



Federal Election Commission  
Washington, DC 20463

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**SENSITIVE**

MEMORANDUM

July 12, 2007

TO: The Commission  
THROUGH: Patrina M. Clark *PM*  
Staff Director  
FROM: *for* John D. Gibson *JDG*  
Acting Chief Compliance Officer  
Deborah Ruth Kant *DK*  
Director, ADR Office

SUBJECT: ADR 405, Lincoln Diaz-Balart for Congress, Jose Riesco, Treasurer,  
Recommendation to Dismiss

On June 20, 2007, the ADR Office received MUR 5902 to review and determine its appropriateness for ADR processing. Based on that review, we recommend that it be closed. Following the procedures approved by the Commission on March 3, 2003, this matter will be closed by the ADR Office if the Commission approves the Recommendation in this Memorandum. OGC concurs in the description of this matter, and that it not be returned to OGC for further action.

**ADR Case:** ADR 405

**Source No.** MUR 5902

**Respondents:**  
Lincoln Diaz-Balart for Congress,  
Jose Riesco, Treasurer

**Respondents' Rep.:**  
Miguel DeGrandy, Esq.

**Complainant(s):** Citizens for  
Responsibility and Ethics in Washington,  
Melanie Sloan, Pedro Martinez

**Committee Name:** Lincoln Diaz-Balart for  
Congress

**Date Complaint Filed:** 2/15/07

**Committee Type:** Authorized

**Election Cycle:** 2006

**Election - Won/Lost:** Won

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**Summary:** The FECA requires that political committees report information relating to the identification of each person who contributes over \$200, including the contributor’s name, address, occupation, and the name of his employer. In this case, Complainants allege that Respondents (or “the Committee”) failed to report this information or “itemize” contributions for 32 individuals in the Committee’s 2006 Pre-General Report. In the original report, Complainants assert that the Committee itemized contributions for 28 individuals, and in a subsequent amended Pre-General Report, the Committee itemized contributions for 60 individuals. Complainants contend that the missing itemization masked the identity of the 32 individuals, including the husband of a colleague of Lincoln Diaz-Balart, and contend that these omissions appear to be knowing and willful.

In response, the Committee explains that the missing itemization for the 32 individuals was an inadvertent error. Further, the Committee asserts that it amended the report about two months after the original report, and it filed the amended report on its own initiative after receiving a RFAI on an unrelated issue, and after conducting an exhaustive review of all its filings in the election cycle. The Committee also explains that in response to earlier reporting issues prior to 2001, it hired the current treasurer who is a certified public accountant and that it retained (and continues to retain) the services of a professional campaign management company.<sup>1</sup> Respondents assert that under the auspices of its treasurer, they have filed 47 reports which have not been challenged. Respondents deny any knowing and willful conduct.

**RECOMMENDATION**

- 1. Dismiss ADR 405//MUR 5902 and close the file.**

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