

FEDERAL ELECTION COMMISSION

In the matter of : Bacardi U.S.A., Inc.
Political Action Committee and
Robert M. Higdon, Treasurer

MUR No.:

5439

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COMMISSION
OFFICE OF GENERAL
COUNSEL

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COMPLAINT

1. Citizens for Responsibility and Ethics in Washington hereby brings this complaint before the Federal Election Commission seeking an immediate FEC investigation of and enforcement action against Bacardi U.S.A., Inc. Political Action Committee and Treasurer Robert M. Higdon for violations of federal campaign finance law.

Complainant

2. Citizens for Responsibility and Ethics in Washington is a non-profit, non-partisan organization dedicated to ensuring accountability in public officials.

Respondents

3. Bacardi U.S.A. Inc., Political Action Committee is a political action committee subject to regulation by the Federal Election Commission ("FEC"). Robert M. Higdon is the Treasurer of Bacardi U.S.A., Inc. Political Action Committee.

Factual Allegations

4. Both the Federal Election Campaign Act ("FECA") and the FEC implementing regulations require the treasurer of a separate segregated fund to maintain records reflecting the name and address of every person to whom any disbursement is made; the date, amount, and purpose of the disbursement; and the name of the candidate

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and the office sought by the candidate, if any, for whom the disbursement is made. 2 U.S.C. §432(c)(5); 11 C.F.R. §102.9(b)(1).

5. Similarly, both FECA and the FEC's implementing regulations require the treasurer of a separate segregated fund to file periodic reports with the FEC that include, among other things, the name and address of each political committee, including, but not limited to: the authorized committees of candidates for federal office which have received a contribution from the reporting committee during the reporting period; the date and amount of any such contribution; and, in the case of a contribution to an authorized committee, the candidate's name and the office sought. 2 U.S.C. §434(b)(3)(5)(B); 11 C.F.R. §104.3(b)(3)(v).

6. On February 5, 2004, the Bacardi U.S.A., Inc. Political Action Committee, FEC Identification Number C00160838, filed a Year-End Report for 2003 with the FEC. On Line 23-A of the Detailed Summary Page, Treasurer Robert A. Higdon reported that the Bacardi U.S.A., Inc. Political Action Committee had contributed a total of \$8,500 to federal candidates, their authorized committees and other political committees during the period from July 1, 2003 through December 31, 2003. Treasurer Higdon failed, however, to attach Schedule B to the Year-End Report for 2003. As a result, the report does not identify the name and address of each political committee that received a contribution from the Bacardi U.S.A., Inc. Political Action Committee during the last six months of 2003 as required.

Count I

7. By failing to disclose the names and addresses of political action committees to which it contributed, the Bacardi U.S.A., Inc Political Action Committee

and Robert A. Higdon, as treasurer, are in violation of 2 U.S.C. §434(b)(3)(5)(B) and 11 C.F.R. §04.3(b)(3)(v) and may very well also be in violation of 2 U.S.C. §432(c)(5) and 11 C.F.R. §102.9(b)(1).

Conclusion

WHEREFORE, Citizens for Responsibility and Ethics in Washington requests that the FEC direct Treasurer Higdon to file an amended Year-End Report for 2003 that includes a Schedule B that discloses the name and address of each political committee that received a contribution from the Bacardi U.S.A., Inc. Political Action Committee during the period from July 1, 2003 through December 31, 2003. CREW further requests that the FEC take whatever further action is necessary -- including requiring further training for Bacardi U.S.A., Inc. Political Action Committee personnel, conducting an audit of the Bacardi U.S.A., Inc. Political Action Committee and imposing an appropriate civil penalty -- to prevent Bacardi U.S.A., Inc. Political Action Committee from committing further violations of FECA and FEC implementing regulations.



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