

FEDERAL ELECTION COMMISSION

In the matter of: Bacardi U.S.A., Inc. Political Action Committee
Robert M. Higdon, Treasurer
Pete's Political Action Committee
Democracy Believers Political Action Committee
Barbara W. Bonfiglio, Treasurer

MUR No.:

5671

2005 JUL 18 P 1:04

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

COMPLAINT

1. Citizens for Responsibility and Ethics in Washington hereby brings this amended complaint before the Federal Election Commission seeking an immediate FEC investigation of, and enforcement action against, the Bacardi U.S.A., Inc. Political Action Committee ("Bacardi PAC") and Treasurer Robert M. Higdon, Pete's Political Action Committee ("Pete's PAC"), the Democracy Believers Political Action Committee ("Democracy Believers PAC"), and Barbara W. Bonfiglio for violations of federal campaign finance law.

Complainant

2. Citizens for Responsibility and Ethics in Washington is a non-profit, non-partisan organization dedicated to ensuring accountability in public officials.

Respondents

3. The Bacardi U.S.A. Inc., Political Action Committee is a separate segregated fund subject to regulation by the Federal Election Commission ("FEC"). Robert M. Higdon is the Treasurer of the Bacardi PAC.

4. Pete's Political Action Committee is the leadership PAC of U.S. Senator Pete Dominici (R-NM). Barbara W. Bonfiglio is the Treasurer of Pete's PAC.

5. Democracy Believers Political Action Committee is the leadership PAC of two Members of the U.S. House of Representatives, Lincoln Diaz-Balart (R-FL) and Mario

05079206192

Diaz Balart (R-FL). Barbara W. Bonfiglio is the treasurer Democracy Believers PAC as well as Pete's PAC.

Factual Allegations

6. Both the Federal Election Campaign Act ("FECA") and the FEC's implementing regulations require the treasurer of a separate segregated fund to maintain records reflecting the name and address of every person to whom any disbursement is made; the date, amount, and purpose of the disbursement; and the name of the candidate and the office sought by the candidate, if any, for whom the disbursement is made. 2 U.S.C. §432(c)(5); 11 C.F.R. §102.9(b)(1).

7. FEC implementing regulations specify that a contribution is considered to be made when the contributor relinquishes control over the contribution. 11 C.F.R. §110.1(b)(6). A contributor is considered to have relinquished control over the contribution when the contribution is delivered to the candidate, the candidate's campaign committee or to an agent of the campaign committee. Id. A contribution that is mailed is considered to have been made on the date of the postmark. Id.

8. A candidate or campaign committee is required to deposit a contribution within ten days of receipt of that contribution. 11 C.F.R. §103.3(a). FEC regulations provide that a contribution is received on the date that the campaign or its agent takes possession of the contribution. 11 C.F.R. §102.8(a).

COUNT I

9. The Bacardi U.S.A., Inc. PAC reported making a \$1,000 contribution to Pete's PAC on January 25, 2005, but Pete's PAC did not report receiving the contribution until March 4, 2005, six weeks after the contribution was allegedly made. *See Bacardi*

25199267051

U.S.A., Inc. Political Action Committee, Report of Receipts and Disbursements, page 8, filed July 7, 2005 (attached as Exhibit A); *compared with* Pete's Political Action Committee, Report of Receipts and Disbursements, page 10, filed April 19, 2005 (attached as Exhibit B).

10. Given the lag time between the date that the Bacardi PAC reported making the contribution and the date Pete's PAC reported receiving it, one of two violations has occurred: either the treasurer of the Bacardi PAC violated 11 C.F.R. §102.9(b)(1)(ii) and §104.9(a), or the treasurer of Pete's PAC violated 11 C.F.R. §103.3(a).

COUNT II

11. Similarly, the Bacardi PAC reported making a \$1,000 contribution to the Democracy Believers PAC on April 13, 2005, but the Democracy Believers PAC did not report receiving the contribution until May 31, 2005, six weeks after the contribution was allegedly made. *See* Bacardi U.S.A., Political Action Committee, Report of Receipts and Disbursements, page 6, filed July 7, 2005 (attached as Exhibit C), *compared with* Democracy Believers Political Action Committee, Report of Receipts and Disbursements, page 11, filed June 9, 2005 (attached as Exhibit D).

12. Given the lag time between the date that the Bacardi PAC reported making the contribution and the date the Democracy Believers PAC reported receiving it, one of two violations has occurred: either the treasurer of the Bacardi PAC violated 11 C.F.R. §102.9(b)(1)(ii) and §104.9(a), or the treasurer of the Democracy Believers PAC violated 11 C.F.R. §103.3(a).

