoff that candidates could no longer collect funds, which meant that in the event of a runoff, there would only be eight days that the Party could participate for the nominee.

Editor Jose Clay stated that he had contacted all the candidates' offices trying to get time for a photographer to take pictures. He stated that the response had not been good.

VOTER REGISTRATION Chairman Gremer stated that Merci Rodriguez had been appointed coordinator for voter registration. Citizenship assistance was continuing on Tuesdays at the All American office, 375 N.E. 54 St. from 4 to 6 p.m. and also at the Republican Headquarters on Wednesday, Berkeley Shore Hotel on Miami Beach on Thursday afternoon. During voter registration the ratio was 10 to 1 for the Republicans. The committee was having Saturday registration drives in areas where there would be high Republican registration. He also stated that on July 3 1,000 Republicans were registered at the Dade County Auditorium.

Coordinator Rodriguez stated that there had been a class for registration on June 27 given by the Dade County Elections Dept. and many attended from the Committee and the YR's. Twenty sites had been chosen to register. The Kiwanis Club was instrumental in assisting the registration drive at the Dade County Auditorium. She stated that many living in the 18th Congressional District were not American citizens. The State legislators had recorded a statement to be placed on Spanish radio stations asking people who were not yet registered to register Republican. Ads had also been run in newspapers telling of registration sites. The Lincoln Republican Club had been helping with registration on South Beach. Charles Safdie assisted with the distribution of flyers. Scott Spages supplied a copy machine. The goal would be to register 7500 new Republicans and 1,006 had been registered to date. She also stated that Linda Smith and Elaine Paine, Dist. 3, had resigned.

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Chairman Cardenas requested that Josephina Carbonela be contacted regarding voter registration at the 15 senior citizens centers.

Chairman Gremer stated that a person must be registered 30 days before the election.

Recording Secretary Palladino stated that flyers showing the differences between the Republican and Democratic Parties had been sent out with change of Party cards and 25 people had changed to date.

Chairman Gremer stated that on Saturday evenings on WVCG-AM 1080 radio Co-Chair Lazarre had a 1-1/2 hour program promoting the Republican Party.

Chairman Alonso-Martinez stated that a "switch letter" had been sent by the Republican National Committee signed by President Bush to the 18th District to the precincts where President Bush received more than 50% of the vote. These were mailed only to Democrats.

Treasurer Southwell introduced Jose Velazquez who had switched from the Democratic Party and was assisting with the Treasurer's duties.

APPROVAL OF MINUTES Vice Chairman Craig stated that he would like the fines that would be levied against the Party to be paid without any questions, insults or remarks. He stated that since they had given the Party $40,000, it should be a goodwill gesture on the part of the Party. He also stated that he wanted to delete the section, page 4 of the minutes, which stated that John Casey would not be fired, since there was never a question that Mr. Casey would be fired. He also stated that since funds had been approved for office equipment that the Fax machine mentioned in the previous minutes should be paid in full. (See page 6-Correction to a three-year contract.) The minutes were approved as distributed and amended.

FINANCE COMMITTEE REPORT Chairman Cardenas stated that a Board of Governors had been created and hoped to raise $100,000 in two months. Raul Valdes Fowley had been requested to head the Board of Governors for the Finance Committee. The intent of the Board of Governors was to have 100 persons or corporations give $1,000 per year which would include special benefits. A yacht would be rented which would accommodate 200 people. The function would be scheduled for the second week of August with surprise guests and elected officials. Payments toward the $1,000 would be allowed with a $500 pledge and signing of an agreement. Other fund raisers and events include: direct mail, Lincoln Day Dinner, July 29 Bob Hope event in Orlando (tickets $150) and September 10 Governor's fund raiser with President Bush for $1500 per ticket.

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MEMBERSHIP COMMITTEE Chairman Musgrove stated that three resignations had been received: Rex Naused, Dist. 2; Andy Gutierrez, and Linda Smith. People had filed for these positions. A list of precinct numbers of Members was needed by the Membership Committee and would be obtained at the time of sign-in at the next Executive meeting.

OUTREACH COMMITTEE Co-Chair Lazarre stated that the radio program on Sunday was a talk show and distinguished between the Democrats and Republicans. An event, planned by the Black Republicans, was scheduled for July 25 in the Orchid Room of the Hyatt Regency at $10 per person. The National Black Republican Council was a co-sponsor of the event.

MOTION Chairman Collins moved that the Chairman write to the National Chairman asking Wilfrid Lazarre to serve on the Outreach Committee of the National Republican Committee as a Haitian. The motion was seconded and passed on voice vote.

POLITICAL EDUCATION COMMITTEE Co-Chairman Silver stated that members of the Committee had been trained and that orientation classes were being held for County Committee members. Precinct handbooks would be handed out at the Campaign Activities meeting. The resolution on Orlando Bosch, which was approved, was complete. He requested that the Abortion Issue Resolution be voted on at the next meeting for approval.

MOTION Co-Chair Silver moved that the Board re-approve the Resolution on the Right to Life Issue. The motion was seconded and approved on voice vote.

MOTION Co-Chair Silver moved that business cards and stationary be purchased through the Party's printer in order to receive bulk prices and payment for business cards would be made at the time of the order. The motion was seconded and approved on voice vote.

COMPUTER MODEM Chairman Gonzalez stated that he would be willing to purchase a modem for the computer and install same.

MOTION Co-Chair Silver moved that the Resolution regarding the prohibition of the desecration of the American flag be accepted. The motion was seconded.

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TABLING OF MOTION The motion regarding the American Flag Resolution was tabled by voice vote in order to prepare a resolution more aligned with the one presented by the President.

PHOTOCOPIER Scott Spages recommended that the maintenance agreement not be renewed on the existing copier. He stated that the agreement was not a good one as it left off major points.

MOTION Co-Chair Hill moved that Scott Spages work with Isabel de Lara and John Casey to come up with an agreement regarding the Party's copier needs and that such an agreement be entered into with Treasurer Southwell to assure that it was paid for with proper funds. The motion was seconded.

CALLING OF QUESTION The question was called and passed on voice vote. The motion was passed on voice vote.

YOUTH COMMITTEE A written report from the Youth Committee is on file at Headquarters.

ADJOURNMENT The meeting was adjourned at 9:35 p.m.

KATHLEEN A. PALLADINO
RECORDING SECRETARY

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DAVID W. SOUTHWELL
16857 N.W. 57th AVENUE
MIAMI, FLORIDA 33055

November 2nd, 1989

Mr. Michael G. Levine, Attorney
Capital Bank, Legal Department
1221 Brickell Avenue
Miami, Florida 33131

RE: Republican Party of Dade County

Dear Mr. Levine:

During the month of August, your bank accepted as valid an opinion issued by Alvin E. Entin, Esq. regarding who may be properly authorized to co-sign checks drawn on the bank accounts of the Republican Party of Dade County. Your letter, dated September 15, 1989 to Mr. Entin, stated as much, and had copies of his opinions attached.

During the month of September, but prior to your letter to Mr. Entin, we spoke by telephone about this situation. It is my understanding that you had not actually seen the documents which were presented to your bank when the authorized signers were changed, but that you had conferred with Mr. Triay regarding what documents were necessary to permit what was finally done.

Because of the opinion letter Capital Bank has permitted the Chairman of the Party, along with Mr. Al Cardenas and Ms. Mary Collins to be placed on both the "Federal" and "State" accounts as authorized signers, and the Treasurer's name to be removed as an authorized signer. This was done without the knowledge or consent of either the Treasurer or Secretary of the Party. I informed you of that fact during our conversation.

