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August 17, 2004

Federal Elections Commission  
Office of General Counsel  
999 E Street, N.W.  
Washington, DC 20463

MUR# 5516

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
GENERAL  
OFFICE OF COUNSEL  
AUG 18 2004

RE: Failure of Patlak for Congress to file July 15, 2004 Federal Elections Commission Report with known expenditures well over \$10,000.

Dear Gentlemen:

I wish, by this letter, to inform the Federal Elections Commission of the failure of the [David] Patlak for Congress Committee (C00397190) to file its Second Quarter FEC Report due July 15, 2004, in the U.S. House race of Florida's 18<sup>th</sup> Congressional District.<sup>1</sup>

Based on information contained in the FEC website, the Patlak campaign website, and observance of various campaign signage described below, the Patlak for Congress Committee has expended over \$5,000.00 in the second quarter of 2004, surpassing the threshold for mandatory filing (Federal Election Commission Campaign Guide, Chapter 2, pg. 6). Though Patlak for Congress may have intended to file for office by the petition method in Florida, they instead paid the filing fee in the amount of \$9,282.00.<sup>2,3,4</sup>

The Patlak for Congress Committee has demonstrated expenditures through their website.<sup>5, 6</sup> They have a treasurer, a webmaster and website ([www.patlak.org](http://www.patlak.org)), a press secretary (Jody Finver, [jfinver@patlak.org](mailto:jfinver@patlak.org)) and numerous press releases,<sup>7</sup> including news of travel throughout

<sup>1</sup> Patlak for Congress filings of Statement of Candidacy, Statement of Organization, and explanatory letter in lieu of filing for First Quarter report (4/15/04) to the Federal Elections Commission.

<sup>2</sup> Patlak for Congress filings of Statement of Candidacy, Statement of Organization, and explanatory letter in lieu of filing for First Quarter report (4/15/04) to the Federal Elections Commission

<sup>3</sup> Patlak for Congress' website thanks supporters for raising "\$9200 by May 3, 2004".

<sup>4</sup> Patlak for Congress' website page "Online Contribution" explains FEC law (including need for name, mailing address, occupation and name of employer) and other limitations and provides information on how to contribute online with a secure encrypted transaction

<sup>5</sup> Patlak for Congress' website has available downloadable versions of their printed fliers, which read "Paid Political Advertisement by Patlak for Congress".

<sup>6</sup> Patlak for Congress' website page "Flood Relief" informs supporters "In conjunction with Operation Helping Hands we are asking everyone to...help with aid to Haiti and Dominican Republic. Call the campaign to arrange pick up."

<sup>7</sup> Patlak for Congress' website page "Latest News" located at: <http://www.patlak.org/id19.html>

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the district.<sup>8, 9</sup> One Patlak for Congress press release mentions the purchase of movie tickets for campaign supporters.<sup>10</sup> None of these expenditures have been reported to the FEC.

Another press release lists a fund-raiser hosted by Chin Martinez held for Mr. Patlak at the Versailles Restaurant in Miami on June 18<sup>th</sup>, proving that in-kind food contributions were accepted and Patlak for Congress collected contributions.<sup>11</sup>

Patlak for Congress encourages on-line credit card donations. The set-up with a bank to accept on-line credit card contributions has an upfront cost and continuing expenditures per contribution. These have not been reported.<sup>12</sup>

The Miami Herald reported a fund-raiser for Patlak for Congress co-hosted by Tessie Aral, President of ABC Charters, a Cuban-American owned company that charters trips to Cuba. This event was not reported to the FEC, nor was its expenditures or receipts.<sup>13</sup>

Patlak for Congress has campaign signage on vacant lots along several major routes in Miami-Dade County (photograph copies enclosed).<sup>14</sup> The purchase of these signs has not been reported.

Hand-out cards, printed in three colors, have been found in both Miami-Dade and Monroe counties (a sample is enclosed).

Volunteer organizer, Peter Stinson, posted a “Get out & volunteer...Later this month, get & vote...” blog entry on the Patlak for Congress blog spot which tells volunteers “to wear those stylish Dave Patlak for Congress t-shirts.”<sup>15</sup> He later exhorts volunteers to attend a phone bank at the home of another volunteer, Dave Jordan, being held at his home where, “Everyone who attends will have ample and delicious food.”<sup>16</sup> This is an admission to the expenditure (or in-kind) of a phone bank venue and t-shirts. Neither has been reported.

