

SANDLER REIFFSANDLER REIFF LAMB
ROSENSTEIN & BIRKENSTOCK, P.C.1090 Vermont Ave NW, Suite 750
Washington, DC 20005
www.sandlerreiff.com
T: 202-479-1111
F: 202-479-1115

November 29, 2019

Via E-MailJeff S. Jordan, Esq.
Office of the General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463**Re: AR 19-11R**

Dear Mr. Jordan:

The undersigned serves as counsel to the Democratic Executive Committee of Florida ("DECF") and Fran Garcia, in her official capacity as Treasurer. I am writing in response to the Commission's letter of October 4, 2019 in connection with the above-referenced referral.

For the reasons set forth below, the DECF respectfully requests that OGC recommend that no further action be taken in this matter or, in the alternative, that this matter be referred to the Alternative Dispute Resolution Division for further proceedings.

This matter relates to a referral of issues raised by the Commission related to the DECF for the 2017-2018 election cycle. Below, I respond to each issue:

ITEM 1

Receipt from Resonance Campaigns LLC – The DECF initially disclosed this transaction as a receipt. However, after further research it has been discovered that this was not a receipt but was actually a reversal of a wire sent to Resonance Campaigns, who is an DECF vendor. The DECF will amend its report to properly reflect this transaction as a negative disbursement.

Contribution from Bonar Engineering Inc. – The referral reports indicates that no contribution or refund was found on any report or amendment. To the contrary, the committee refunded this contribution on April 24, 2019. The refund can be found on Schedule B, Line 28(a) of the DECF's 2019 May Monthly Report.

Robert Crandall – The DECF intends to refund \$17,700 to Mr. Crandall by the end of 2019.

David Frankel - The DECF intends to refund \$4,600 to Mr. Crandall by the end of 2019.

Barry M Ginsburg - The DECF intends to refund \$2,800 to Mr. Ginsburg by the end of 2019.

Barbara Karplus – The DECF timely transferred the excess portion of this contribution on October 24, 2018

Great Lakes PAC – The Contribution disclosed on January 4, 2018 was actually a contribution that was received and intended as a 2017 contribution. The DECF will amend its reports to clarify this and move the January contribution to its 2017 Year-End report.

UAW – V- CAP - The DECF intends to refund \$5,000 to UAW V CAP by the end of 2019.

ABC Liquors – This contribution was inadvertently deposited into the DECF’s federal account. The DECF intends to refund \$10,000 to ABC Liquors by the end of 2019.

Woodbury Payton LLC – Although it is believed that this contribution derives from a permissible LLC, the DECF has been unable to confirm the permissibility of this contribution and, unless it receives a confirmation from the donor, intends to refund this contribution by the end of 2019.

ITEM 2

The additional disclosure of Levin receipts for the DECF’s 12 Day Pre-General Report was caused by a failure to check a box on the DECF’s disclosure software to include Levin Schedules on their report. Although the data to include these transactions were entered into the software, the inadvertent failure to check the box in the software resulted in the inadvertent omission of the schedules. When this omission was discovered, the DECF amended its report to fix this error and include the information.

ITEM 3

The Reports Analysis Division referral incorrectly claims that the committee failed to clarify that salary, wages and/or fringe benefits for employees that were disclosed on Schedule H4 were for employees that spent less than 25% of their time on Federal Election Activity or activities involving federal elections in relation to its 2018 October Quarterly Report. In fact, the DECF did provide such clarification in a Form 99 on April 24, 2019. In its response, the DECF noted that “for the month of September 2018”... “Disbursements reported on Schedule H4 for payroll and employee-specific fringe benefits represent employees who spent less than 25 percent of their time on FEA.” We assume the apparent misunderstanding was based upon the use of the term “for the month of September 2018.” This was intended (and should have been obvious to the Reports Analyst) to refer to activity disclosed on the 2018 October Monthly Report, which covers the period of September 1, 2018 through September 30, 2018.

ITEM 4

The DECF acknowledges that certain transactions were inadvertently omitted from its 12 Day Pre-General Report. It would be noted that \$250,000 of the \$304,851 that was omitted were two large transfers made by the committee and that these omissions do not reflect a large-scale omission of several transactions. The omissions were generally caused by the high volume of activity undertaken during a short window of time and the fact that federal law only provides committee's 8 days to prepare and file a report during a period where committees are at its highest level of activity. The DECF is working to improve its procedures to ensure that its reports are as accurate as possible during high volume periods.

The DECF believes that this the totality of the issues raised above do not merit a referral for a Matter Under Review, and at best, such matters are more appropriate for diversion to its ADR program and that the committee will benefit from the types of corrective actions that generally derive from ADR matters.

If you have any questions regarding this Response, my daytime number is (202) 479-1111. My email address is reiff@sandlerreiff.com.

Sincerely,

A handwritten signature in blue ink, appearing to read 'N. Reiff'.

Neil P. Reiff
Counsel
Democratic Executive Committee of Florida