I also informed you that I had spoken with Mr. Triay, on July 17th, by telephone, about a previous situation in which the same individuals took a similar action without the knowledge or consent of either the Treasurer or Secretary. As a result of that conversation, Mr. Triay refused to pay a check made payable to John Casey, which check was co-signed by Cardenas and Alonzo-Martinez. It would seem to be beyond question that Mr. Triay, at a minimum, should have understood that there was a substantial disagreement among the Elected Officers of the Party as to the propriety of these actions.

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I want to remind you that during our conversation, I advised you that it was my opinion that the actions taken were in punitive violation of the regulations governing both Federal and State elections, an opinion which I had previously voiced to Mr. Triay. To that point, I would like to direct your attention to 11 CFR 102.7(c) of the Code of Federal Regulations which states:

> "No expenditure shall be made for or on behalf of a political committee without the authorization of its treasurer or of an agent authorized orally or in writing by the treasurer."

As the Treasurer of the Party, I hereby demand that Capital Bank immediately cease honoring checks drawn on the accounts of the Party which do not bear the signature of the Treasurer. I further demand that Capital Bank refund to the Party all amounts which were paid on checks issued without the signature of the Treasurer, which amounts total $31,156.40, as far as I have been able to determine. I have not authorized anyone, orally or in writing, to expend the funds of the Party. Any check without my signature is not and was not authorized by me, which should have been understood by Capital Bank. The action of Mr. Triay in returning the check mentioned earlier and the irregular manner in which the signature of the Treasurer was, in effect, removed from the account, and the fact that neither the Treasurer or Secretary of the Party were signators on the Resolution form which seemingly authorized the change in signers, would tend to indicate negligence on the part of the Bank. If factors other than those in evidence were part of the Bank's decision, such as Mr. Cardenas being a Director of Capital Bank, please let me know.

Simply having an attorney issue an opinion should not absolve Capital Bank, in my opinion, of the responsibility of acting prudently where known disputes exist, neither should it absolve Capital Bank's legal department of any responsibility to research applicable regulations before allowing disputed transactions to occur.

Therefore, please be informed that a copy of this letter and related documents has been forwarded to the State and Federal Banking Examiners offices and that they have been requested to immediately investigate these matters. Copies of this letter have also been furnished to the Federal Election Commission and to the Florida Division of Elections, with a request that they also begin an immediate investigation into this situation.

Very truly yours,

David W. Southwell
Treasurer

cc: Javier Holtz, Senior Vice President - Capital Bank

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 13, 1989

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Maria Alonzo-Martinez
2905 Salzedo Street
Coral Gables, Florida 33134

RE: MUR 3003

Dear Ms. Alonzo-Martinez:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3003. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(A)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Sandra Dunham, the staff member assigned to this matter at (202) 376-8200.

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For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 13, 1989

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Al Cardenas
2905 Salzedo Street
Coral Gables, Florida 33134

RE: MUR 3003

Dear Mr. Cardenas:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3003. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(A)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Sandra Dunham, the staff member assigned to this matter at (202) 376-8200.

90040790345

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 13, 1989

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mary Collins
2905 Salzedo Street
Coral Gables, Florida 33134

RE: MUR 3003

Dear Ms. Collins:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3003. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(A)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Sandra Dunham, the staff member assigned to this matter at (202) 376-8200.

00040070847

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

90040790848

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 13, 1989

David W. Southwell
16857 N.W. 57th Avenue
Miami, Florida 33055

RE: MUR 3003

Dear Mr. Southwell:

This letter acknowledges receipt on November 11, 1989, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by the Republican Party of Dade County . The respondents will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 3003. Please refer to this number in all future correspondence. For your information, we have attached a brief description of the Commission's procedures for handling complaints. If you have any questions, please contact Retha Dixon, Docket Chief, at (202) 376-3110.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Procedures

90040790849

OGC 4875

DICKSTEIN, SHAPIRO & MORIN
2101 L STREET, N.W.
WASHINGTON, D.C. 20037
202 785-9700
TELEX: 892603 DSM WSH

JUSTIN D. SIMON
DIRECT DIAL
202 828-2211

VIRGINIA OFFICE
8300 BOONE BOULEVARD
SUITE 800
P.O. BOX 2537
VIENNA, VIRGINIA 22180
703 847-8190

NEW YORK OFFICE
598 MADISON AVENUE
NEW YORK, N.Y. 10022
212 838-1900

November 29, 1989

CONFIDENTIAL TREATMENT REQUESTED

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 NOV 29 AM 10:30

90040790850

BY HAND DELIVERY

Ms. Sandra Dunham
Office of General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Re: MUR 3003

Dear Ms. Dunham:

This letter will acknowledge that this law firm has been retained to represent Maria Alonzo-Martinez on behalf of the Republican Party of Dade County in connection with the above-captioned matter under review. I am enclosing herewith an executed original copy of the Designation of Counsel confirming our authorization.

This letter will also confirm that our client received your letter of November 13, 1989 on November 17, 1989. Accordingly, a response is currently due on December 4, 1989. While we do not anticipate that this will be a complex matter to resolve, the press of other litigation commitments makes it impossible for us to make a substantive response within the time currently allotted. Therefore, I am hereby requesting a brief extension of time of ten (10) working days to and including December 18, 1989. Based on my preliminary assessment of this matter, I see no conceivable prejudice to the complainant nor to the public interest represented by the Commission in allowing this brief delay.

I look forward to an opportunity to discuss this matter with you substantively now that you have received our Designation of Counsel.

Sincerely,

Justin D. Simon

Justin D. Simon

JDS/df

Enclosure

cc: Maria Alonzo-Martinez

9004070351

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3003

NAME OF COUNSEL: JUSTIN SIMON

ADDRESS: DICKSTEIN, SHAPIRO & MORIN
2101 "L" STREET N.W.
WASHINGTON, D.C. 20037

TELEPHONE: 202/828-2211

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

11/20/89
Date

Signature

RESPONDENT'S NAME: MARIA ALONSO-MARTINEZ
CHAIRMAN

ADDRESS: REPUBLICAN PARTY OF DADE COUNTY
2905 SALCEDO STREET
CORAL GABLES, FL 33134

HOME PHONE: (305) 448-8333

BUSINESS PHONE: (305) 443-1676

9004079085 2

OGC 4714

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 NOV 31 PM 3:40

Dec 1

DICKSTEIN, SHAPIRO & MORIN
2101 L STREET, N.W.
WASHINGTON, D.C. 20037
202 785-9700
TELEX: 892608 DSM WSH

VIRGINIA OFFICE
8300 BOONE BOULEVARD
SUITE 800
P.O. BOX 1537
VIENNA, VIRGINIA 22180
703 847-9190

NEW YORK OFFICE
590 MADISON AVENUE
NEW YORK, N.Y. 10022
212 832-1000

JUSTIN D. SIMON
DIRECT DIAL
202 828-2211

December 1, 1989

CONFIDENTIAL TREATMENT REQUESTED

BY HAND DELIVERY

Ms. Sandra Dunham
Office of General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Re: MUR 3003

Dear Ms. Dunham:

This letter will confirm our conversation of yesterday that this law firm has also been retained to represent Mary Collins and Alberto R. Cardenas of the Republican Party of Dade County in connection with MUR 3003. I am enclosing herewith the executed original copies of the Designations of Counsel confirming our authorization.

As we anticipate filing a joint submission in this matter, we are respectfully requesting an extension of time to and including December 18, 1989. As you have already granted us an extension in the case of co-respondent Ms. Alonzo-Martinez to

9004079085

December 18, 1989, the granting of a similar extension on behalf of Ms. Collins and Mr. Cardenas would cause no prejudice to any of the parties involved.

Your assistance in this matter is appreciated.

