



FEDERAL ELECTION COMMISSION  
WASHINGTON DC 20463

THIS IS THE BEGINNING OF MUR # 3823

DATE FILMED 12/17/93 CAMERA NO. 4

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

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REPORT OF THE AUDIT DIVISION  
ON THE  
REPUBLICAN PARTY OF DADE COUNTY

I. Background

A. Overview

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This report is based on an audit of the Republican Party of Dade County ("the Committee"), by the Audit Division of the Federal Election Commission in accordance with the provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). The audit was conducted pursuant to section 438(b) of Title 2 of the United States Code which states, in part, that the Commission may conduct audits and field investigations of any political committee required to file a report under section 434 of this title. Prior to conducting any audit under this section, the Commission shall perform an internal review of reports filed by selected committees to determine if the reports filed by a particular committee meet the threshold requirements for substantial compliance with the Act.

The Committee registered with the Federal Election Commission on July 9, 1984, and maintains its headquarters in Miami, Florida. The audit covered the period January 1, 1989 to December 31, 1990. The Committee reported a beginning cash balance at January 1, 1989 of \$15,668.61, total receipts of \$27,377.85, total disbursements of \$36,731.63 and a closing cash balance on December 31, 1990, of \$6,314.83.

This report is based on documents and workpapers supporting each of its factual statements. The documents and workpapers form part of the record upon which the Commission based its decisions on the matters in this report, and were available to Commissioners and appropriate staff for review.

B. Key Personnel

The Treasurers of the Committee during the period covered by the audit were Mr. William J. Delgado from 12/19/88 to 5/30/89, and Mr. David W. Southwell, from 5/30/89 to 12/30/90. The Committee's current Treasurer is Mr. Ernesto Martinez-Gil.

C. Scope

The audit included such tests as verification of total reported receipts, disbursements and individual transactions, review of required supporting documentation; analysis of debts and obligations; and other audit procedures as deemed necessary under the circumstances; except certain records were not made available, consequently substantive testing relative to disbursements was limited.

II. Audit Findings and Recommendations

Matters noted during the audit have been referred to the Office of General Counsel.

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Voter Registration Program

Section 441a(a)(2)(A) of Title 2 of the United States Code states that no multicandidate political committee shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed \$5,000.

Section 106.1(a) of Title 11 of the Code of Federal Regulations provides that expenditures on behalf of more than one candidate shall be attributed to each candidate in proportion to, and shall be reported to reflect, the benefit reasonably expected to be derived. The regulations at 11 C.F.R. §106.1(c)(2) make an exception to this rule for expenditures for registration or get-out-the-vote drives unless these expenditures are made on behalf of a clearly identified candidate and the expenditure can be directly attributed to that candidate. "Clearly identified" is defined at 2 U.S.C. §431(18) as: the name of the candidate involved appears; a photograph or drawing of the candidate appears; or the identity of the candidate is apparent by unambiguous reference.

In addition, the Act at 2 U.S.C. §§ 431(8)(B)(x) and 431(9)(B)(viii) specifically permit a local party committee to make payments in connection with volunteer activity for campaign materials, such as pins, bumper stickers, brochures, and handbills, subject to certain requirements without the payments being considered a contribution or expenditure. 11 C.F.R. §§100.7(b)(15)(v) and 100.8(b)(16)(iv) state that such payments are reported as disbursements and need not be allocated to any specific candidate.

Finally, Section 102.5(a)(1)(i) of Title 11 of the Code of Federal Regulations states in part, that organizations that are political committees under the Act may establish a separate federal account which shall be treated as separate federal committee and shall comply with the requirements of the Act including the reporting requirements. All disbursements, contributions, expenditures and transfers by the committee in connection with any federal election shall be made from its federal account.

Background

The Committee is the recognized political committee of the Republican Party for Dade County, Florida. It maintains separate bank accounts for its federal and non-federal activity.

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On August 29, 1989, a special general election was held for two state offices and to fill the seat previously held by the late Congressman Claude Pepper. There were three Republican candidates on the ballot: two candidates for state office and one candidate for federal office. The Committee conducted a voter registration program just prior to the special election.

In a recent Commission ruling regarding activities which occurred during the audit period, the Committee was found to be in violation of 2 U.S.C. §441a, making excessive contributions to a candidate for federal office and 2 U.S.C. §434(b), misreporting exempt payments as coordinated party expenditures rather than operating expenditures.

The excessive contributions resulted when the Committee made payments from the federal account to an advertising company and three radio stations for get-out-the-vote radio advertisements. The Commission determined, based on a review of a translation<sup>1/</sup> of the scripts, that the advertisements made the identity of federal candidate Ileana Ross-Lehtinen apparent by unambiguous reference. With three offices on the ballot, the costs of the advertisements should have been allocated at least one third to the federal candidate and two thirds to the state candidates in accordance with 11 C.F.R. §106.1(a). The allocable portion of the costs together with a direct contribution by the Committee resulted in contributions to Ross-Lehtinen in excess of the limit.

The Committee also reported making coordinated party expenditures on behalf of Ross-Lehtinen. The expenditures were made to a printing company for a campaign brochure, bumper stickers, and fans. The candidate's name appeared on each of the items. The Commission determined, based on a review of the Committee's reports, that the payments to the printing company qualify as exempt volunteer activity under 2 U.S.C. §§ 431(8)(B)(x) and 431(9)(B)(viii) rather than coordinated party expenditures since the Committee reported no payments for postage, mailings or mailing lists. The Committee should have reported the payments as operating expenditures.

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1/ The ads were broadcast in Spanish.

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Review of Non-federal Records<sup>1/</sup>

The Audit staff reviewed the records of the Committee's non-federal accounts in an effort to determine whether there were disbursements from the non-federal accounts such as payments for the voter registration program which may be attributable to federal candidates. The Audit staff reviewed individual checks to attempt to identify payees whose services related to the party's voter registration activities.

The Audit staff identified at least \$28,710.44 in disbursements which appear to be related to the voter registration program. See Attachment 1. According to notations contained on the canceled checks, the disbursements, in general, were made for such purposes as "phonebank" and "newspaper ads." Disbursements to one vendor are described as "design/typeset and postage." Invoices, receipted bills, contracts, phonebank scripts, copies of ads, printed materials or other documentation related to the disbursements were not present in the records reviewed by the Audit staff. Therefore the Audit staff could not determine if these disbursements were made in accordance with the exemptions described at 11 C.F.R. §106.1(c)(2) or 2 U.S.C. §§ 431(8)(B)(x) and 431(9)(B)(viii).

