

REPORTS ANALYSIS DIVISION REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: October 18, 2023

ANALYST: Jack Baisden

I. COMMITTEE: Democratic Executive Committee of
Florida
C00005561
Fran Garcia, Treasurer
201 S. Monroe
Ste. 301
Tallahassee, FL 32301

II. RELEVANT STATUTE: 52 U.S.C. § 30104(b)(2)
52 U.S.C. § 30104(b)(4)
52 U.S.C. § 30116(a) and (f)
11 C.F.R. § 103.3
11 C.F.R. § 104.3(a) and (b)
11 C.F.R. § 110.1(c)
11 C.F.R. § 110.2(c)

III. BACKGROUND:

Excessive Contributions: Failure to Refund, Redesignate, or Reattribute Excessive Contributions within the Permissible Timeframe

The Democratic Executive Committee of Florida (“the Committee”) received excessive contributions totaling \$23,600.00 from individuals and \$4,280.00 from a multicandidate political action committee during the 2022 calendar year. The Committee refunded all of the excessive contributions outside of the permissible timeframe (Attachment 1).

During the [2022 30-Day Post-General Reporting period](#), October 20, 2022, through November 28, 2022, the Committee received excessive contributions totaling \$27,880.00.

On April 17, 2023, a [Request for Additional Information \(RAI\)](#) was sent to the Committee referencing the Amended 2022 30-Day Post-General Report, received March

16, 2023. The RFAI noted the receipt of apparent excessive contributions. A chart was included with the RFAI identifying the apparent excessive contributions received and requested the Committee take corrective action.¹

On May 20, 2023, the Committee filed an [Amended 2022 30-Day Post-General Report](#) that included memo text which stated, in part:

“This Amendment is in response to the Commission's letter dated April 17, 2023. 1 & 2. All excessive contributions have been returned. See Committee's 2023 March Monthly Report. The Commission's letter lists Chris Sasso as having made excessive contributions, however there are two individuals with the same name. The Committee returned \$2,100 from the individual who did exceed their contribution limit.”

The Committee disclosed corrective action outside of the permissible timeframe by refunding the excessive contributions to the individuals and political committee on the [2023 March Monthly Report](#).

Failure to Provide Supporting Schedules (Failure to Disclose All Financial Activity)

The Committee failed to disclose all financial activity on its 2022 October Monthly Report, filed on October 20, 2022. On February 23, 2023, the Committee filed an Amended 2022 October Monthly Report which disclosed additional receipts totaling \$307,215.11 which were not disclosed on the original report. The Committee also failed to disclose all financial activity on its 2022 12-Day Pre-General Report filed on October 27, 2022. On February 23, 2023, the Committee filed an Amended 2022 12-Day Pre-General Report which disclosed additional receipts totaling \$639,136.61 and additional disbursements totaling \$990,776.33, which were not disclosed on the original report (Attachment 1).

2022 October Monthly Report

On October 20, 2022, the Committee filed the original [2022 October Monthly Report](#) covering the period from September 1, 2022, through September 30, 2022. The report disclosed \$493,475.00 in receipts on Line 11(c) Contributions from Other Political Committees) and \$2,012,266.79 in receipts on Line 12 (Transfers from Affiliated / Other Party Committees) of the [Detailed Summary Page](#).

On February 23, 2023, the Committee filed an [Amended 2022 October Monthly Report](#). The report disclosed \$755,537.00 in receipts on Line 11(c) and \$2,057,419.90 on Line 12 of the [Detailed Summary Page](#).