Sincerely,

Justin D. Simon

Justin D. Simon

JDS/isw

Enclosure

ccs: Mary Collins
Alberto R. Cardenas

3004070854

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3003

NAME OF COUNSEL: JUSTIN SIMON

ADDRESS:

TELEPHONE:

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

11-30-89
Date

Mary Collins
Signature

RESPONDENT'S NAME: MARY COLLINS

ADDRESS: 1020 NE 155 St
NMB FL
33162

HOME PHONE: 305-945-1410

BUSINESS PHONE:

90040790855

STATEMENT OF DESIGNATION OF COUNSEL

MUR _____

NAME OF COUNSEL: JUSTIN D. SIMON, ESQ.

ADDRESS: DICKSTEIN, SHAPIRO & MORIN
2101 L STREET, N.W.
WASHINGTON, DC 20037

TELEPHONE: (202) 785-9700

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

11/28/89
Date

Signature

RESPONDENT'S NAME: ALBERTO R. CARDENAS, ESQ.

ADDRESS: 1221 BRICKELL AVENUE
22ND FLOOR
MIAMI, FLORIDA 33131

HOME PHONE: (305) 573-1677

BUSINESS PHONE: (305) 579-0501

9004079085

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 4, 1989

Justin Simon, Esquire
Dickstein, Shapiro & Morin
2101 L Street, N.W.
Washington, D.C. 20037

RE: MUR 3003
Maria Alonzo-Martinez

Dear Mr. Simon:

This is in response to your letter dated November 29, 1989, which we received on November 29, requesting an extension of 10 working days (15 days) to respond to the Commission's reason to believe finding. After considering the circumstances presented in your letter, I have granted the requested extension. Accordingly, your response is due by the close of business on December 19, 1989.

If you have any questions, please contact Sandra J. Dunham, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

90040790857

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 7, 1989

Justin Simon, Esquire
Dickstein, Shapiro & Morin
2101 L Street, N.W.
Washington, D.C. 20037

RE: MUR 3003
Mary Collins and Alberto Cardenas

Dear Mr. Simon:

This is in response to your letter dated December 1, 1989, which we received on December 4, requesting an extension until December 19, 1989, to respond to the Commission's reason to believe finding. After considering the circumstances presented in your letter, I have granted the requested extension. Accordingly, your response is due by the close of business on December 19, 1989.

If you have any questions, please contact Sandra J. Dunham, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

Lois G. Lerner by SJD

BY: Lois G. Lerner
Associate General Counsel

90040708 58

DGC 4916

DICKSTEIN, SHAPIRO & MORIN
2101 L STREET, N.W.
WASHINGTON, D.C. 20037
202 785-9700
TELEX: 892608 DSM WSH

VIRGINIA OFFICE
8300 BOONE BOULEVARD
SUITE 800
P.O. BOX 2[illegible]7
VIENNA, VIRGINIA 22180
703 847-9190

NEW YORK OFFICE
598 MADISON AVENUE
NEW YORK, N.Y. 10022
212 832-1900

JUSTIN D. SIMON
DIRECT DIAL
202 828-2211

December 19, 1989

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 DEC 19 AM 3:38

BY HAND DELIVERY CONFIDENTIAL TREATMENT REQUESTED

Lawrence M. Noble, General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 3003

Dear Mr. Noble:

We are counsel to Maria Alonso-Martinez, Alberto Cardenas and Mary Collins, members of the Executive Committee of the Republican Party of Dade County ("RPDC"). This letter is sent in response to the Commission's letter dated November 13, 1989, requesting a response to certain allegations made by David Southwell, the treasurer of the RPDC. The Commission approved extensions to permit this joint response. It is the purpose of this submission to demonstrate that the complainant's allegations warrant no action by the Federal Election Commission.

The Republican Party of Dade County is located in Dade County Florida. It is a multi-candidate party as defined by 2 U.S.C. § 441(a)(1985). Its goals are to increase voter registration and to generally support the Republican Party and its candidates for political office. It supports local, state and federal candidates. A major part of its efforts are directed to the local Hispanic population, thereby increasing these groups' involvement in their government.

The complainant in this matter is David Southwell. By profession Mr. Southwell is a self-described lay minister. He was recently elected treasurer of the RPDC last spring. Respondents are Maria Alonso-Martinez, Chairperson of the Executive Committee, Alberto Cardenas, Republican State and Executive Committeeman, and Mary Collins, Republican State and Executive Committeewoman. In his complaint, David Southwell claims that Respondents violated 11

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C.F.R. § 102.7(c) (1989)[1] by writing and signing six checks drawn from funds in the Committee's federal checking account at Capital Bank without his express authorization or consent. On the following dates the following checks[2] were issued to the following parties:

August 24, 1989	$2,800.00	W.Q.B.A.
August 24, 1989	$2,400.00	W.A.Q.I.
August 24, 1989	$1,600.00	W.R.H.C.
August 25, 1989	$2,000.00	Sanchez & Levitan
August 25, 1989	$3,799.04	Dodd Printers, Inc.
August 25, 1989	$ 948.70	Dodd Printers, Inc.

Mary Collins' signature does not appear on any of the checks (See Exhibit A) and there does not therefore appear to be any reason or basis for Mr. Southwell's attempt to make Ms. Collins a party to this action. The legitimacy of the expenditures qua expenditures is not at issue.

Mr. Southwell claims that the checks at issue constitute expenditures made without his authority. This is simply not true. Those checks were issued in accordance with budgets which were expressly approved by Mr. Southwell. On April 24, 1989, at the meeting of the Executive Committee of the Republican Party of Dade County, the Executive Committee budget was passed with David Southwell's approval. (See Exhibit B.) This budget provided for the allotment of funds to the Campaign Activities Committee. On June 27, 1989, at the meeting of the Executive Board of the RPDC, a second, more refined, budget of $36,345.00 was proposed in order to meet the costs of special elections for the Florida State House, State Senate and the United States Congress (See Exhibit B). The budget was discussed at length with David Southwell and approved by all members of the Executive Board, including David Southwell, treasurer of the RPDC.

---

1 11 C.F.R. § 102.7(c) reads as follows:

> (c) No expenditure shall be made for or on behalf of a political committee without the authorization of its treasurer or of an agent authorized orally or in writing by the treasurer.

2 These expenses were for radio ads and printing fees. The checks were made out to three radio stations, one printing service, and to a media broker. The money for these checks came from funds allotted via approved budgets to the Campaign Activities Committee of the Republican Party of Dade County.

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Pursuant to and in reliance upon the Executive Board's, Executive Committee's, and David Southwell's approval of these budgets, the RPDC entered into lawful and binding contracts with several corporations to provide radio time and printing services. In order to effectuate these agreements, checks were issued to those corporate vendors by the RPDC.[3] (See Exhibit B.) The RPDC was legally obligated to pay these debts; indeed, had these debts not been paid, the Committee would have run the risk of these debts turning into illegal corporate in-kind contributions. At the time payment was due, Mr. Southwell was out of town on vacation. It was neither possible nor necessary to get him to sign the checks. Thus Respondents Chairman Alonso-Martinez and Cardenas simply prepared and delivered the checks in question. It is beyond dispute that the checks were signed by previously authorized and responsible members of the RPDC. These expenses were properly accounted for, perfectly legal, authorized expenditures; nor does Mr. Southwell claim otherwise. Indeed, Mr. Southwell does not even suggest they were not paid in response to valid binding financial commitments which the Party was obligated to pay.

Remarkably, Mr. Southwell's sole objection is that he did not sign the checks.[4] Simply stated, he maintains that FECA requires that he personally sign all checks and that checks signed by the Chairman of the RPDC and another member of the Party's Executive Board are improper. Mr. Southwell bases his complaint on an absurd and hypercritical reading of the regulations, which

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[3] At the June 27, 1989 meeting, a vote was held to determine whether the rules of the Committee could legally be amended to add Cardenas and Collins as authorized signatories to the federal checking account. David Southwell was present and after all discussions had occurred, voted in favor of adding them as signatories, subject to the approval of counsel, which was forthcoming.