At the exit conference, the Audit staff provided the Committee with a schedule of the \$28,710.44 in disbursements. Committee officials stated that they would attempt to locate the documentation as well as former Committee officials who may be knowledgeable about the voter registration program.

In the Interim Audit Report the Audit staff recommended that the Committee provide information related to the voter registration program which detailed the costs associated with the program, the participants and/or beneficiaries. The information was to include documentation such as invoices, receipted bills, contracts, phonebank scripts, copies of ads and other printed materials in support of the \$28,710.44 in disbursements described above and any other disbursements related to the program.

1/ Our review of the Committee's federal activity did not reveal any additional expenditures beyond those addressed in the above described Commission ruling.

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In response to the Interim Audit Report, the Committee submitted documents to support that they had attempted to obtain the information requested but to date had received only one response to their inquiries.<sup>1/</sup> The Committee Treasurer stated that the Committee had tried to comply with the recommendations but were unable to do so. See Exhibit C.

Recommendation #1

The Audit staff recommends that this matter be referred to the Office of General Counsel.

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<sup>1/</sup> The documents received in support of this disbursement support that it was made in accordance with the exemptions described at 11 CFR §106.1(c)(2).

REPUBLICAN PARTY OF DADE COUNTY  
INTERIM AUDIT REPORT

EXHIBIT A  
Attachment # 1  
Page 1 of 2

SCHEDULE OF EXPENDITURES  
VOTER REGISTRATION ACTIVITIES

VENDOR	CK #	DATE	AMOUNT	CHECK MEMORANDUM
SPANTEL, INC.	1187	07-JUL-89	2,750.00	VOTER REG/PHONE BANK
SPANTEL, INC.	1254	09-AUG-89	3,300.00	VOTER REG/PHONE BANK BAL
<b>TOTAL SPANTEL, INC</b>			<b>6,050.00</b>	
DIRECT MAIL SYS	1231	18-JUL-89	1,209.74	INV #6163/DESIGN TYPESET
DIRECT MAIL SYS	1256	10-AUG-89	2,703.68	INV #6280
DIRECT MAIL SYS	1264	29-AUG-89	31.25	INV #6210
DIRECT MAIL SYS	1284	17-OCT-89	341.77	INV #6441
DIRECT MAIL SYS	1304	26-OCT-89	660.00	INV #6523/POSTAGE
<b>TOTAL DIRECT MAIL</b>			<b>4,946.44</b>	
ART-TEX SILK SCREEN	1123	25-MAY-89	254.00	INV #224573/BALANCE
EL EXPRESO	1189	10-JUL-89	150.00	VOTER REG PRGM
LA NACION	1190	10-JUL-89	150.00	VOTER REG PRGM
ATENAS NEWS	1191	10-JUL-89	150.00	VOTER REG PRGM
EL UNIVERSAL NEWS	1192	10-JUL-89	150.00	VOTER REG PRGM
LA PRENSA DE WCHSTR	1193	10-JUL-89	150.00	VOTER REG PRGM
OPINION	1194	10-JUL-89	150.00	VOTER REG PRGM
PATRIA	1195	10-JUL-89	150.00	VOTER REG PRGM
PANORAMA	1196	10-JUL-89	150.00	VOTER REG PRGM
LA VERDAD	1197	10-JUL-89	150.00	VOTER REG PRGM
EL MATANCERO LIBRE	1198	10-JUL-89	150.00	VOTER REG PRGM
S FLORIDA REVIEW	1199	10-JUL-89	150.00	VOTER REG PRGM
G. PAUL GREMER	1205	15-JUL-89	112.00	EXP VOTER REG CMTE
EL EXPRESO	1212	17-JUL-89	150.00	NEWSPAPER ART/PR
PATRIA	1219	17-JUL-89	390.00	FULL PG VOTERS REG AD
EL EXPRESO	1220	18-JUL-89	150.00	1/2 PG VOTERS REG AD

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REPUBLICAN PARTY OF DADE COUNTY  
 INTERIM AUDIT REPORT

EXHIBIT A  
 Attachment #1  
 Page 2 of 2

VENDOR	CK #	DATE	AMOUNT	CHECK MEMORANDUM
LA NACION	1221	18-JUL-89	150.00	1/2 PG VOTERS REG AD
ATENAS NEWS	1222	18-JUL-89	150.00	1/2 PG VOTERS REG AD
LA PRENSA DE WCHSTR	1224	18-JUL-89	150.00	1/2 PG VOTERS REG AD SP.EL.
LA VERDAD	1227	18-JUL-89	150.00	1/2 PG VOTERS REG AD SP.EL.
EL MATANCERO LIBRE	1228	18-JUL-89	150.00	1/2 PG VOTERS REG AD SP.EL.
ACONTECER COLOMBIANO	1229	18-JUL-89	150.00	1/2 PG VOTERS REG AD SP.EL.
AMERICA'S REVIEW	1230	18-JUL-89	150.00	1/2 PG VOTERS REG AD SP.EL.
MERCEDES L RODRIGUEZ	1232	19-JUL-89	1,250.00	CMPG ACT/VOTER REG/PART PD
ROBERTO VENGOECHEA	1234	21-JUL-89	960.00	RADIO/PSA/VOTER REG
U S POSTMASTER	1240	25-JUL-89	400.00	POSTAGE METER MACHINE
CREATIVE GROUP	1241	25-JUL-89	7,198.00	VOTER REG/SPEC ELEC MEDIA
LA NACION	1242	26-JUL-89	150.00	1/2 PG VOTER REG SP ELEC AD
EL MATANCERO LIBRE	1243	26-JUL-89	150.00	1/2 PG VOTER REG SP ELEC AD
ATENAS NEWS	1244	26-JUL-89	150.00	1/2 PG VOTER REG SP ELEC AD
MERCEDES RODRIGUEZ	1246	03-AUG-89	1,250.00	CMPG ACT/VOTERS REG
EL EXPRESO	1250	07-AUG-89	150.00	1/2 PG VOTERS REG AD
CARAS Y CARETAS	1251	07-AUG-89	100.00	1/4 PG VOTERS REG AD
JOSE CLAY	1257	10-AUG-89	1,000.00	SP ISSUE/"THE REPUBLICAN"
LA PRENSA DE HIALEAH	1270	29-AUG-89	200.00	VOTERS REG DRIVE
FIELD WORK RESEARCH	1278	11-SEP-89	1,000.00	SURVEY
<b>TOTAL OTHER</b>			<b>17,714.00</b>	
<b>TOTAL SPANTEL</b>			<b>6,050.00</b>	
<b>TOTAL DIRECT MAIL SYS</b>			<b>4,946.44</b>	
<b>TOTAL OTHER</b>			<b>17,714.00</b>	
<b>GRAND TOTAL</b>			<b>\$28,710.44</b>	

