

APR 26 2004

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FEDERAL ELECTION
COMMISSION
SECRETARIAT

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Jose Casal

MUR 5389

2004 APR 26 A 11: 32

GENERAL COUNSEL'S REPORT #2

SENSITIVE

I. ACTIONS RECOMMENDED

Accept the attached conciliation agreement and close the file.

II. BACKGROUND

MUR 5389 arose out of a referral by the Florida Elections Commission ("Florida Commission") concerning an allegation that Jose Casal, a Venezuelan foreign national, made \$2,500 in contributions to the campaign committee of Miami-Dade County Mayor Alex Penelas ("Penelas Committee") during the 2000 Miami-Dade County mayoral election. The Florida Commission referred this matter after concluding that, in addition to violating Florida law, Mr. Casal may have violated 2 U.S.C. § 441e's prohibition on foreign national contributions. Florida Commission Referral at 1. Upon a review of the Florida Commission's Referral, supporting materials, and publicly available information, this Office discovered that the contributions in question were part of a conduit scheme whereby Mr. Casal reimbursed five of his employees for their \$500 contributions to the Penelas Committee.

The Commission found reason to believe Jose Casal knowingly and willfully violated 2 U.S.C. § 441e(a) and authorized this Office to enter into pre-probable cause conciliation with the Respondent. In this report, we recommend that the Commission accept the attached conciliation agreement and close the file. Attachment 1.

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11 Accordingly, we recommend the Commission accept the attached conciliation agreement and
12 close the file in this matter.

13 **V. RECOMMENDATIONS**

- 14 1. Accept the attached conciliation agreement with Jose Casal.
15 2. Approve the appropriate letter.
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17 3. Close the file.
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Lawrence H. Norton
General Counsel

4/23/04
Date

BY: Rhonda J. Vedding
Rhonda J. Vedding
Associate General Counsel
for Enforcement

Jonathan A. Bernstein
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Jesse B. Christensen
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Attachments:

1. Conciliation Agreement – Jose Casal.
2. Copy of civil penalty payment check – \$4,125.