On March 15, 2023, an [RFAI](#) was sent to the Committee referencing the Amended 2022 October Monthly Report, received February 23, 2023. The RFAI requested

¹ The RFAI references two receipts totaling \$250.00, each received from Chris Sasso, that are not included in this referral due to the Committee clarifying these were received from a separate individual with the same name.

clarification regarding the substantial increase in receipts disclosed on the Amended 2022 October Monthly Report.²

2022 12-Day Pre-General Report

On October 27, 2022, the Committee filed the original [2022 12-Day Pre-General Report](#) covering the period from October 1, 2022, through October 19, 2022. The report disclosed receipts totaling \$402,000.00 on Line 11(c) and \$320,500.00 on Line 12, and disbursements totaling \$13,783.43 on Line 21(a)(i) (Federal Share of Allocated Operating Expenditures), \$51,852.07 on Line 21(a)(ii) (Non-Federal Share of Allocated Operating Expenditures), \$73,069.59 on Line 21(b) (Other Federal Operating Expenses), and \$1,061,912.62 on Line 30(b) (Federal Election Activity Paid Entirely with Federal Funds) of the [Detailed Summary Page](#).

On February 23, 2023, the Committee filed an [Amended 2022 12-Day Pre-General Report](#). The report disclosed receipts totaling \$972,300.95 on Line 11(c) and \$389,335.66 on Line 12, and disbursements totaling \$13,958.43 on Line 21(a)(i), \$52,510.40 on Line 21(a)(ii), \$73,562.31 on Line 21(b), and \$2,051,362.90 on Line 30(b) of the [Detailed Summary Page](#).

On March 16, 2023, the Committee filed an [Amended 2022 12-Day Pre-General Report](#). The report contained no changes in the total receipts or disbursements from the amendment filed on February 23, 2023.

On March 21, 2023, an [RFAI](#) was sent to the Committee referencing the Amended 2022 12-Day Pre-General Report, received March 16, 2023. The RFAI requested clarification regarding the substantial increase in receipts and disbursements disclosed on the Amended 2022 12-Day Pre-General Report.

On April 25, 2023, the Committee filed an [FEC Form 99 \(Miscellaneous Electronic Submission\)](#) in response to the RFAI referencing the Amended 2022 12-Day Pre-General Report, received March 16, 2023. The Committee stated:

“This Form-99 Submission is in response to the Commission's letter dated March 21, 2023, regarding the Committee's Amended 12 Day Pre-General Report 2022. After conducting a routing internal review, the Committee discovered additional transactions which should have been included in the original Pre-General Report. The bulk of the transactions were transfers in from Joint fundraising committees and subsequent disbursement of those funds. In an effort to correct for the public record, the Committee filed the additional transactions detailed in the Amended Report.”

² The RFAI incorrectly referenced an increase in activity of \$307,101.82, resulting from a slight decrease in receipts on Schedule A, supporting Line 15 (Offsets to Operating Expenditures) reported on the Amended 2022 October Monthly Report, received February 23, 2023.

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Since June 30, 2023, the Reports Analysis Division (RAD) logged two (2) communications with a representative of the Committee which reflect efforts to help the Committee voluntarily comply with the Act in response to the matters referenced above. RAD connected with the Committee on one (1) of these occasions and notified Paul Houghtaling, Compliance Consultant, that the matters could be referred to another Commission office for further review. RAD advised the Committee to file an FEC Form 99 with any clarifying information for the public record (Attachment 2). To date, no further communications have been received from the Committee regarding these matters.

Filings and correspondence related to the Committee can be found here:
[Democratic Executive Committee of Florida](#).

Democratic Executive Committee of Florida (C00005561)

Excessive Contributions Remedied Outside Permissible Timeframes, Listed by Contributor