Omission of Disclosure Information

1. Receipts

Section 434 (b)(3)(A) of Title 2 of the United States Code states that each political committee shall disclose the identity of all persons who make a contribution to the reporting committee during the reporting period, whose contribution or contributions have an aggregate amount or value in excess of \$200 within the calendar year. Section 431(13) of this Title defines "identification" to mean, "in the case of any individual, the name, mailing address, and the occupation of such individual, as well as the name of his or her employer, and in the case of any other person, the full name and address of such person."

Also, 11 CFR § 104.3(a)(4) requires that in addition to the above, the aggregate year-to-date totals for such contributions be reported.

Section 102.9(d) of Title 11 of the Code of Federal Regulations states, in part, that in performing recordkeeping duties, the treasurer or his or her authorized agent shall use his or her best efforts to obtain, maintain, and submit the required information and shall keep a record of such efforts.

Section 104.7 of Title 11 of the Code of Federal Regulations states that if best efforts have been used to obtain, maintain, and submit the information required by the Act for the political committee, any report of such committee shall be considered in compliance with the Act.

With regard to reporting the identification of each person whose contribution(s) to the committee aggregate in excess of \$200 in a calendar year the treasurer will not be deemed to have exercised best efforts to obtain the required information unless he or she has made at least one effort per solicitation either by a written request or by an oral request documented in writing to obtain such information from the contributor. Such effort shall consist of a clear request for the information (i.e., name, mailing address, occupation, and name of employer) which request informs the contributor that the reporting of such information is required by law.

The Audit staff reviewed the reports filed by the Committee and determined that of the 20 contributions which were itemized, 14 or 70% did not include the contributor's occupation and/or name of employer. See Attachment #1.

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Further, aggregate year-to-date totals were not reported for 12 contributions totaling \$7,440 and in five of those instances the address of the contributor was also omitted. See Attachment #2.

The Audit staff found no evidence to demonstrate that the Committee exercised "best efforts" to obtain the required contributor information.

At the exit conference the Audit staff provided the Committee with a schedule of the receipts which lacked the required disclosure information. Committee officials commented that they would obtain and submit the information.

In the Interim Audit Report the Audit staff recommended that the Committee file amended Schedules A (Itemized Receipts) to correct the disclosure errors described above.

In response to the Interim Audit Report the Committee submitted an amended Schedule A and a copy of a letter which the Committee maintains was sent to each of the contributors identified on the schedule at Attachments 1 and 2. (See Attachment #3).1/

The amendment did not materially correct the disclosure errors.

Recommendation #2

The Audit staff recommends that this matter be referred to the Office of General Counsel.

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1/ Attachment #3, paragraph four states the the F.E.C. auditors asked for contributors' social security numbers. Please note that the Audit staff made no such request.

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SCHEDULE OF ITEMIZED CONTRIBUTIONS  
 MISSING OCCUPATION/NAME OF EMPLOYER

9  
3  
0  
4  
0  
9  
6  
2  
3  
1  
6

<u>CONTRIBUTOR'S NAME</u>	<u>DATE</u>	<u>AMOUNT</u>	<u>MISSING INFORMATION</u>
Sullivan, Paul T.	10-Apr-90	\$1,000.00	Occupation/Employer Name
Salby, Jay S.	16-Apr-90	400.00	Occupation/Employer Name
Entin, Alvin	23-Apr-90	280.00	Employer Name
Ferro, Mario	24-Apr-90	400.00	Occupation/Employer Name
Agoilera, P.	25-Apr-90	500.00	Occupation/Employer Name
Cowhead, David	26-Apr-90	300.00	Occupation/Employer Name
Martinez, Maria A.	01-Aug-90	200.00	Employer Name
Arriola, Joseph	25-Oct-90	1,000.00	Occupation/Employer Name
Cremata, Araceli	25-Oct-90	1,000.00	Occupation/Employer Name
Frances, Eddy	25-Oct-90	1,000.00	Occupation/Employer Name
Fano, Joseph	25-Oct-90	500.00	Occupation/Employer Name
Garcia, Antonio	25-Oct-90	250.00	Occupation/Employer Name
Gardens, Joseph	25-Oct-90	500.00	Occupation/Employer Name
Rios, Joseph A.	26-Oct-90	250.00	Occupation/Employer Name
		-----	
TOTAL		\$7,580.00	-----

SCHEDULE OF ITEMIZED CONTRIBUTIONS  
 OMITTED DISCLOSURE INFORMATION

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<u>CONTRIBUTOR'S NAME</u>	<u>DATE</u>	<u>AMOUNT</u>	<u>MISSING INFORMATION</u>
Sullivan, Paul T.	10-Apr-90	\$1,000.00	Aggregate Year To Date
Salby, Jay S.	16-Apr-90	400.00	Address/Aggregate YTD
Entin, Alvin	23-Apr-90	280.00	Aggregate Year To Date
Ferro, Mario	24-Apr-90	400.00	Address/Aggregate YTD
Agoilera, P.	25-Apr-90	500.00	Aggregate Year To Date
Orta, David	25-Apr-90	1,000.00	Aggregate Year To Date
Chartouni, Abid	26-Apr-90	1,000.00	Aggregate Year To Date
Cowhead, David	26-Apr-90	300.00	Aggregate Year To Date
Craig, Dave	01-May-90	860.00	Aggregate Year To Date
Martinez, Maria A.	01-Aug-90	200.00	Address/Aggregate YTD
Arriola, Joseph	25-Oct-90	1,000.00	Address/Aggregate YTD
Gardens, Joseph	25-Nov-90	500.00	Address/Aggregate YTD
		-----	
TOTAL		\$7,440.00	
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EXHIBIT B  
Attachment #3  
Page 1 of 1

# Republican Party of Dade County

2905 Salzedo Street • Coral Gables, Florida 33134 • (305) 443-1676 • (305) 445-2400

January 4, 1993

Dear Fellow Republican:

We all hope that you have enjoyed a great holiday season and that 1993 will prove to be a very healthy and successful year to you and your family.