[4] Mr. Southwell's appended exhibits suggest a claim that he did not have knowledge of those expenses. Mr. Southwell skates close to the line, because while it may be true that the specific vendors had not been selected when the budget was approved, there is no question that these expenditures were approved.

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he remarkably claims justifies a complaint against his fellow Executive Committee members.[5] 11 C.F.R. § 102.7(c) states that "no expenditure shall be made for or on behalf of a political committee without the authorization of its treasurer or of an agent authorized orally or in writing by the treasurer." The text of 11 C.F.R. § 102.7 is promulgated pursuant to 2 U.S.C. § 438(a)(8) (1985) and based upon 2 U.S.C. § 432(a) (1985) which reads:

> (a) Treasurer; vacancy; official authorizations
>
> Every political committee shall have a treasurer. No contribution or expenditure shall be accepted or made by or on behalf of a political committee during any period in which the office of treasurer is vacant. No expenditure shall be made for or on behalf of a political committee without the authorization of the treasurer or his or her designated agent.

The plain meaning of the statutes and regulations do not admit to the tortured reading advanced by Mr. Southwell. The statute and the proper application of the rules of statutory and regulatory construction make it clear that § 102.7(c) does not equate the treasurer's authorization with his or her signature. Indeed, the regulation expressly allows for oral authorization.

The wording of § 107.2(c) is unambiguous, as is the wording of 2 U.S.C. § 432(a), supra.[6] No mention is made whatsoever of the necessity of the treasurer's signature on expenditure checks. Nor does the regulation prohibit lawfully authorized

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[5] Mr. Southwell is not well known to the other members of the Executive Committee of the Dade County Republican Party, having recently been elected as a dark horse candidate. Mr. Southwell subsequently hired a Democrat as his assistant treasurer and has now filed numerous complaints about this matter with the Comptroller of the Currency, the FDIC and others at the state and federal level. This scattergun approach ought to provide useful insight into the motivations and character of the complainant.

[6] In determining the scope of the statute, we look first to its language. If the statutory language is unambiguous, in the absence of a clearly expressed legislative intent to the contrary, that language must ordinarily be regarded as conclusive. Russello v. United States, 464 U.S. 16, 20 (1983), citing, United States v. Turkette, 452 U.S. 576, 580 (1981), quoting from Consumer Product Safety Comm'n v. GTE Sylvania, Inc., 447 U.S. 102, 108 (1980).

0 0 0 4 0 7 7 0 3 8 5 2

party executives from effectuating expenditures and contributions previously authorized by the Executive Committee and its treasurer. There is no legislative history in support of David Southwell's claim that his signature is required on all disbursement checks. Given this lack of legislative history and the clear meaning of both the regulation and the statute, Emery Mining Corp. v. Secretary of Labor, 744 F.2d 1411 (10th Cir. 1984), it thus remains the case that the requirement of the treasurer's authorization to make expenditures is not a requirement that his signature appear on committee checks. Had Congress or the Commission intended to effectuate such a requirement, either could have done so. Having failed to do so, it cannot be accomplished in this proceeding. See Consumer Product Safety Comm'n, supra, at 111 (court refuses to limit definition of information which must be made public under Act even though to do so would have been consistent with Act).[7]

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[7] Given the plain meaning of § 102.7(c), the FECA could not embrace the tortured and foolish reading of the regulation which Mr. Southwell advocates. It would have to amend the regulation in order to embrace such a meaning. Furthermore, the general rule that an agency is owed a certain amount of deference in the interpretation of its own regulations does not mandate the acceptance of the agency's interpretation in all cases. For example, in the case of Union of Concerned Scientists v. Nuclear Regulatory Commission, 711 F.2d 370 (D.C. Cir. 1983), the Court refused to uphold the NRC's interpretation of the word "manner" in 10 C.F.R. § 2.805 (a)(1982). The Court noted that while deference was to be given to the agency's own interpretation, in this case the agency's interpretation would place limitations on the opportunity to comment which would be at odds with the regulation. The Court ultimately had to refuse to defer to the agency stating that "[w]hen an agency's interpretation of its own rules flies in the face of the language of the rules themselves, it is owed no deference." Union of Concerned Scientist v. Nuclear Reg. Comm'n, supra, at 381, citing Sheperd v. MSPB, 652 F.2d 1040, 1043 (D.C. Cir. 1981). See also L.R. Wilson & Sons, Inc. v. Donovan, 685 F.2d 664, 675 (D.C. Cir. 1982) ("regulations cannot be construed to mean what an agency intended but did not adequately express")(citation omitted)(regulation did not adequately state all circumstances under which safety nets are required); Sheperd v. MSPB, 652 F.2d 1040, 1043 (D.C. Cir. 1981) (noting that there are limits to how far a court should defer to an agency's interpretation of its rules; agency action which is inconsistent with the pertinent regulations and statutes must be overturned). Despite Congress's and the FECA's admitted desire to require that

(footnote continued)

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While the treasurer functions as the fiscal anchor, there is, however, no further specification of the role of the treasurer; the FECA does not presume to set out requirements that the treasurer attend Committee meetings, have a separate office, use outside accountants, etc. These are, of course, administrative matters to be left to the discretion of the entities subject to the act. Nor does the Act or any prior decision of the Commission elaborate on the form or manner in which the treasurer's consent and/or approval of expenditures is to be requested or obtained. This is particularly appropriate where, as here, legal responsibility under state law is shared with the party chairman. Certainly there is no requirement that the treasurer sign expense checks, as Mr. Southwell erroneously thinks -- indeed, the regulation provides otherwise by expressly allowing the treasurer to "orally" authorize expenditures. While signing check may be an indicia of authorization, it is readily apparent that it is not the required procedure under the statute. Also true, is that a post hoc refusal to sign a check cannot revoke a prior authorization which gave rise to a binding obligation.

It is true that the treasurer has lawful accountability for the operation of the fund, along with the other members of the Executive Committee. Does it flow from that responsibility that the expenditures complained of were not lawfully made? Absolutely not. In this case the Executive Committee of the RPDC, including Mr. Southwell, expressly considered and approved the contributions and expenditures of the type identified in the Complaint. There is no, and could not be any, claim made by Mr. Southwell that these expenditures had not been so authorized, that the expenditures in question exceeded the authorized amount, or that they were illegal or improper in any way. That being the case, this MUR should be closed forthwith. Apart from the fact that he did not sign the checks, Mr. Southwell cites no basis for his unwillingness to pay these bills.

Furthermore, once the treasurer has given his or her authorization he or she may not, under either the regulation or

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(footnote continued)
the treasurer remain in control of a committee's finances, this is not enough to warrant an overly expansive reading of either the regulation or the statute. See Bread Political Action Comm'n v. Fed. Election Comm'n, 455 U.S. 577 (1982) (the fact that Congress wanted a broad class of questions concerning the F.E.C.A. answered did not warrant a broader reading of the list of enumerated plaintiffs than allowed by statute).

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the statute, revoke it after it has been relied upon.[8] In North Dakota v. United States, 460 U.S. 300 (1983) the Supreme Court held that Section 3 of the Wetlands Act of 1961, while providing that the Secretary of the Interior gain the approval of the governor or appropriate agency of the state whose land the federal government seeks for use, does not allow for a revocation of that approval. The Court noted that while the statute gave the state the initial power to approve or deny the federal government's request for state land "nothing in the statute authorizes withdrawal of approval previously given." North Dakota, supra, at 313. Similarly, nothing in the regulation, or the statute, provides for withdrawal of the treasurer's authorization once it is given, absent any independent violation of the Act not present here.

