



**FEDERAL ELECTION COMMISSION**  
Washington, DC 20463

November 29, 2022

**Via Electronic Mail**

[reiff@sandlerreiff.com](mailto:reiff@sandlerreiff.com)

Neil P. Reiff, Esq.  
Sandler, Reiff, Lamb, Rosenstein & Birkenstock P.C.  
1090 Vermont Avenue, NW, Suite 750  
Washington, DC 20005

RE: MUR 8070  
Democratic Executive Committee of  
Florida

Dear Mr. Reiff:

On November 23, 2022, the Federal Election Commission accepted the signed conciliation agreement and \$43,000 civil penalty submitted on your client's behalf in settlement of a violation of 52 U.S.C. §§ 30104(b)(8), 30116(f), and 30118(a), provisions of the Federal Election Campaign Act of 1971, as amended, and 11 C.F.R. §§ 103.3(b), 104.3(d), 110.4(c)(3), 110.9, provisions of the Commission's regulations. Accordingly, the file has been closed in this matter.

Documents related to the case will be placed on the public record within 30 days. *See* Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016). Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. *See* 52 U.S.C. § 30109(a)(4)(B).

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the civil penalty is due within 60 days of the conciliation agreement's effective date. If you have any questions, please contact me at (202) 694-1273.

Sincerely,

A handwritten signature in cursive script that reads "Crystal Liu".

Crystal Liu  
Attorney

Enclosure  
Conciliation Agreement

# **BEFORE THE FEDERAL ELECTION COMMISSION**

In the matter of	)	
	)	MUR 8070
Democratic Executive Committee of	)	
Florida, and Fran Garcia in her official	)	
capacity as treasurer	)	
	)	

## **CONCILIATION AGREEMENT**

This matter was initiated pursuant to information ascertained by the Federal Election Commission in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that Democratic Executive Committee of Florida and Fran Garcia in her official capacity as treasurer ("Respondent" or "Committee") violated 52 U.S.C. §§ 30104(b)(8), 30116(f), 30118(a) of the Federal Election Campaign Act of 1971, as amended (the "Act"), and 11 C.F.R. §§ 103.3(b), 104.3(d), 110.4(c)(3), 110.9 of the Commission's regulations.

NOW, THEREFORE, the Commission and Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

- I. The Commission has jurisdiction over Respondent and the subject matter of this proceeding, and this Agreement has the effect of an agreement entered pursuant to 52 U.S.C. § 30109(a)(4)(A)(i).
- II. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- III. Respondent enters voluntarily into this Agreement with the Commission.
- IV. The pertinent facts and law in this matter are as follows:

1. The Committee is a political committee within the meaning of 52 U.S.C. § 30101(4) and a state committee of the Democratic Party within the meaning of 52 U.S.C. § 30101(15). Fran Garcia is its treasurer.

Failure to Adequately Disclose Debts

2. The Act and the Commission regulations require political committees to disclose “the amount and nature of outstanding debts and obligations owed by or to such political committee[s].” 52 U.S.C. § 30104(b)(8); *see also* 11 C.F.R. § 104.3(d). “A debt or obligation, including a loan, written contract, written promise or written agreement to make an expenditure, the amount of which is over \$500 shall be reported as of the date on which the debt or obligation is incurred.” 11 C.F.R. § 104.11(b).

3. In its 2020 30-Day Post-Election Report, received December 3, 2020, the Committee reported \$62,595.33 of debt. On January 29, 2021, and May 17, 2021, the Committee filed Amended 2020 30-Day Post-Election Reports disclosing additional debts of \$284,569.71 incurred during the relevant period. Thus, the Committee failed to report an additional \$284,569.71 of incurred debt in its original 2020 30-Day Post-Election Report.

Acceptance of Excessive and Prohibited Contributions

4. The Act and the Commission’s regulations provide that no person shall make contributions to a political committee established and maintained by a State committee of a political party in any calendar year that, in the aggregate, exceed \$10,000. 52 U.S.C. § 30116(a)(1)(D); 11 C.F.R. § 110.1(c)(5). Further, the Act provides that no political committee shall knowingly accept any contribution that exceeds this limit. 52 U.S.C. § 30116(f); *see also* 11 C.F.R. § 110.9.

5. Contributions which either exceed the \$10,000 limit on their face or in the aggregate may be deposited or returned to the contributor. 11 C.F.R. § 103.3(b)(3). If the excessive contribution is accepted, the treasurer may request redesignation or reattribution of the contribution. *Id.* If a redesignation or reattribution is not obtained, the treasurer must refund the contribution to the contributor within 60 days of receipt. *Id.*

6. Political committees are also prohibited from accepting contributions that are not subject to the prohibitions of the Act, including anonymous cash contributions in excess of \$50 and contributions from corporations unless the political committee is an independent expenditure-only political committee. 52 U.S.C. § 30118(a); 11 C.F.R. § 110.4(c)(3); Advisory Op. 2010-11 at 2-3 (Commonsense Ten). If the treasurer cannot determine whether a contribution complies with the source prohibitions of the Act, the treasurer must refund the contribution to the contributor within 30 days of receiving the contribution. 11 C.F.R. § 103.3(b).