We must now work to re-unite and re-build our party to make it victorious in all future elections and specially in 1996.

But first, we have to respond to inquiries received from the Federal Election Commission regarding our reports for the years 1989 & 1990.

The F.E.C. auditors have asked for your complete name, address, social security number, occupation, employers name, and total amount of contributions made by you to our Party during 1989 and 1990.

Unfortunately, our records are incomplete and we cannot respond the auditors inquiries.

This may result in penalties being assessed which would of course reduce our operational funds.

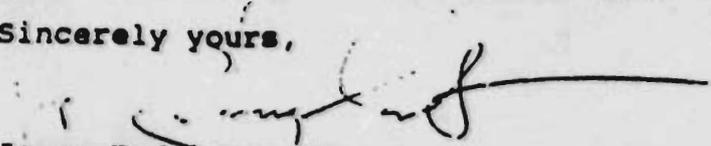
We need your help to avoid penalties.

Please review your canceled checks and receipts and let us know within the next two weeks the date and amount of your contribution to our party during 1989 and 1990.

We must respond to the F.E.C. auditors before January 25, 1993

Thank you for your anticipated cooperation.

Sincerely yours,

  
Jorge Rodriguez-Chomat  
Treasurer

P.S. Please notice that we are referring to your contributions to the REPUBLICAN PARTY OF DADE COUNTY and not to individual candidates.

JRC/ag

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**Jorge Rodriguez-Chomat & Associates, P.A.**

JORGE RODRIGUEZ-CHOMAT  
TAXATION AND GENERAL PRACTICE  
FLA. NY & WASH. DC BARS  
TELEPHONE (305) 366-3700  
FAX (305) 371-7934

THE FOUR AMBASSADORS  
825 S BAYSHORE DR  
TOWER III, SUITE 1750  
MIAMI, FLORIDA 33131

*Rec'd in Audit  
1/29/93 @ 3:15 pm  
-mw*

January 25, 1993

Mr. Robert J. Costa  
Assistant Director, Audit Division  
Federal Election Commission  
Washington D.C. 20463

RE: REPUBLICAN PARTY OF DADE COUNTY

Dear Mr. Costa:

In further reference to my letter of December 16, 1992 and your subsequent reply extending until February 1st our party's deadline to respond to your office's "Interim Report of the Audit Division", please be advised of the following:

In order to comply with your office's recommendation number 1, we have written to all of the persons and entities identified in the schedule attached to your report requesting information from them that we need to provide to you.

Attached hereto please find copies of the letters that we mailed to each one of them last January 5th.

Unfortunately, the response that we have received is extremely limited. One or two of the businesses that we wrote to called stating that they did not keep any records regarding our request. Most of them have not replied yet.

In order to comply with recommendation number 2 of your Audit Report, we wrote to the contributors identified in your schedule, attachment number 3 to your report.

We attach a copy of the letter that we sent to each one of those persons. Again, the reply to our letter has been very limited. We attach copies of the only letter received, from Mr. Paul Grimmer, which should be self-explanatory.

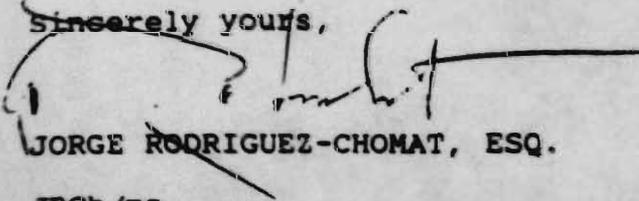
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Page Two

I regret to inform you that even though we have tried to the best of our ability to comply with your recommendations and to provide you with the information requested, that it does not appear likely that we will be able to do so.

The existing accounting records simply do not provide all the information that you request; nevertheless, we respectfully request that you take into account our good faith and our efforts to provide you with the requested information and that you waive any possible penalty against the Republican Party of Dade County.

Sincerely yours,



JORGE RODRIGUEZ-CHOMAT, ESQ.

JRCh/ms

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

**SENSITIVE**

FIRST GENERAL COUNSEL'S REPORT

LRA #415/AR #93-10  
STAFF MEMBER: Lorenzo Holloway

SOURCE: INTERNALLY GENERATED

RESPONDENTS: Republican Party of Dade County  
and Jorge Rodriguez-Chomat, as  
Treasurer

RELEVANT STATUTES: 2 U.S.C. § 431(8)(B)(x)  
2 U.S.C. § 431(9)(B)(B)(viii)  
2 U.S.C. § 431(13)  
2 U.S.C. § 434(b)  
2 U.S.C. § 438(b)  
2 U.S.C. § 441a(a)(1)(A)  
2 U.S.C. § 441a(a)(2)(A)  
11 C.F.R. § 100.12  
11 C.F.R. § 102.5(a)(1)(i)  
11 C.F.R. § 104.3(a)(4)  
11 C.F.R. § 104.7(a) and (b)

INTERNAL REPORTS CHECKED: Audit Documents

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

This matter was generated by an audit of the Republican Party of Dade County ("the Committee") undertaken in accordance with 2 U.S.C. § 438(b). The Committee's treasurers during the period covered by the audit, January 1, 1989 to December 31, 1990, were David W. Southwell and William J. Delgado.<sup>1/</sup> The Committee is a local party committee that registered with the Commission on July 9, 1984. The Committee maintains its

<sup>1/</sup> Jorge Rodriguez-Chomat became treasurer of the Committee on December 10, 1992.

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headquarters in Miami, Florida. The Audit Division's referral materials and the Committee's response to the Interim Audit Report are attached.

## II. LEGAL AND FACTUAL ANALYSIS

### A. Disbursements From Non-federal Account Attributable To Federal Candidates

The Federal Election Campaign Act, ("the FECA") as amended, provides that any person may contribute an aggregate of \$1,000 with respect to any election to a candidate for federal office and that a multicandidate political committee may contribute an aggregate of \$5,000 with respect to any election to a candidate for federal office. 2 U.S.C. §§ 441a(a)(1)(A) and 441a(a)(2)(A). A political committee may not knowingly accept a contribution in excess of these limitations. Generally, a contribution is "any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office..."