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<sup>8</sup> Patlak for Congress press release dated, June 1, 2004, states that “He [Candidate Patlak] will be in Key West attending the opening of the Monroe County Democratic Executive Committee Office ”

<sup>9</sup> Patlak for Congress press release dated, May 3, 2004, ends with “Kicking off his Official Congressional Candidacy, Democratic challenger, David Patlak, took to the streets this weekend canvassing the neighborhoods of Naranja, meeting and registering voters, and helping his would-be constituents complete their Absentee Ballot Applications.”

<sup>10</sup> Patlak for Congress press release, dated June 29<sup>th</sup>, states that “a large group of Patlak for Congress volunteers was taken as a treat to see Michael Moore’s documentary, ‘Fahrenheit 9/11’ this Saturday.. ”

<sup>11</sup> Patlak for Congress press release dated, June 29, 2004, ends with “The Mayor’s father, Chin Martinez, hosted a breakfast for Patlak at Versailles Restaurant on June 18.” Press release dated, June 26, 2004 states “a successful Congressional campaign breakfast at Versailles Restaurant hosted by Chin Martinez, father of Hialeah Mayor Raul Martinez.”

<sup>12</sup> Patlak for Congress’ website page “Online Contribution” states “We are asking all our online supporters to please consider putting your generous contribution on credit card.”

<sup>13</sup> Federal Election Commission Campaign Guide, Chapter 2, pg. 6, “An individual...triggers registration and reporting under the Act – when campaign activity exceeds \$5,000 in their contributions or expenditures.”

<sup>14</sup> Patlak for Congress signage can be seen along Coral Way, Galloway Road, Bird Road, and Kendall Drive and in vacant lots near Dadeland Mall, in Miami-Dade County.

<sup>15</sup> “Patlak for Congress: It’s Time to Clean House” blog spot, located at: <http://patlakforcongress.blogspot.com>

<sup>16</sup> “Patlak for Congress: It’s Time to Clean House” blog spot post, ends with “These phone banking sessions will be held at Dave Jordan’s house, at 8370 SW 65<sup>th</sup> Avenue, apt 9, located in Jade Gardens Apartments in South Miami. PLEASE CALL 305-666-2519 TO RSVP, and for directions to this venue ”

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"The Week In Review" admits to a mailing of over one thousand pieces and construction of lawn signs, followed by a phone bank in which volunteers were treated to pizza.<sup>17</sup> These expenses were not reported.

I request the Federal Elections Commission send a notice of violation to the Patlak for Congress Committee and initiate proceedings accordingly.

Please keep me informed with copies of your correspondence. If you need any additional information, please feel free to contact me at 305-446-0045. Thank you.

Sincerely,

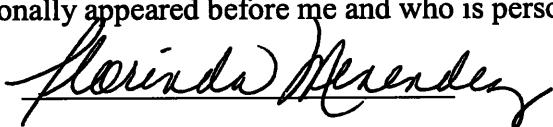


Eric Buermann

Enclosures

State of Florida  
County of Miami-Dade

Sworn to, subscribed, and acknowledged before me this 17<sup>th</sup> day of August, 2004  
by Eric Buermann who personally appeared before me and who is personally  
known to me.



Florinda Menendez  
MY COMMISSION # DD039847 EXPIRES  
July 5, 2005  
BONDED THRU TROY FAIN INSURANCE, INC

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<sup>17</sup> "Patlak for Congress: It's Time to Clean House" blog spot post, "The Week In Review", posted by Volunteer Coordinator Dave Jordan, states "On Sunday afternoon, a dozen volunteers converged on the home of the volunteer coordinator to stuff envelopes and construct lawn signs. We stuffed and sealed more than a thousand fundraising letters in less than an hour and a half – shattering last weeks pace of two hours and fifty minutes .We finished off the weekend with a Sunday evening phone bank for Dave...Dave treated us to. pizza from Pizza Hut "