7. Further, political committees may not accept contributions from unregistered organizations that do not demonstrate that the underlying funds are subject to the limitations and prohibitions of the Act. *See* 52 U.S.C. §§ 30116(f), 30118(a); 11 C.F.R. § 102.5(b)(1). The treasurer of a political committee is responsible for ensuring that all contributions received comply with those limitations and prohibitions. 11 C.F.R. § 103.3(b).

8. During the 2020 calendar year, the Committee accepted contributions that exceeded \$10,000 in the aggregate from 10 individuals, which totaled \$175,200. The Committee took corrective action as to these contributions.

9. During the 2020 calendar year, the Committee accepted prohibited contributions from a corporation and an anonymous donor, which totaled \$5,500. The

Committee refunded the corporate contribution of \$5,000 and transferred an anonymous contribution of \$500 to its non-federal account.

10. During the 2020 calendar year, the Committee accepted an excessive and/or prohibited \$20,000 contribution from an unregistered organization without verifying whether the underlying funds are subject to the limitations and prohibitions of the Act. The Committee has refunded this contribution.

11. Respondent contends that, as a result of its 2020 compliance challenges, it hired a new compliance firm in late 2020 which undertook an extensive review of its 2020 financial activity. In addition, Respondent contends that it voluntarily filed corrected reports, including disclosure of the additional debts referenced in this matter, and took steps to improve its compliance with issues related to excessive and prohibited contributions going forward.

V. The parties agree to following:

1. Respondent violated 52 U.S.C. § 30104(b)(8) and 11 C.F.R. § 104.3(d) by failing to report additional incurred debts totaling \$284,569.71 in its original 30-Day Post-Election Report.

2. Respondent violated 52 U.S.C. § 30116(f) and 11 C.F.R. §§ 103.3(b)(3), 110.9 by accepting excessive contributions totaling \$175,200.

3. Respondent violated 52 U.S.C. § 30118(a) and 11 C.F.R. §§ 103.3(b), 110.4(c)(3), 110.9 by accepting prohibited contributions totaling \$5,500.

4. Respondent violated 52 U.S.C. §§ 30116(f) and/or 30118(a) and 11 C.F.R. § 103.3(b) by accepting an excessive and/or prohibited \$20,000 contribution from an unregistered organization.

VI. Respondent will take the following actions:

1. Respondent will pay a civil penalty to the Commission in the amount of Forty-Three Thousand Dollars (\$43,000), pursuant to 52 U.S.C. § 30109(a)(5)(A).

2. The Committee's treasurer or other personnel responsible for complying with the Act will attend a Commission-sponsored training program for political committees within one year of the effective date of this Agreement. If the Commission does not provide for sponsored training appropriate for state party committees within one year of the effective date of this Agreement, the Committee will attend a Commission-sponsored training no later than December 31, 2024. Respondent shall submit evidence of the required registration and attendance at such event to the Commission.

3. Respondent will cease and desist from committing violations of 52 U.S.C. §§ 30104(b)(8), 30116(f), 30118(a), and 11 C.F.R. §§ 103.3(b), 104.3(d), 110.4(c)(3), 110.9.

VII. The Commission, on request of anyone filing a complaint under 52 U.S.C. § 30109(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this Agreement. If the Commission believes that this Agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This Agreement shall become effective as of the date that all parties hereto have executed the same and the Commission has approved the entire Agreement.

IX. Respondent shall have no more than 60 days from the date this Agreement becomes effective to comply with and implement the requirements contained in this Agreement and to so notify the Commission.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained within this written Agreement shall be enforceable.

FOR THE COMMISSION:

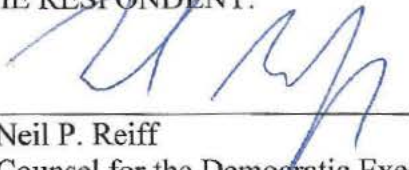
Lisa J. Stevenson  
 Acting General Counsel

BY: **Charles Kitcher**  
 Charles Kitcher  
 Associate General Counsel  
 for Enforcement

Digitally signed by  
 Charles Kitcher  
 Date: 2022.11.28  
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11/28/22  
 Date

FOR THE RESPONDENT:

  
 Neil P. Reiff  
 Counsel for the Democratic Executive  
 Committee of Florida and Fran Garcia  
 in her official capacity as Treasurer

10/27/22  
 Date