Payments by state and local committees of a political party for campaign materials, such as pins and bumperstickers, used in connection with volunteer activity are not considered contributions or expenditures provided that: 1) the payments are not used in connection with general public communication or political advertising; 2) they are made from contributions subject to the limitations and prohibitions of the FECA; and 3) they are not from contributions that were designated to be spent on behalf of a particular candidate. 2 U.S.C. §§ 431(8)(B)(x) and 431(9)(B)(viii). Furthermore, expenditures for voter

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registration and get-out-the-vote drives of committees will not be attributable to a federal candidate, unless the expenses are made on behalf of a clearly identified federal candidate and the expenses can be directly attributed to that candidate. 11 C.F.R. § 106.1(c)(2)

Political committees may establish separate federal and non-federal accounts. 11 C.F.R. § 102.5(a)(1)(i). However, political committees can only deposit funds subject to the prohibitions and limitations of the FECA into its federal account and "[a]ll disbursements, contributions, expenditures, and transfers by the committee in connection with any federal election shall be made from its federal account." Id.

The Committee maintains a federal account and a non-federal account. The Committee conducted a voter registration program prior to a special general election that was held in Florida on August 29, 1989 to fill two state offices and a federal office formerly held by the late Congressman Claude Pepper. The Committee paid \$8,800 for radio broadcasts related to its get-out-the-vote campaign. The payments were made to three radio stations on August 24, 1989 and to an advertising firm, Sanchez & Levitan Advertising Co., on August 25, 1989. The Committee paid for the radio advertisements from its federal account.

On December 3, 1991, the Commission found probable cause to believe that the Committee violated 2 U.S.C. § 441a by making excessive contributions to a federal committee, Ileana Ros-Lehtinin for Congress Committee. Matter Under Review

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("MUR") 3054. The Commission found that the advertisements urged the radio listeners to vote for Ileana Ros-Lehtinin for the federal office and the two Republican candidates for state office. The portion determined to be allocable to the Ileana Ros-Lehtinin for Congress Committee was \$2,734. Id. The Committee had also made a \$5,000 direct contribution to the Ileana Ros-Lehtinin for Congress Committee with respect to the special general election. Id. Therefore, the Committee made an excessive contribution in the amount of \$2,734. The excessive contribution was made from the federal account during the period covered by the audit.<sup>2/</sup>

Since MUR 3054 found that the disbursements from the federal account were attributable to a federal candidate, there was a question as to whether similar types of disbursements from the Committee's non-federal account may be attributable to a federal candidate. 11 C.F.R. § 102.5(a)(1)(i). The Audit Division reviewed the disbursements from the Committee's non-federal account to determine whether any other expenditures or portions thereof from that account were attributable to federal candidates. The Audit Division examined checks related to the Committee's voter registration activities and identified

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<sup>2/</sup> The Commission also found probable cause to believe that the Committee violated 2 U.S.C. § 434(b) by reporting that it made coordinated party expenditures on behalf of Ileana Ros-Lehtinin for Congress Committee without authorization from the national committee, the Republican National Committee, or the state committee, the Republican Party of Florida. MUR 3054. The Commission noted that the Committee should have reported the expenses as operating expenditures. Id. On March 5, 1992, the Commission approved the conciliation agreement with the Republican Party of Dade County and closed the file.

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\$28,710.44 in disbursements to 25 vendors. However, due to the very general notations on the checks, the Audit staff could not determine if the Committee's disbursements were contributions or expenditures or if the expenses were for the purpose of exempt voter registration activities and, therefore, not attributable to a federal candidate.<sup>3/</sup> 2 U.S.C. §§ 431(8)(B)(x) and 431(9)(B)(viii); 11 C.F.R. § 106.1(c)(2). For example, the check notations, for checks dated from July 18, 1989 to July 26, 1989, indicate that the Committee made payments for newspaper advertisements for the special election. A check dated July 21, 1989 indicates that the Committee paid its vendor, Roberto Venegoechea, \$960.00 for a radio advertisement related to its voter registration program. The Interim Audit Report recommended that the Committee provide information which details the costs related to the voter registration program.<sup>4/</sup>

The Committee responded to the recommendation in the Interim Audit Report by noting that it contacted its vendors to obtain the information, but most of the vendors did not reply. Attachment 1 at 15. The Committee stated that one or two vendors called and indicated that they did not keep such records. Id. The Audit Division notes that the Committee submitted information in support of one disbursement in the

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<sup>3/</sup> The general notations included "phonebank" and "newspaper ads." Other disbursements were described as "design/typeset and postage."

<sup>4/</sup> The Interim Audit Report noted that this information should include invoices, receipted bills, contracts, phonebank scripts, and copies of ads and other printed materials.

amount of \$112 to G. Paul Gremer.<sup>5/</sup> This information was a letter from Mr. Gremer noting that particular expenses were for refreshments for the volunteers for the Committee's voter registration activities. The Audit Division believes that this letter shows that the disbursement was for exempt activity.

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Although the disbursements from the federal and non-federal accounts were made to different vendors, it appears that the disbursements from the non-federal account were similar in kind and in proximate time to the disbursements from the federal account. In MUR 3054, the Committee paid three radio stations and the advertising firm of Sanchez & Levitan Advertising Co. The costs for those commercials were paid on August 24 and 25, 1989. In the case before us, it appears that the Committee made a disbursement from its non-federal account for a radio advertisement that was paid on July 21, 1989 to Roberto Venegoechea. In addition, from July 18, 1989 to August 7, 1989, the Committee paid expenses for newspaper advertisements. The check memorandum indicates that the newspaper advertisements were related to the Committee's voter registration program. Nevertheless, there is no documentation, such as copies of the advertisements, to support a conclusion that the expenses were incurred for the Committee's voter registration program or that

<sup>5/</sup> The Committee submitted additional information after the close of the 30-day period for responding to the Interim Audit Report. However, this information does not demonstrate whether the disbursements at issue were for exempt activity.

the advertisements made no reference to any federal candidates.<sup>6/</sup>  
See Attachment 1 at 15. The Office of General Counsel recognizes that this is a close issue. However, in light of the fact that the disbursements were made in connection with the same special election for apparently similar purposes and around the same time as those in MUR 3054, the Office of General Counsel recommends that the Commission find reason to believe that the Committee and Jorge Rodriguez-Chomat, as treasurer, violated 11 C.F.R. § 102.5(a)(1)(i).