Untimely Resolved Excessive Contributions

Name	Date	Contribution Amount	Report	Excessive Amount Not Remedied within Timeframe	Remedied # Days Since Receipt
Contributions from Individuals					
Gund, Agnes	4/25/22	\$1,000.00	2022 May Monthly		
Gund, Agnes	8/26/22	\$2,200.00	2022 October Monthly		
Gund, Agnes	10/18/22	\$5,000.00	2022 30-Day Post-General		
Gund, Agnes	10/25/22	\$2,800.00	2022 30-Day Post-General		
Gund, Agnes	2/28/23	-\$1,000.00	2023 March Monthly	\$1,000.00	126
Michaels, Todd J	9/22/22	\$10,000.00	2022 October Monthly		
Michaels, Todd J	10/19/22	\$500.00	2022 30-Day Post-General		
Michaels, Todd J	2/28/23	-\$500.00	2023 March Monthly	\$500.00	132
Ritchie, Alix L.	9/12/22	\$10,000.00	2022 30-Day Post-General		
Ritchie, Alix L.	10/25/22	\$10,000.00	2022 30-Day Post-General		
Ritchie, Alix L.	2/28/23	-\$10,000.00	2023 March Monthly	\$10,000.00	126
Rodolfo Canto, Joao	10/31/22	\$10,000.00	2022 30-Day Post-General		
Rodolfo Canto, Joao	11/4/22	\$10,000.00	2022 30-Day Post-General		
Rodolfo Canto, Joao	2/28/23	-\$10,000.00	2023 March Monthly	\$10,000.00	116
Sasso, Chris	10/26/22	\$2,100.00	2022 30-Day Post-General		
Sasso, Chris	11/4/22	\$2,500.00	2022 30-Day Post-General		
Sasso, Chris	11/4/22	\$7,500.00	2022 30-Day Post-General		
Sasso, Chris	2/28/23	-\$2,100.00	2023 March Monthly	\$2,100.00	116

Contributions from PACs					
IBEW PAC Voluntary Fund	2/24/22	\$4,083.96	2022 June Monthly		
IBEW PAC Voluntary Fund	2/24/22	\$196.04	2022 July Monthly		
IBEW PAC Voluntary Fund	10/21/22	\$5,000.00	2022 30-Day Post-General		
IBEW PAC Voluntary Fund	2/28/23	-\$4,280.00	2023 March Monthly	\$4,280.00	130
Total Excessive Amount Remedied Outside Permissible Timeframes:				\$27,880.00	

Democratic Executive Committee of Florida (C00005561)

Breakdown of Excessive Receipts (all reports)

Total Amount of Excessive Receipts Remedied Outside of the Permissible Timeframe:	\$27,880.00
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Total Amount Unremedied (all reports):	\$0.00
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Total Amount Referred:	\$27,880.00
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Democratic Executive Committee of Florida (C00005561)

2022 October Monthly Report / Amended 2022 October Monthly Report

Overview of Additional Receipts

Report Line	<u>Original 2022 October Monthly Report</u>	<u>Amended 2022 October Monthly Report, received 2/23/23</u>	Variance Amount
Receipts			
Line 11(c): Contributions from Other Political Committees	\$493,475.00	\$755,537.00	\$262,062.00
Line 12: Transfers from Affiliated / Other Party Committees	\$2,012,266.79	\$2,057,419.90	\$45,153.11
Total:			\$307,215.11

Democratic Executive Committee of Florida (C00005561)

2022 12-Day Pre-General Report / Amended 2022 12-Day Pre-General Report

Overview of Additional Receipts and Disbursements

Report Line	<u>Original 2022 12-Day Pre-General Report</u>	<u>Amended 2022 12-Day Pre-General Report, received 2/23/23</u>	Variance Amount
Receipts			
Line 11(c): Contributions from Other Political Committees	\$402,000.00	\$972,300.95	\$570,300.95
Line 12: Transfers from Affiliated / Other Party Committees	\$320,500.00	\$389,335.66	\$68,835.66
		Total:	\$639,136.61
Disbursements			
Line 21(a)(i): Federal Share of Allocated Operating Expenditures	\$13,783.43	\$13,958.43	\$175.00
Line 21(a)(ii): Non- Federal Share of Allocated Operating Expenditures	\$51,852.07	\$52,510.40	\$658.33
Line 21(b): Other Federal Operating Expenses	\$73,069.59	\$73,562.31	\$492.72
Line 30(b): Federal Election Activity Paid Entirely with Federal Funds	\$1,061,912.62	\$2,051,362.90	\$989,450.28
		Total:	\$990,776.33