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July 19, 2016

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Daniel A. Petalas
Acting General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

OFFICE OF GENERAL
COUNSEL

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COMMISSION
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Re: Complaint Against Jose Peixoto and Jose Peixoto for US Congress

Dear Mr. Petalas:

We respectfully file this complaint against Jose Peixoto, a candidate for the U.S. House from Florida's 26th Congressional District, Jose Peixoto for US Congress as his designated principal campaign committee, and Luana Catarina Peixoto in her official capacity as treasurer (collectively "Peixoto" or "Peixoto campaign") for violating the Federal Election Campaign Act of 1971, as amended (the "Act"), and the Federal Election Commission's (the "FEC" or "Commission") Regulations.

Peixoto has run afoul of the most basic requirements under the Act and the Commission's Regulations. In failing to abide by the law, Peixoto has subject himself and his campaign to liability. In doing so, he has also shamelessly denied the voters of Florida's 26th Congressional District the honesty and transparency to which they are entitled under law.

Relevant Facts

Peixoto filed his Statement of Candidacy with the Commission on April 14, 2016, and his Principal Campaign Committee filed its Statement of Organization on April 14, 2016 as well. This Statement of Organization listed two banks: A Centennial Bank located at 100280 Overseas Hwy in Key Largo, FL, and a Wells Fargo located at 100000 Overseas Hwy, also located in Key Largo, FL. On June 23, 2016, Peixoto submitted a check for \$6,960 drawn on "Jose Peixoto, Campaign Account," for a ballot qualifying fee.

As of July 18, 2016, Peixoto has yet to file his July quarterly report.

Applicable Law

A candidate means an individual who seeks nomination for election, or election, to federal office, and once that individual raises or spends more than \$5,000 he must register and report with the FEC. See 11 CFR § 100.3. Each treasurer of a principal campaign committee of a candidate for the House of Representatives or for the Senate must file quarterly reports on the dates specified. See 11 CFR 104.5(a)(1). Quarterly reports must be filed no later than the 15th day following the close of the immediately preceding calendar quarter. For the quarter ending on June 30, 2016, quarterly reports were due July 15, 2016.

Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

Analysis

In light of the foregoing facts, it is irrefutable that Peixoto has failed to timely file his July quarterly report with the Commission. Peixoto became a candidate on April 14, 2016, his principal campaign committee filed its statement of organization on the same day, and he has taken action to qualify for the ballot under state law by writing a check from his campaign account in the amount of \$6,960 to pay for qualifying fees. However, despite being a candidate for over three months, and clearly triggering the registration and reporting requirements, Peixoto failed to timely file his July quarterly report.

At best, Peixoto can claim negligence in compliance or ignorance of the requirements. Such an explanation would not fall under the Commission's list of acceptable excuses for late filing. See 11 CFR §§ 111.35 (c) and (d). While a lack of foresight and knowledge could be an indicator of Peixoto's poor quality as a candidate, it may not shield him from being tagged as a willful violator.

Of course, it is difficult to believe that Peixoto would become a candidate in Florida's 26th District on April 14, 2016 and not even take a cursory look at the requirements and responsibilities that come with such a serious undertaking. It would be unconscionable to do so, and it is unreasonable to think that Peixoto would be oblivious to the requirements imposed upon him once he declared his candidacy.

Treasurer Liability

In January 2005, the Commission approved a policy statement regarding treasurers in enforcement proceedings. In it, the Commission explained that:

in enforcement actions where a political committee is a respondent, the committee's treasurer will typically be subject to Commission action only in his or her official capacity. However, when information indicates that a treasurer has knowingly and willfully violated the Federal Election Campaign Act (the Act), recklessly failed to fulfill duties specifically imposed by the Act or intentionally deprived himself or herself of facts giving rise to the violation, the Commission will consider the treasurer to have acted in a personal capacity and make findings accordingly.

See Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings, 70 Fed. Reg. 3 (Jan. 3, 2005).

Conclusion

In light of the foregoing, we respectfully request that the Commission take steps to immediately investigate the violations described above by Jose Peixoto, Jose Peixoto for US Congress, and Luana Catarina Peixoto in her official capacity as treasurer. In doing so, the Commission should find reason to believe Peixoto, Jose Peixoto for US Congress, and Luana Catarina Peixoto have

violated the Act and the Commission's Regulations and impose appropriate sanctions for any and all violations. The foregoing is correct and accurate to the best of my knowledge, information and belief.

Respectfully submitted,



Nelson D. Diaz

Chairman, Republican Party of Miami-Dade County

Signed and sworn before me this 27 day of July, 2012



NOTARY PUBLIC



Jessalene Vela
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STATE OF FLORIDA
Comm# FF809282
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