**B. Omission Of Disclosure Information**

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Reports filed by political committees must include the identification of each person who makes a contribution or whose aggregate of contributions is in excess of \$200. 2 U.S.C. § 434(b)((3)(A); 11 C.F.R. § 104.3(a)(4). Identification includes the name, address, occupation and employer of the contributor. 2 U.S.C. § 431(13); 11 C.F.R. § 100.12. Furthermore, the Committee must report the aggregate year-to-date totals for these contributors. 11 C.F.R. § 104.3(a)(4).

The treasurer of a political committee must use best efforts to obtain, maintain and submit the information that is required to be reported in order to be in compliance with the FECA. 11 C.F.R. § 104.7(a). The treasurer is considered to have used his best efforts to obtain the identification

<sup>6/</sup> With the exception of national party committees, political committees are not required to report disbursements from their non-federal accounts. Compare 11 C.F.R. § 104.9(a) with 11 C.F.R. § 104.9(c).

information from the contributor(s) if he or she has made at least one request per solicitation to obtain the information. 11 C.F.R. § 104.7(b). The request may be written or oral, but the oral request must be documented in writing. Id. Furthermore, the treasurer's efforts must consist of a clear request for the identification information. Id.

The Audit Division reviewed the Committee's reports and found that the Committee itemized 20 contributions. However, a total of 14 contributions, or 70% of the itemized contributions, did not include the complete identification information. Attachment 1 at 12. There were 12 items that lacked both the occupation and name of employer and 2 items that did not include name of the employer. Furthermore, the Committee did not report the aggregate year-to-date total contributions from 12 individuals. Attachment 1 at 13. Five of these individuals were a part of the group that was also lacking complete identification information.

The Interim Audit Report recommended that the Committee file an amended Schedule A to correct the omitted information. In response to the Interim Audit Report, the Committee submitted an amended Schedule A and copies of letters that it sent to contributors requesting the information. The Audit Division notes that the Committee's amended Schedule A did not materially correct the disclosure errors. The Committee corrected 5 of the 14 items that did not include the occupation and name of

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employer information. In addition, the Committee only provided the address information for 2 of the 5 individuals lacking such information.

The Committee has failed to report the occupation and name of employer for certain persons whose aggregate contributions are in excess of \$200. 2 U.S.C. § 434(b)(3)(A). Furthermore, the Committee did not report the aggregate year-to-date totals for certain contributors. 11 C.F.R. § 104.3(a)(4). The Audit Division asserts that it found no evidence that the Committee exercised best efforts to obtain the information.

The letters sent to the contributors requesting the identification and aggregate year-to-date contribution information do not appear to satisfy the best efforts standard. These letters did not inform the contributors that the reporting of such information is required by law. 11 C.F.R. § 104.7(b). Rather, the letters state that the failure of the Committee to provide this information to the Audit Division "may result in penalties being assessed which would of course reduce [the Committee's] operational funds." Attachment 1 at 18. While the letters may have suggested that the failure to provide the information would affect its operating budget, the contributors were not informed that such information is necessary in order for the Committee to be in compliance with the law. See Id. Therefore, the Committee's treasurer cannot be deemed to have used best efforts to obtain the information from the contributors. Id. Accordingly, the Office of General Counsel

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recommends that the Commission find reason to believe that the Committee and Jorge Rodriguez-Chomat, as treasurer, violated 2 U.S.C. § 434(b)((3)(A) and 11 C.F.R. § 104.3(a)(4).

**III. PLAN FOR FURTHER INVESTIGATION**

Provided the Commission finds reason to believe as recommended by this report, the Office of General Counsel will need to obtain additional information to determine whether the disbursements from the non-federal account are exempt or attributable to a federal candidate. This Office intends to issue subpoenas to the Committee and 24 vendors to request information, such as copies of newspaper advertisements, phonebank scripts, invoices and contracts.

The Office of General Counsel notes that the documentation was requested in the Interim Audit Report, but the Committee's response included information from only one vendor. The Committee's response to the Interim Audit Report indicated that it requested the information from all of the vendors. Attachment 1 at 15. However, the Committee asserts that the response from the vendors was limited. Id. The Committee contends that one or two of the vendors responded by telephone and stated that they did not maintain the information. Id. The Committee did not state which vendors responded to its request for information. This Office notes that subpoenas would compel the vendors to produce the documentation. Therefore, the Office of General Counsel recommends that the Commission approve the

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issuance of subpoenas to the Committee's vendors. This Office has attached sample subpoenas. See Attachment 3. A complete list of the vendors is included in recommendation #4.

**IV. RECOMMENDATIONS**

1. Open a MUR.
2. Find reason to believe that the Republican Party of Dade County and Jorge Rodriguez-Chomat as its treasurer, violated 11 C.F.R. § 102.5(a)(1)(i).
3. Find reason to believe that the Republican Party of Dade County and Jorge Rodriguez-Chomat, as treasurer, violated 2 U.S.C. § 434(b)(3)(A) and 11 C.F.R. § 104.3(a)(4).
4. Authorize the issuance of subpoenas to the following vendors:

Spantel, Inc.  
Direct Mail System  
Art-Text Silk Screen  
El Expreso  
La Nacion  
Atenas News  
El Universal News  
La Prensa De Wchstr  
Opinion  
Patria  
Panorama  
La Verdad  
El Matancero Libre  
S. Florida Review  
Acontecer Colombiano  
America's Review  
Mercedes L. Rodriguez  
Roberto Venegoechea  
U.S. Postmaster  
Creative Group  
Caras Y. Caretas  
Jose Clay  
La Prensa De Hialeah  
Field Work Research

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5. Approve the attached Factual and Legal Analysis.
6. Approve the appropriate letters.

Lawrence M. Noble  
General Counsel

10/5/93  
Date

By: Kim Bright-Coleman  
Kim Bright-Coleman  
Associate General Counsel

Attachments

1. Audit Division's Referral and Committee's Response to the Interim Audit Report, dated January 25, 1993.
2. Factual and Legal Analysis
3. Sample Subpoenas.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Republican Party of Dade County ) Agenda Document  
 ) #X93-73  
-- LRA #415/AR-93-10 )  
(3823)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on October 19, 1993, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions with respect to the above-captioned matter:

1. Open a MUR.
2. Find reason to believe that the Republican Party of Dade County and Jorge Rodriguez-Chomat, as its treasurer, violated 11 C.F.R. § 102.5(a)(1)(i), and take no further action.
3. Find reason to believe that the Republican Party of Dade County and Jorge Rodriguez-Chomat, as its treasurer, violated 2 U.S.C. § 434(b)(3)(A) and 11 C.F.R. § 104.3(a)(4), and take no further action.
4. Send the appropriate Factual and Legal Analysis.
5. Direct the Office of General Counsel to send appropriate letters containing an admonishment for these violations.