Mr. Southwell does not even claim that he revoked his approval or the party budgets which expressly authorized these expenditures. He does not claim the expenditures were improper or should not have been made. He does not deny that the funds were used to pay binding obligations lawfully incurred or even that he had the legal or equitable right to refuse to pay the obligations reflected in the invoices being paid. Indeed, the only operative motivation for the filing of a full blown complaint appears to his bureaucratically hegemonous complaint that, absent his signature,

---

8 Assuming arguendo that David Southwell's interpretation of § 102.7(c) is a correct one, which we emphatically deny, it would still be impossible to find that Mary Collins committed any violation. The basic premise of David Southwell's claim is that our clients violated the Act by placing their signatures on these checks. Mr. Southwell's allegations cannot be found to apply to the actions of Ms. Collins for the simple reason that she did not sign any of the checks at issue. As she did not sign the checks, she clearly did not, and could not have, made these expenditures. This is the case regardless of whether or not the expenditures were authorized.

the checks written to pay RPDC expenses were invalid. This is not the case. There has been no violation of the FECA law. This matter should not be pursued.

Respectfully submitted,

DICKSTEIN, SHAPIRO & MORIN

By: Justin D. Simon

Justin D. Simon
2101 L Street, N.W.
Washington, DC 20037
(202) 828-2211

0 0 0 4 0 7 9 0 8 5 0

XEROX TELECOPIER 295 ; 11-28-89; 5:09 PM; 305 445 2972 → 2937830 ; # 3
989-11-28 17:09 305 445 2972 REPUBLICAN PARTY DADE CTY FLA 007 P03

REPUBLICAN PARTY OF DADE COUNTY
FEDERAL ACCOUNT

1006

000566956

8/24 1989

PAY TO THE ORDER OF — W.Q.B.A. — $2,800.00/xx

— Two Thousand Eight Hundred 00/xx DOLLARS

CAPITAL BANK
Main Office
1221 Brickell Avenue, Miami, FL

08-28-89

FOR Radio ADS

⑈001006⑈ ⑆067008414⑆ ⑈0101078471⑈ ⑈0000280000⑈

9 0 0 4 0

XEROX TELECOPIER 295 ; 11-28-89; 5:10 PM;
1989-11-28 17:09 305 445 2972 → 305 445 2972 REPUBLICAN PARTY DADE CTY FLA 007 P04

REPUBLICAN PARTY OF DADE COUNTY
FEDERAL ACCOUNT

1007

8/24 19 89

PAY TO THE ORDER OF W.A.Q.I $ 2,400.00

Two Thousand Four Hundred 00/xx DOLLARS

CAPITAL BANK
Main Office
1221 Brickell Avenue, Miami, FL

08-28-89

FOR Radio Ads

⑈001007⑈ ⑆067008414⑆ ⑈0101078471⑈ 0000240000.⑈

XEROX TELECOPIER 295 ; 11-28-89; 5:10 PM; 305 445 2972 → 2937830 ; # 5
1989-11-28 17:10 305 445 2972 REPUBLICAN PARTY DADE CTY FLA 007 P05

REPUBLICAN PARTY OF DADE COUNTY
FEDERAL ACCOUNT

1008

8/14 1989 83-341/670 01

W.R.H.C. 1203584 2022 2071 19 DB-1,600.00/xx

ONE THOUSAND SIX HUNDRED 00/xx DOLLARS

CAPITAL BANK
Main Office
1221 Brickell Avenue, Miami, FL

08-28-89

RADIO ADS

⑈001008⑈ ⑆067008414⑆ ⑈0101078471⑈ ⑈0000160000⑈

1989-11-28 17:12 305 445 2972 REPUBLICAN PARTY DADE CTY FLA 008 P02

REPUBLICAN PARTY OF DADE COUNTY
FEDERAL ACCOUNT

1009

8/25 1989

PAY TO THE ORDER OF Dodd PRINTING 123630392 2001 2088 19 08 $3,799.04/xx

THREE THOUSAND SEVEN HUNDRED NINETY-NINE 04/xx DOLLARS

CAPITAL BANK
Main Office
1221 Brickell Avenue, Miami, FL

08-30-89

FOR Ros Lehtinen/colateral expenditure

⑈001009⑈ ⑆067008414⑆ ⑈0101078471⑈ ⑈0000379904⑈

XEROX TELECOPIER 295 : 11-30-89
1989-11-28 17:13 305 445 2972 REPUBLICAN PARTY DADE CTY FLA 008 P03

REPUBLICAN PARTY OF DADE COUNTY
FEDERAL ACCOUNT

30-AUG-1989 06600550 0842005188 412 1010

8/25 1989

AY TO THE ORDER OF — SANCHEZ + LEVITAN 2,000.00

TWO THOUSAND 00/xx DOLLARS

CAPITAL BANK
Main Office
1221 Brickell Avenue, Miami, FL

08-31-89

FOR GO OUT TO VOTE/RADIO ADS

⑈001010⑈ ⑆067008414⑆ ⑈0101078471⑈ ⑈0000200000⑈

1 8 7 1 4 7 0 0 0 6

REPUBLICAN PARTY OF DADE COUNTY
FEDERAL ACCOUNT

1011

8/25 19 89

PAY TO THE ORDER OF — Dodd Printers, Inc. $ 948.70/xx

— Nine Hundred Forty-Eight 70/xx DOLLARS

CAPITAL BANK
Main Office
1221 Brickell Avenue, Miami, FL

08-30-89

FOR Campaign Contribution/Collateral expenditure

⑈001011⑈ ⑆067008414⑆ ⑈0101078471⑈ ⑈0000094870⑈

AFFIDAVIT OF MARIA A. ALONSO MARTINEZ

State of Florida :
: Re: MUR 3003
County of Dade :

Before me, the undersigned authority, personally appeared MARIA A. ALONSO MARTINEZ, who being by me first duly sworn, on oath, depose(s) and say(s):

1. Affiant is the Chairman of the Republican Party of Dade County, Florida.

2. Affiant makes this Affidavit for the purpose of attesting to the following information in connection with MUR 3003 opened in connection with a complaint filed by David Southwell, Treasurer of the Republican Party of Dade County.

3. On April 24, 1989, the Executive Committee of the Republican Party of Dade County, including Mr. Southwell, approved a budget for its Party which included an allotment of funds for campaign activities.

4. On June 27, 1989, at the meeting of the Executive Board of the Republican Party of Dade County, the Executive Director of the Party reported that a budget of $36,345 was needed to cover the costs of the Special Election, including a contribution in kind to the Lehtinen for Congress campaign. This budget was agreed upon by Mr. Southwell, our Treasurer, and the other members of the Executive Board. The Board also specifically considered

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the question of expending Party resources in connection with Special Elections for the Florida State House, State Senate and U.S. Congress. At that time a proposal was made to authorize expenses for a "Get Out The Vote Radio Campaign" that would urge the public to support Republican candidates generically. The expenditures were expressly authorized by the Board, including Mr. Southwell.

5. At the June 27, 1989 meeting, a motion was made and seconded to add additional signatories (the State Committeeman's and the State Committeewoman's, both of whom were Executive Committee members) to the Party's bank accounts to facilitate the transaction of Party business. This motion had the following provision: that either the State Committeeman or the State Committeewoman sign with the Chairman or the Treasurer. The motion was approved unanimously.

6. The expenditures cited in Mr. Southwell's complaint were made in full compliance with the Board Resolutions of April 24 and June 27, were made for precisely the purposes approved by the Executive Board, including Mr. Southwell, and were of the precise type so authorized.

7. In reliance on the authorization of the Executive Board, including its Treasurer Mr. Southwell, goods and services were provided to the Republican Party of Dade County by the corporations which are identified as payees of the checks in the complaint in this matter. Legally binding and enforceable contractual commitments requiring payment were made. Arguably, a

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default upon or non-payment of those obligations to the corporate payees could, itself, have violated the Federal Election Campaign Act.