Conclusion

WHEREFORE, Citizens for Responsibility and Ethics in Washington requests that the Federal Election Commission conduct an investigation into these allegations, declare the

26190264052

respondents to have violated the federal campaign finance laws, impose sanctions appropriate to these violations and take such further action as may be appropriate.



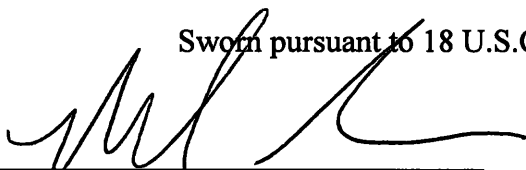
Melanie Sloan
Executive Director
Citizens for Responsibility and Ethics in Washington
2nd Floor
11 Dupont Circle, N.W.
Washington, D.C. 20036
(202) 588-5565

26190264053

Verification

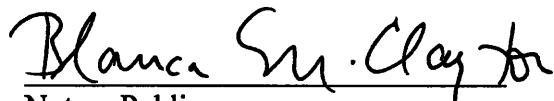
Citizens for Responsibility and Ethics in Washington, acting through Melanie Sloan, hereby verifies that the statements made in the attached Complaint are, upon information and belief, true.

Sworn pursuant to 18 U.S.C. § 1001.



Melanie Sloan

Sworn to and subscribed before me this 12th day of July, 2005.



Notary Public

Blanca M. Clayton
Notary Public, District of Columbia
My Commission Expires 04-30-2007

26190264054

EXHIBIT A

28190264055

**FEC
FORM 3X**

**REPORT OF RECEIPTS
AND DISBURSEMENTS**
For Other Than An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) **USE FEC MAILING LABEL OR TYPE OR PRINTY** Example if typing, type over the lines

BACARDI U S A INC POLITICAL ACTION COMMITTEE

ADDRESS (number and street) **2100 BISCAYNE BOULEVARD**

Check if different than previously reported (ACC) **MIAMI FL 33137**

2. FEC IDENTIFICATION NUMBER **CDD160838** CITY **A** STATE **A** ZIP CODE **A**

3. IS THIS REPORT NEW (N) OR AMENDED (A)

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)

January 31 Quarterly Report (YE)

July 31 Mid-Year Report (Non-election Year Only) (MY)

Termination Report (TER)

(b) Monthly Report Due On

Feb 20 (M2) May 20 (M5) Aug 20 (M8) Nov 20 (M11) (Non-Election Year Only)

Mar 20 (M3) Jun 20 (M6) Sep 20 (M9) Dec 20 (M12) (Non-Election Year Only)

Apr 20 (M4) Jul 20 (M7) Oct 20 (M10) Jan 31 (YE)

(c) 12-Day PRE-Election Report for the

Primary (12P) General (12G) Runoff (12R)

Convention (12C) Special (12S)

Election on _____ in the State of _____

(d) 30-Day Post-Election Report for the

General (30G) Runoff (30R) Special (30S)

Election on _____ in the State of _____

5. Covering Period **01 01 2005** through **08 30 2005**

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer **Mr. Robert M Higdon**

Signature of Treasurer **Electronically Filed by Mr. Robert M Higdon** Date **07 05 2005**

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. 437g.

Office Use Only							
-----------------	--	--	--	--	--	--	--

FEC FORM 3X
(Rev. 02/2003)

26190264058

**SCHEDULE B (FEC Form 3X)
ITEMIZED DISBURSEMENTS**

Use separate schedule(s)
for each category of the
Detailed Summary Page

FOR LINE NUMBER
(check only one)

PAGE 8 / 8

<input type="checkbox"/> 21b	<input type="checkbox"/> 22	<input checked="" type="checkbox"/> 23	<input type="checkbox"/> 24	<input type="checkbox"/> 25	<input type="checkbox"/> 26
<input type="checkbox"/> 27	<input type="checkbox"/> 28a	<input type="checkbox"/> 28b	<input type="checkbox"/> 28c	<input type="checkbox"/> 29	<input type="checkbox"/> 30b

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)
BACARDI U S A INC POLITICAL ACTION COMMITTEE

Full Name (Last First, Middle Initial) A. PETE'S POLITICAL ACTION COMMITTEE		Transaction ID: SB23 4313 Date of Disbursement 01 " 25 " 2005	
Mailing Address PO Box 20099		Amount of Each Disbursement this Period 1000.00	
City Albuquerque	State NM	Zip Code 87154	011 Category Type
Purpose of Disbursement PAC Contribution		Disbursement For 2005 Primary X General Other (specify) ▼	
Candidate Name PETE V DOMENICI			
Office Sought: House X Senate President	State: NM District: 00		