(continued)

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Federal Election Commission  
Certification: LRA #415/AR #93-10  
October 19, 1993

Page 2

5. Close the file.

Commissioners Aikens, Elliott, McDonald, McGarry,  
Potter, and Thomas voted affirmatively for the decision.

Attest:

10-20-93  
Date

*Marjorie W. Emmons*  
Marjorie W. Emmons  
Secretary of the Commission

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THACDonald



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20461

NOVEMBER 10, 1993

Jorge Rodriguez-Chomat  
Republican Party of Dade County  
2905 Salzedo Street  
Coral Gables, FL 33134

RE: MUR 3823  
Republican Party of Dade  
County and Jorge  
Rodriguez-Chomat, as  
treasurer

Dear Mr. Rodriguez-Chomat:

On October 19, 1993, the Federal Election Commission found reason to believe that the Republican Party of Dade County ("Committee") and you, as treasurer, violated 11 C.F.R. § 102.5(a)(1)(i). The Commission also found reason to believe that the Committee and you, as treasurer, violated 2 U.S.C. § 434(b)(3)(A) and 11 C.F.R. § 104.3(a)(4). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that the failure of a political committee, which finances political activity in connection with both federal and non-federal elections, to make all disbursements in connection with any federal election only from its federal account is a violation of 11 C.F.R. § 102.5(a)(1)(i). The Commission also reminds you that the failure of a committee to include on its reports the identification of each person who makes a contribution or whose aggregate of contributions is in excess of \$200 is a violation of 2 U.S.C. § 434(b)(3)(A) and 11 C.F.R. § 104.3(a)(4). Please be advised that you should take immediate steps to insure that violations of this nature do not occur in the future. The Commission may choose to initiate enforcement action against you if these violations occur in the future.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed

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Jorge Rodriguez-Casas  
MUR 3823  
Page 2

on the public record before receiving your additional materials,  
any permissible submissions will be added to the public record  
upon receipt.

If you have any questions, please contact Lorenzo Holloway,  
the Assistant General Counsel assigned to this matter, at  
(202) 219-3690.

Sincerely,



Scott E. Thomas  
Chairman

Enclosure  
Factual and Legal Analysis

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**FEDERAL ELECTION COMMISSION  
FACTUAL AND LEGAL ANALYSIS**

**RESPONDENTS:** Republican Party of Dade County and Jorge Rodriguez-Chomat, as treasurer

**I. DISBURSEMENTS FROM NON-FEDERAL ACCOUNT ATTRIBUTABLE TO  
FEDERAL CANDIDATES**

The Federal Election Campaign Act, ("the FECA") as amended, provides that any person may contribute an aggregate of \$1,000 with respect to any election to a candidate for federal office and that a multicandidate political committee may contribute an aggregate of \$5,000 with respect to any election to a candidate for federal office. 2 U.S.C. §§ 441a(a)(1)(A) and 441a(a)(2)(A). A political committee may not knowingly accept a contribution in excess of these limitations. Generally, a contribution is "any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office..."

Payments by state and local committees of a political party for campaign materials, such as pins and bumperstickers, used in connection with volunteer activity are not considered contributions or expenditures provided that: 1) the payments are not used in connection with general public communication or political advertising; 2) they are made from contributions subject to the limitations and prohibitions of the FECA; and 3) they are not from contributions that were designated to be spent on behalf of a particular candidate. 2 U.S.C. §§ 431(8)(B)(x) and 431(9)(B)(viii). Furthermore, expenditures for voter

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registration and get-out-the-vote drives of committees will not be attributable to a federal candidate, unless the expenses are made on behalf of a clearly identified federal candidate and the expenses can be directly attributed to that candidate. 11 C.F.R. § 106.1(c)(2)

Political committees may establish separate federal and non-federal accounts. 11 C.F.R. § 102.5(a)(1)(i). However, political committees can only deposit funds subject to the prohibitions and limitations of the FECA into its federal account and "[a]ll disbursements, contributions, expenditures, and transfers by the committee in connection with any federal election shall be made from its federal account." Id.

The Committee maintains a federal account and a non-federal account. The Committee conducted a voter registration program prior to a special general election that was held in Florida on August 29, 1989 to fill two state offices and a federal office formerly held by the late Congressman Claude Pepper. The Committee paid \$8,800 for radio broadcasts related to its get-out-the-vote campaign. The payments were made to three radio stations on August 24, 1989 and to an advertising firm, Sanchez & Levitan Advertising Co., on August 25, 1989. The Committee paid for the radio advertisements from its federal account.

On December 3, 1991, the Commission found probable cause to believe that the Committee violated 2 U.S.C. § 441a by making excessive contributions to a federal committee, Ileana Ros-Lehtinin for Congress Committee. Matter Under Review

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("MUR") 3054. The Commission found that the advertisements urged the radio listeners to vote for Ileana Ros-Lehtinin for the federal office and the two Republican candidates for state office. The portion determined to be allocable to the Ileana Ros-Lehtinin for Congress Committee was \$2,734. Id. The Committee had also made a \$5,000 direct contribution to the Ileana Ros-Lehtinin for Congress Committee with respect to the special general election. Id. Therefore, the Committee made an excessive contribution in the amount of \$2,734. The excessive contribution was made from the federal account during the period covered by the audit.<sup>1/</sup>

Since MUR 3054 found that the disbursements from the federal account were attributable to a federal candidate, there was a question as to whether similar types of disbursements from the Committee's non-federal account may be attributable to a federal candidate. 11 C.F.R. § 102.5(a)(1)(i). The Audit Division reviewed the disbursements from the Committee's non-federal account to determine whether any other expenditures or portions thereof from that account were attributable to federal candidates. The Audit Division examined checks related to the Committee's voter registration activities and identified

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<sup>1/</sup> The Commission also found probable cause to believe that the Committee violated 2 U.S.C. § 434(b) by reporting that it made coordinated party expenditures on behalf of Ileana Ros-Lehtinin for Congress Committee without authorization from the national committee, the Republican National Committee, or the state committee, the Republican Party of Florida. MUR 3054. The Commission noted that the Committee should have reported the expenses as operating expenditures. Id. On March 5, 1992, the Commission approved the conciliation agreement with the Republican Party of Dade County and closed the file.