8. The six checks identified above were thus issued in accordance with the express authorization of the Executive Committee, including Mr. Southwell. The checks were not signed by Mr. Southwell because he was on vacation when payment was due. They were, however, signed by lawful signatories and accurately reflected on the books of account of the Republican Party of Dade County maintained by Mr. Southwell.

9. Affiant further states that she is familiar with the nature of an oath; with the penalties as provided by the law of the State aforesaid for falsely swearing to statements made in an instrument of this nature. Affiant further certifies that she has read, or has heard read to her, the full test of this affidavit, and understands its context.

FURTHER AFFIANT SAYETH NAUGHT.

MARIA A. ALONSO MARTINEZ

Sworn and subscribed before me,
this 15th day of December, 1989.

My Commission expires:

Notary Public
State of Florida at Large
My Commission Expires:
April 10 1993

9 0 0 4 0 7 9 0 8 7 5

OGC 5979

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

90 APR 20 AM 10:42

STATE ATTORNEY
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA
METROPOLITAN JUSTICE BUILDING
1351 N.W. 12TH STREET
MIAMI, FLORIDA 33125-2134

JANET RENO
STATE ATTORNEY

TELEPHONE (305) 547-5200

April 17, 1990

Lois Lerner, Associate General Counsel
Federal Election Commission
999 East Street Northwest
Washington, D.C. 20463

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 APR 20 AM 9:34

Re: MUR 3003

Dear Ms. Lerner:

This is to advise you that this office has been requested by the complainant in the above-noted matter, Mr. David Southwell, to investigate the circumstances surrounding his complaint against fellow officers and members of the Republican Party of Dade County for possible violations of criminal statues. Please also consider this a request to be apprised of the status of the complaint in your agency.

We are aware of the necessity to maintain a degree of confidentiality concerning the complaint before your commission. We are also hesitant to consider taking any action that might interfere with or duplicate your agency's investigation. Whatever information you can provide will assist us in completing our own inquiry. Since both parties to the complaint have communicated their desire for our office to move expeditiously as possible, I feel that there would be no objection from either to our discussing the complaint.

Please contact me at the above address or by phone at (305) 547-7464 so we can discuss this matter.

Sincerely,

JANET RENO
State Attorney

By: JOSEPH M. CENTORINO
Assistant State Attorney

JMC:lbn

9004079876

RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT

90 JUN -4 PM 4:33

FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

MUR 3003
DATE COMPLAINT RECEIVED
BY OGC: 11-11-89
DATE OF NOTIFICATION TO
RESPONDENTS: 11-13-89
STAFF MEMBER: Anne Weissenborn

COMPLAINANT: David W. Southwell, Treasurer
Republican Party of Dade County

RESPONDENTS: Maria Alonso-Martinez, Chairman
Republican Party of Dade County
Al Cardenas
Mary Collins

RELEVANT STATUTES: 2 U.S.C. § 432(a)
11 C.F.R. § 102.7(c)

INTERNAL REPORTS CHECKED: None

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

On November 8, 1989 the Commission received a complaint from David Southwell, treasurer of the Republican Party of Dade County (the "Committee"). In the complaint, Mr. Southwell alleged that Maria Alonzo-Martinez, the Committee's chairman, and Mary Collins and Al Cardenas, members of the Committee's executive committee, violated 11 C.F.R. § 102.7(c) by making expenditures without his signature, knowledge or consent. According to Mr. Southwell, on August 1, 1989, Mr. Alvin E. Entin presented to the Committee's bank, the Capital Bank in Miami, Florida, a legal opinion which stated that any combination of authorized executive committee members'

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signatures would be acceptable for signing checks on the Party's Federal account. Mr. Entin stated that it was not necessary that the treasurer's signature be on a check. This legal opinion was accepted by the bank which holds the Committee's Federal account.

Mr. Southwell alleged in his complaint that Ms. Alonzo-Martinez, Ms. Collins and Mr. Cardenas signed six checks totaling $13,547.74 during August and September of 1989. Mr. Southwell stated that these expenditures were made without his knowledge or consent. Mr. Southwell further stated that he had advised the executive committee members that it was possible the Committee was violating the Federal Election Campaign Act (the "Act") by allowing any combination of authorized check signers to sign checks. He included copies of minutes of meetings where this topic had been discussed.

Counsel for respondents responded to the complaint on December 19, 1989. (Attachment 1). Counsel argues that Mr. Southwell's claim that he was not aware of and did not give his consent to the expenditures at issue, which were made in connection with the special election for the House of Representatives in Florida's 18th Congressional District, is not valid.[1/] Counsel states that Mr. Southwell first approved a preliminary budget, along with other executive committee members at a meeting on April 24, 1989, and then, on June 27, 1989, a

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1/ The special election, for the seat formerly held by the late Claude Pepper, was held on August 29, 1989. The election was won by Ileana Ros Lehtinen.

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specific budget of $36,345.00 to be used for the special election by the Campaign Activities Committee, as well as for state elections. Because of this approved budget, the Committee assertedly entered into contracts for radio advertisements and printing, and with a media consultant. Attached to counsel's response is an affidavit signed by Maria Alonzo-Martinez attesting to these statements. Counsel claims that Mr. Southwell was on vacation when the bills for the services came due, so Ms. Alonzo-Martinez and Mr. Cardenas signed the checks for these bills. He further argues that these expenditures would have become in-kind corporate contributions if the bills had not been paid. For these reasons, and because the Act does not require the treasurer's signature on checks, counsel argues that respondents did not make expenditures without Mr. Southwell's authorization.[2/]

II. FACTUAL AND LEGAL ANALYSIS

A. The Law

The legal issue presented by the complaint and response is whether the treasurer's approval of the Committee's budget would

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have been sufficient for purposes of 2 U.S.C. § 432(a) and 11 C.F.R. § 102.7(c) to constitute authorization by the treasurer of those specific expenditures which were assertedly made pursuant to such budget. Pursuant to 2 U.S.C. § 432(a), every political committee must have a treasurer. No expenditure may be made for or on behalf of a political committee without the authorization of the treasurer or his or her designated agent. 11 C.F.R. § 102.7(c) states that no expenditure shall be made for or on behalf of a political committee without the authorization of its treasurer or of an agent authorized orally or in writing by the treasurer.

The statute, regulations and legislative history of the Act are, however, silent on the question of what actions or procedures would constitute authorization by a treasurer of a committee's expenditures. The Explanation and Justification accompanying 11 C.F.R. 102.7(c) does not discuss any criteria for determining when an expenditure is or is not authorized by the treasurer. It is also not possible to derive from the language of Section 432(a), or from the regulations, a specific requirement that all checks drawn on a committee account be signed by the treasurer. Given the silence in the statute and regulations as to any particular rules or procedures regarding the authorization of expenditures by a committee treasurer, it would be reasonable to conclude that a treasurer's participation in the formulation of a committee's budget, and the absence of his or her objections to that budget, could constitute one, but

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not the only, possible form of authorization of that committee's expenditures.

B. Application of Law to Facts

Respondents concede that Ms. Alonzo-Martinez, Ms. Collins and Mr. Cardenas signed the six checks cited in the complaint. As noted above, in his response Counsel for Respondents argues that the Act and Regulations do not require that the treasurer sign all checks drawn on Committee accounts but only that the treasurer authorize the expenditure of Committee funds. In the present instance this authorization, Counsel asserts, can be found in Mr. Southwell's approval of the Committee's budget.