Full Name (Last First, Middle Initial) B. ROBERT WEXLER FOR CONGRESS COMMITTEE		Transaction ID: SB23 4348 Date of Disbursement 08 " 08 " 2005	
Mailing Address 2500 North Military Trail		Amount of Each Disbursement this Period 500.00	
City Boca Raton	State FL	Zip Code 33431	Category Type
Purpose of Disbursement PAC Contribution		Disbursement For 2005 Primary X General Other (specify) ▼	
Candidate Name ROBERT WEXLER			
Office Sought: x House Senate President	State: FL District: 19		

SUBTOTAL of Disbursements This Page (optional)	▶	1500.00
TOTAL This Period (last page this line number only)	▶	9000.00

26190284027

26190284058

EXHIBIT B

**FEC
FORM 3X**

**REPORT OF RECEIPTS
AND DISBURSEMENTS**
For Other Than An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) **Pete's Political Action Committee**

USE FEC MAILING LABEL OR TYPE OR PRINTY **Example: If typing, type over the lines**

ADDRESS (number and street) **PO Box 20088**

Check if different than previously reported. (ACC)

Abuquerque **NM** **87154**

2. FEC IDENTIFICATION NUMBER **C00343277**

CITY **A** STATE **A** ZIP CODE **A**

3. IS THIS REPORT NEW (N) OR AMENDED (A)

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

- April 15 Quarterly Report (Q1)
- July 15 Quarterly Report (Q2)
- October 15 Quarterly Report (Q3)
- January 31 Quarterly Report (YE)
- July 31 Mid-Year Report (Non-election Year Only) (MY)
- Termination Report (TER)

(b) Monthly Report Due On:

- Feb 20 (M2)
- Mar 20 (M3)
- Apr 20 (M4)
- May 20 (M5)
- Jun 20 (M6)
- Jul 20 (M7)
- Aug 20 (M8)
- Sep 20 (M9)
- Oct 20 (M10)
- Nov 20 (M11) (Non-Election Year Only)
- Dec 20 (M12) (Non-Election Year Only)
- Jan 31 (YE)

(c) 12-Day PRI-Election Report for the _____ Election on _____ in the State of _____

- Primary (12P)
- Convention (12C)
- General (12G)
- Special (12S)
- Runoff (12R)

(d) 30-Day Post-Election Report for the _____ Election on _____ in the State of _____

- General (30G)
- Runoff (30R)
- Special (30S)

5. Covering Period **03 01 2005** through **03 31 2005**

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete

Type or Print Name of Treasurer **Barbara W. Bonfiglio**

Signature of Treasurer **Electronically Filed by Barbara W. Bonfiglio** Date **04 19 2005**

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. 437g

20190264059

Office Use Only							
-----------------	--	--	--	--	--	--	--

FEC FORM 3X
(Rev. 02/2003)

**SCHEDULE A (FEC Form 3X)
ITEMIZED RECEIPTS**

Use separate schedule(s)
or each category of the
Detailed Summary Page

FOR LINE NUMBER: PAGE 10 / 15

(check only one)
 11a 11b 11c 12
 13 14 15 16 17

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee

NAME OF COMMITTEE (In Full)
Pete's Political Action Committee

A. Full Name (Last, First, Middle Initial)
Action Committee For Rural Electrification

Mailing Address 4301 Wilson Blvd

City State Zip Code
Arlington VA 22203

FEC ID number of contributing federal political committee C

Name of Employer Occupation

Receipt For: Primary General Other (specify)
Aggregate Year-to-Date 5000 00

Date of Receipt
03 04 2005

Transaction ID: 1110219134537

Amount of Each Receipt this Period
5000 00

Check

B. Full Name (Last, First, Middle Initial)
Beard-Martini USA

Mailing Address 210D Biscayne Blvd

City State Zip Code
Miami FL 33137

FEC ID number of contributing federal political committee C

Name of Employer Occupation

Receipt For: Primary General Other (specify)
Aggregate Year-to-Date 1000 00

Date of Receipt
03 04 2005

Transaction ID: 1110217905085

Amount of Each Receipt this Period
1000 00

Check

C. Full Name (Last, First, Middle Initial)
Marathon Oil Co Eless PAC

Mailing Address 538 South Main Street

City State Zip Code
Findlay OH 45140

FEC ID number of contributing federal political committee C

Name of Employer Occupation

Receipt For: Primary General Other (specify)
Aggregate Year-to-Date 2500 00

Date of Receipt
03 04 2005

Transaction ID: 1110219041377

Amount of Each Receipt this Period
2500.00

Check

SUBTOTAL of Receipts This Page (optional) 9500.00

TOTAL This Period (last page this line number only)

190284000

26190264061

EXHIBIT C

**SCHEDULE B (FEC Form 3X)
ITEMIZED DISBURSEMENTS**

Use separate schedule(s)
for each category of the
Detailed Summary Page

FOR LINE NUMBER.
(check only one)