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\$28,710.44 in disbursements to 25 vendors. However, due to the very general notations on the checks, the Audit staff could not determine if the Committee's disbursements were contributions or expenditures or if the expenses were for the purpose of exempt voter registration activities and, therefore, not attributable to a federal candidate.<sup>2/</sup> 2 U.S.C. §§ 431(8)(B)(x) and 431(9)(B)(viii); 11 C.F.R. § 106.1(c)(2). For example, the check notations, for checks dated from July 18, 1989 to July 26, 1989, indicate that the Committee made payments for newspaper advertisements for the special election. A check dated July 21, 1989 indicates that the Committee paid its vendor, Roberto Venegoechea, \$960.00 for a radio advertisement related to its voter registration program. The Interim Audit Report recommended that the Committee provide information which details the costs related to the voter registration program.<sup>3/</sup>

The Committee responded to the recommendation in the Interim Audit Report by noting that it contacted its vendors to obtain the information, but most of the vendors did not reply. The Committee stated that one or two vendors called and indicated that they did not keep such records. Id. The Audit Division notes that the Committee submitted information in support of one disbursement in the amount of \$112 to G. Paul

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<sup>2/</sup> The general notations included "phonebank" and "newspaper ads." Other disbursements were described as "design/typeset and postage."

<sup>3/</sup> The Interim Audit Report noted that this information should include invoices, receipted bills, contracts, phonebank scripts, and copies of ads and other printed materials.

Gremer.<sup>4/</sup> This information was a letter from Mr. Gremer noting that particular expenses were for refreshments for the volunteers for the Committee's voter registration activities. The Audit Division believes that this letter shows that the disbursement was for exempt activity.

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Although the disbursements from the federal and non-federal accounts were made to different vendors, it appears that the disbursements from the non-federal account were similar in kind and in proximate time to the disbursements from the federal account. In MUR 3054, the Committee paid three radio stations and the advertising firm of Sanchez & Levitan Advertising Co. The costs for those commercials were paid on August 24 and 25, 1989. In the case before us, it appears that the Committee made a disbursement from its non-federal account for a radio advertisement that was paid on July 21, 1989 to Roberto Venegoechea. In addition, from July 18, 1989 to August 7, 1989, the Committee paid expenses for newspaper advertisements. The check memorandum indicates that the newspaper advertisements were related to the Committee's voter registration program. Nevertheless, there is no documentation, such as copies of the advertisements, to support a conclusion that the expenses were incurred for the Committee's voter registration program or that

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<sup>4/</sup> The Committee submitted additional information after the close of the 30-day period for responding to the Interim Audit Report. However, this information does not demonstrate whether the disbursements at issue were for exempt activity.

the advertisements made no reference to any federal candidates.<sup>5/</sup> In light of the fact that the disbursements were made in connection with the same special election for apparently similar purposes and around the same time as those in MUR 3054, the Commission found reason to believe that the Committee and Jorge Rodriguez-Chomat, as treasurer violated 11 C.F.R.

§ 102.5(a)(1)(i).

## II. OMISSION OF DISCLOSURE INFORMATION

Reports filed by political committees must include the identification of each person who makes a contribution or whose aggregate of contributions is in excess of \$200. 2 U.S.C. § 434(b)((3)(A); 11 C.F.R. § 104.3(a)(4). Identification includes the name, address, occupation and employer of the contributor. 2 U.S.C. § 431(13); 11 C.F.R. § 100.12. Furthermore, the Committee must report the aggregate year-to-date totals for these contributors. 11 C.F.R. § 104.3(a)(4).

The treasurer of a political committee must use best efforts to obtain, maintain and submit the information that is required to be reported in order to be in compliance with the FECA. 11 C.F.R. § 104.7(a). The treasurer is considered to have used his best efforts to obtain the identification information from the contributor(s) if he or she has made at least one request per solicitation to obtain the information.

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<sup>5/</sup> With the exception of national party committees, political committees are not required to report disbursements from their non-federal accounts. Compare 11 C.F.R. § 104.9(a) with 11 C.F.R. § 104.9(c).

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11 C.F.R. § 104.7(b). The request may be written or oral, but the oral request must be documented in writing. Id. Furthermore, the treasurer's efforts must consist of a clear request for the identification information. Id.

The Audit Division reviewed the Committee's reports and found that the Committee itemized 20 contributions. However, a total of 14 contributions, or 70% of the itemized contributions, did not include the complete identification information. There were 12 items that lacked both the occupation and name of employer and 2 items that did not include name of the employer. Furthermore, the Committee did not report the aggregate year-to-date total contributions from 12 individuals. Five of these individuals were a part of the group that was also lacking complete identification information.

The Interim Audit Report recommended that the Committee file an amended Schedule A to correct the omitted information. In response to the Interim Audit Report, the Committee submitted an amended Schedule A and copies of letters that it sent to contributors requesting the information. The Audit Division notes that the Committee's amended Schedule A did not materially correct the disclosure errors. The Committee corrected 5 of the 14 items that did not include the occupation and name of employer information. In addition, the Committee only provided the address information for 2 of the 5 individuals lacking such information.

The Committee has failed to report the occupation and name of employer for certain persons whose aggregate contributions

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are in excess of \$200. 2 U.S.C. § 434(b)(3)(A). Furthermore, the Committee did not report the aggregate year-to-date totals for certain contributors. 11 C.F.R. § 104.3(a)(4). The Audit Division asserts that it found no evidence that the Committee exercised best efforts to obtain the information.

The letters sent to the contributors requesting the identification and aggregate year-to-date contribution information do not appear to satisfy the best efforts standard. These letters did not inform the contributors that the reporting of such information is required by law. 11 C.F.R. § 104.7(b). Rather, the letters state that the failure of the Committee to provide this information to the Audit Division "may result in penalties being assessed which would of course reduce [the Committee's] operational funds." While the letters may have suggested that the failure to provide the information would affect its operating budget, the contributors were not informed that such information is necessary in order for the Committee to be in compliance with the law. Therefore, the Committee's treasurer cannot be deemed to have used best efforts to obtain the information from the contributors. Accordingly, the Commission found reason to believe that the Committee and Jorge Rodriguez-Chomat, as treasurer violated 2 U.S.C. § 434(b)(3)(A) and 11 C.F.R. § 104.3(a)(4).

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3823

DATE FILMED 12/17/93 CAMERA NO. 4

CAMERAMAN E.E.S.

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