Attached to the response from counsel is a sworn statement by Maria Alonso-Martinez, the Committee Chairman. In her affadavit, Chairman Alonso-Martinez states that Mr. Southwell was present at the Committee meeting held on April 24, 1989, at which the Committee budget was voted on. Ms. Alonso-Martinez further stated that at the meeting of the Executive Committee Board of the Committee held on June 27 a report was presented concerning the Committee's plans for the upcoming special election. These plans called for the expenditure of $36,345 for the Special Election. According to Ms. Alonso-Martinez, "This budget was agreed upon by Mr. Southwell, our Treasurer, and the other member of the Executive Board." Later in the same affidavit, Ms. Alonso-Marinez states, "The expenditures cited in Mr. Southwell's complaint were made in full compliance with the Board Resolutions of April 24 and June 27, were made for precisely the purposes approved by the Executive Board,

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including Mr. Southwell, and were of the precise type so authorized."

This Office does not have in hand the minutes of the Executive Committee meeting of April 24, 1989, at which a budget for the Special Election was assertedly voted. Attached to Mr. Southwell's complaint were copies of the minutes of the Committee's Executive Committee Board meetings of June 27, 1989, and July 17, 1989. The June 27 minutes do include statements about a $36,345 budget for the Special Election. (Attachment 2 at page 10), although it is not clear if they include a vote on a "resolution" encompassing that entire budget. It is clear from these June 27 minutes that Mr. Southwell was in attendance at this meeting, and there is no indication that he opposed the figure of $36,345 or the nature and purpose of such expenditures. Thus it appears that Mr. Southwell was involved in the decision to make expenditures related to the Special Election. For this reason, this Office recommends that the Commission find no reason to believe that Maria Alonso-Martinez, Al Cardenas and Mary Collins violated 11 C.F.R. § 102.7(c).

III. RECOMMENDATIONS

1. Find no reason to believe that Maria Alonso-Martinez, Al Cardenas and Mary Collins violated 11 C.F.R. § 102.7(c).

2. Close the file.

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3. Approve the appropriate letters.

Lawrence M. Noble
General Counsel

Date 6/1/90

BY: [signature]
Lois G. Lerner
Associate General Counsel

Attachments

1. Counsel's response
2. Minutes of meetings of the Executive Committee Board

90040790885

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Maria Alonso-Martinez, Chairman	)	MUR 3003
Republican Party of Dade County	)	
Al Cardenas	)	
Mary Collins	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on June 7, 1990, the Commission decided by a vote of 4-0 to take the following actions in MUR 3003:

1. Find no reason to believe that Maria Alonso-Martinez, Al Cardenas and Mary Collins violated 11 C.F.R. § 102.7(c).

2. Close the file.

3. Approve the appropriate letters, as recommended in the General Counsel's report dated June 1, 1990.

Commissioners Aikens, Elliott, McGarry and Thomas voted affirmatively for the decision; Commissioners Josefiak and McDonald did not cast votes.

Attest:

June 7, 1990
Date

for Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat: Monday, June 4, 1990 4:33 p.m.
Circulated to the Commission: Tuesday, June 5, 1990 11:00 a.m.
Deadline for vote: Thursday, June 7, 1990 11:00 a.m.

dh

00040790384

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CLOSED

Junr 11, 1990

David W. Southwell
16857 N.W. 57th Avenue
Miami, Florida 33055

RE: MUR 3003

Dear Mr. Southwell:

On June 7, 1990, the Federal Election Commission reviewed the allegations of your complaint dated November 2, 1989, and found that, on the basis of the information provided in your complaint and information provided by the respondents, there is no reason to believe that Maria Alonso-Martinez, Alberto Cardenas and Mary Collins violated 11 C.F.R. § 102.7(c).

Accordingly, on June 7, 1990, the Commission closed the file in this matter. The Federal Election Campaign Act of 1971, as amended ("the Act"), allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Report

90040708 2

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 11, 1990

Justin D. Simon, Esquire
Dickstein, Shapiro & Morin
2101 L Street, N.W.
Washington, D.C. 20037

RE: MUR 3003
Maria Alonso-Martinez
Alberto Cardenas
Mary Collins

Dear Mr. Simon:

On November 13, 1989, the Federal Election Commission notified your clients of a complaint alleging violations of 11 C.F.R. § 102.7(c).

On June 7, 1990, the Commission found, on the basis of the information in the complaint and information provided by you and your clients, that there is no reason to believe that violations have occurred. Accordingly, the Commission has closed its file in this matter.

This matter will become a part of the public record within 30 days. If you wish to submit any materials to appear on the public record, please do so within ten days. Please send such materials to the Office of the General Counsel.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Report

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3003

DATE FILMED 6/22/90 CAMERA NO. 4

CAMERAMAN AS

9004070887

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 3003.

9004030005

OGC7216

CLOSED

Radio Mambi

WAQI·710 AM

Mambisa Broadcasting Corporation

P.O. BOX 451800 • 2960 CORAL WAY
MIAMI, FLORIDA 33145-1800
TEL: (305) 445-4040 • 445-4020 (SALES)

INVOICE

INVOICE NO. 0989241 PAGE

MUR 3003

[redacted]

SANCHEZ & LEVITAN
2100 CORAL WAY
SUITE 101
MIAMI FL 33145

DATE	STATION/MARKET	REVENUE
09/30/89	WAQI-AM	POLIT

ACCOUNT NO.	AGENCY	REPRESENTATIVE	BROADCAST MONTH
1605-5	00795		SEPTEMBE

FOR INVOICE INFORMATION CONTACT: ACCOUNTING DEPT 305/445-400

ADVERTISER	PRODUCT
REPUBLICAN PARTY	REPUBLICAN PARTY

SALESPERSON	SCHEDULE DATES
LORETA ANAYA	FROM: 08/28/89 TO: 09/24/8

TERMS:	MAKE PAYMENT TO:
DUE UPON RECEIPT	WAQI-AM 03

DATE	TIME	LTH.	CLASS	M/G FOR	RATE	REMARKS
8/28	0752A	30	VAR		60.00	
8/28	0952A	30	VAR		60.00	
8/28	1155A	30	VAR		60.00	
8/28	0210P	30	VAR		60.00	
8/28	0411P	30	VAR		60.00	
8/28	0615P	30	VAR		60.00	
8/28	0849P	30	VAR		60.00	
8/29	0722A	30	VAR		60.00	
8/29	0929A	30	VAR		60.00	
8/29	1135A	30	VAR		60.00	
8/29	0137P	30	VAR		60.00	
8/29	0340P	30	VAR		60.00	
8/29	0510P	30	VAR		60.00	

DATE	TIME	LTH.	CLASS	M/G FOR	RATE	REMARKS
8/28	0852A	30	VAR		60.00	
8/28	1055A	30	VAR		60.00	
8/28	1255P	30	VAR		60.00	
8/28	0310P	30	VAR		60.00	
8/28	0514P	30	VAR		60.00	
8/28	0822P	30	VAR		60.00	
8/29	0617A	30	VAR		60.00	
8/29	0828A	30	VAR		60.00	
8/29	1035A	30	VAR		60.00	
8/29	1236P	30	VAR		60.00	
8/29	0238P	30	VAR		60.00	
8/29	0442P	30	VAR		60.00	
8/29	0546P	30	VAR		60.00	

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 AUG -6 PM 2:57

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8/25/89
#1007

GROSS BILLING ANALYSIS				
CLASS	NO.	CONTRACT	UNIT COST	TOTAL COST
ANNCS	26	7730	60.00	1,560.00

TOTAL TIME CHARGES	$	1,560.00
AGENCY COMMISSION	$	234.00
OTHER CHARGES	$ $	
AMOUNT DUE STATION	$	1,326.00

Herrera Martin

State of Florida
Feb 17, 1991
Bonding Agency

SWORN TO AND SUBSCRIBED BEFORE ME
ON THIS DATE 09/30/89
AS WITNESS MY HAND AND NOTARY SEAL

FILE

Radio Mambi
WAQI·710 AM

Mambisa Broadcasting Corporation
P.O. BOX 451800 ● 2960 CORAL WAY
MIAMI, FLORIDA 33145-1800
TEL: (305) 445-4040 ● 445-4020 (SALES)