PAGE 6 / 8

<input type="checkbox"/> 21b	<input type="checkbox"/> 22	<input checked="" type="checkbox"/> 23	<input type="checkbox"/> 24	<input type="checkbox"/> 25	<input type="checkbox"/> 26
<input type="checkbox"/> 27	<input type="checkbox"/> 28a	<input type="checkbox"/> 28b	<input type="checkbox"/> 28c	<input type="checkbox"/> 29	<input type="checkbox"/> 30b

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee

NAME OF COMMITTEE (In Full)
BACARDI U S A INC POLITICAL ACTION COMMITTEE

Full Name (Last, First, Middle Initial) A. AMERIPAC THE FUND FOR A GREATER AMERICA			Transaction ID: SB23 4338 Date of Disbursement 05 " 11 " 2005	
Mailing Address 499 S Capitol St SW #414 Suite 10B			Amount of Each Disbursement this Period 1000 00	
City Washington	State DC	Zip Code 20003	Category/ Type	
Purpose of Disbursement PAC Contribution				
Candidate Name				
Office Sought House Senate President	Disbursement For 2005 Primary X General Other (specify) ▼			
State District				

Full Name (Last, First, Middle Initial) B. DEMOCRACY BELIEVERS POLITICAL ACTION COMMITTEE AKA DBPAC			Transaction ID: SB23 4332 Date of Disbursement 04 " 13 " 2005	
Mailing Address 1155 21st Street NW Suite 300			Amount of Each Disbursement this Period 1000.00	
City Washington	State DC	Zip Code 20036	Category/ Type	
Purpose of Disbursement PAC Contribution				
Candidate Name				
Office Sought House Senate President	Disbursement For 2005 Primary X General Other (specify) ▼			
State District				

Full Name (Last, First, Middle Initial) C. DISTILLED SPIRITS COUNCIL OF THE UNITED STATES INC POLITICAL ACTION COMMITTEE			Transaction ID: SB23 4339 Date of Disbursement 05 " 11 " 2005	
Mailing Address 1250 EYE ST. NW #400			Amount of Each Disbursement this Period 2500 00	
City WASHINGTON	State DC	Zip Code 20005	Category/ Type	
Purpose of Disbursement PAC Contribution				
Candidate Name				
Office Sought House Senate President	Disbursement For 2005 Primary X General Other (specify) ▼			
State District				

SUBTOTAL of Disbursements This Page (optional) 4500.00

TOTAL This Period (last page this line number only)

26190284063

EXHIBIT D

26190264064

**SCHEDULE A (FEC Form 3X)
ITEMIZED RECEIPTS**

Use separate schedule(s)
or each category of the
Detailed Summary Page

FOR LINE NUMBER		PAGE 11/14	
(check only one)			
<input type="checkbox"/> 11a	<input type="checkbox"/> 11b	<input checked="" type="checkbox"/> 11c	<input type="checkbox"/> 12
<input type="checkbox"/> 13	<input type="checkbox"/> 14	<input type="checkbox"/> 15	<input type="checkbox"/> 16 <input type="checkbox"/> 17

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)
Democracy Believers Political Action Committee (DB PAC)

Full Name (Last, First, Middle Initial) A. Barardi-Masini USA		Date of Receipt 05 31 2005
Mailing Address 2100 Biscayne Blvd		Transaction ID: 1117640089840
City Miami	State FL	Zip Code 33137
FEC ID number of contributing federal political committee. C		Amount of Each Receipt this Period 1000.00
Name of Employer	Occupation	Check
Receipt For Primary General Other (specify) ▼	Aggregate Year-to-Date ▼ 1000.00	

Full Name (Last, First, Middle Initial) B. Jacobs Good Government Fund		Date of Receipt 05 08 2005
Mailing Address 1111 So Affoyo Parkway		Transaction ID: 1115755852864
City Pasadena	State CA	Zip Code 91105
FEC ID number of contributing federal political committee. C CD0142289		Amount of Each Receipt this Period 5000.00
Name of Employer	Occupation	Check
Receipt For Primary General Other (specify) ▼	Aggregate Year-to-Date ▼ 5000.00	

Full Name (Last, First, Middle Initial) C. Tew Gardens PAC		Date of Receipt 05 06 2005
Mailing Address 610 S Blvd		Transaction ID: 1115755495581
City Tampa	State FL	Zip Code 33608
FEC ID number of contributing federal political committee. C CD0363470		Amount of Each Receipt this Period 1000.00
Name of Employer	Occupation	Check
Receipt For Primary General Other (specify) ▼	Aggregate Year-to-Date ▼ 1000.00	

SUBTOTAL of Receipts This Page (optional)	7000.00
TOTAL This Period (last page this line number only)	7000.00

26190264066