CONTRACT CONFIRMATION

START DATE	CONTRACT #	MOD #	PAGE #
8/25/89	07730		1
END DATE	DATE ENTERED	DATE LAST MODIFIED	
8/29/89		0/00/00	

SANCHEZ & LEVITAN
2100 CORAL WAY
SUITE 101
MIAMI FL 33145

ADVERTISER	STATION / MARKET	AGENCY
REPUBLICAN PARTY	WAQI-AM	795
PRODUCT	SALESPERSON / OFFICE	
REPUBLICAN PARTY	LORETA ANAYA	
ACCOUNT #	CLASS #	BILLING METHOD
1605-5	POLIT	SBC
CO-OP	EST #	BUYER #

LINE #	TIMES / PROGRAMS		DATES		LENGTH	MO	TU	WE	TH	FR	SA	SU	SPOTS PER WK	RATE
01	12:00:00N	8:00:00P	8/25/89	8/25/89	30					10			10	60.00
02	6:00:00A	10:00:00A	8/26/89	8/27/89	30						4		4	60.00
03	6:00:00A	9:00:00P	8/28/89	8/28/89	30	13							13	60.00
04	6:00:00A	6:00:00P	8/28/89	8/29/89	30		13						13	60.00

2010.00
8/31/89
8/30/89
4.007

TOTAL SPOTS 40

SUB TOTAL

PROJECTION

JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	PRODUCTION
JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	TALENT

ACCEPTED FOR STATION
NAME TITLE

ACCEPTED FOR AGENCY (AND MEDIA BUYING SERVICE, IF ANY) FOR THE ADVERTISER
NAME TITLE

CONTRACT TOTAL
2,400.00

Esta es la confirmacion de su orden recientemente colocada en WAQI Radio. Aprovechamos la oportunidad para agradecerle su patrocinage. Esperamos seguir sirviendole, si tuviese alguna pregunta sobre esta orden por favor comuniquese con su vendedor.

This is a confirmation of the order recently placed on WAQI Radio. We take this opportunity to thank you for your business. We look forward to continuing to serve you. If there is any question about this order please contact your salesperson.

[X] AM
[ ] FM

SALES ORDER

NEW

TRAFFIC USE ONLY!!!
CART # 380
CONTRACT # 7730
CUSTOMER # 1605-5

[ ] REMOTE
[ ] NEW [ ] REVISION [ ] ADDITION [ ] PRICE CHANGE [ ] CASH [ ] TRADE [ ] NON-CO.

[ ] DIRECT [X] AGENCY [X] POLITICAL
[ ] DIRECT/COM. [ ] NATIONAL [ ] PROGRAM

WEEKS 1 DAYS 5
START DATE 8-25-89 END DATE 8-29-89

ADVERTISER REPUBLICAN PARTY
PRODUCT POLITICAL ISSUE PC#
AGENCY SANCHEZ LEVITAN
AGENCY EST # 795
ADDRESS 1800 SW 27 AVE 7TH FL
CITY MIAMI STATE FLA. ZIP 33145
PHONE BUYER A. LEVITAN
SALESPERSON L. ANAYA SR# 0003

BILLING CYCLE: [X] STANDARD [ ] WEEK [ ] SPECIAL / TRADE [ ] ALT.
RANK #:
[ ] CO-OP
PACKAGE WEEKLY [ ] MONTHLY [ ]

Radio Mambi WNQI 710 AM
Mambi 98 FM WNQI

LINE #	ARC	START DATE	END DATE	START TIME	END TIME	LEN	WK ROT	M	T	W	T	F	S	S	RATE	TOTAL WKLY #	TOTAL X	TOTAL $
1		8-25-89	8-25-89	12M	8P	30	→					10			60.00	10	1	600.00
2		8-26-89	8-27-89	6A	10A	→							4		60.00	4	1	240.00
3		8-28-89	8-28-89	6A	9P			13							60.00	13	1	780.00
4		8-28-89	8-29-89	6A	6P				13						60.00	13	1	780.00

PRODUCTION
TALENT

8/25

A.S.

BILLING NAME
ADDRESS
SPECIAL REMARKS

NOTES TO TRAFFIC & ACCT.

#SPOTS / WEEK	#SPOTS / ORDER
WEEKLY GROSS	TOTAL GROSS 2400.00
SALES MGR.	
ORDERED BY A. LEVITAN	

CUSTOMER SIGNATURE DATE 8-24-89

Mombisa Broadcasting Corporation **INVOICE**

P.O. BOX 451800 • 2960 CORAL WAY
MIAMI, FLORIDA 33145-1800
TEL: (305) 445-4040 • 445-4020 (SALES)

Radio Mambi
WAQI-710 AM

INVOICE NO. [illegible] PAGE

SANCHEZ & LEVITAN
2100 CORAL WAY
SUITE 101
MIAMI FL 33145

DATE	STATION/MARKET	REVENUE
08/31/89	WAQI-AM	POLIT

ACCOUNT NO.	AGENCY	REPRESENTATIVE	BROADCAST MONTH
1605-5	00795		AUGUST

FOR INVOICE INFORMATION CONTACT: ACCOUNTING DEPT 305/445-400-

ADVERTISER	PRODUCT
REPUBLICAN PARTY	REPUBLICAN PARTY

TERMS:	MAKE PAYMENT TO:
DUE UPON RECEIPT	WAQI-AM 03

SALESPERSON	SCHEDULE DATES
LORETA ANAYA	FROM: 07/31/89 TO: 08/27/8

DATE	TIME	LTH.	CLASS	M/G FOR	RATE	REMARKS
8/25	1207P	30	VAR		60.00	
8/25	0207P	30	VAR		60.00	
8/25	0406P	30	VAR		60.00	
8/25	0545P	30	VAR		60.00	
8/25	0637P	30	VAR		60.00	
8/26	0617A	30	VAR		60.00	
8/26	0828A	30	VAR		60.00	

DATE	TIME	LTH.	CLASS	M/G FOR	RATE	REMARKS
8/25	0107P	30	VAR		60.00	
8/25	0308P	30	VAR		60.00	
8/25	0505P	30	VAR		60.00	
8/25	0603P	30	VAR		60.00	
8/25	0701P	30	VAR		60.00	
8/26	0721A	30	VAR		60.00	
8/26	0933A	30	VAR		60.00	

PAID
CHECK NO. [illegible]
AMOUNT 2040.00
DATE 8/21/89
8/28/89
#1007

GROSS BILLING ANALYSIS				
CLASS	NO.	CONTRACT	UNIT COST	TOTAL COST
ANNCS	14	7730	60.00	840.00

TOTAL TIME CHARGES	$	840.00
AGENCY COMMISSION	$	126.00-
OTHER CHARGES	$	
	$	
AMOUNT DUE STATION	$	714.00

Notary Public, State of Florida
My Commission Expires Feb. 27, 1994
Bonded Thru Maynard Bonding Agency

SWORN TO AND SUBSCRIBED BEFORE ME
ON THIS DATE 08/31/89
AS WITNESS MY HAND AND NOTARY SEAL

FILE

REPUBLICAN PARTY OF DADE COUNTY
FEDERAL ACCOUNT

1007

8/24 1989 63-841/670 01

PAY TO THE ORDER OF W.A.Q.I $ 2,400.00/xx

— TWO THOUSAND FOUR HUNDRED 00/xx — DOLLARS

CAPITAL BANK
Main Office
1221 Brickell Avenue, Miami, FL

FOR Radio Ads

⑈001007⑈ ⑆067008414⑆ ⑈0101078471⑈

9 0 0 4 0 3 0 0 0 1 0