



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C.

May 23, 2024

**Via Email Only**

reiff@sandlerreiff.com

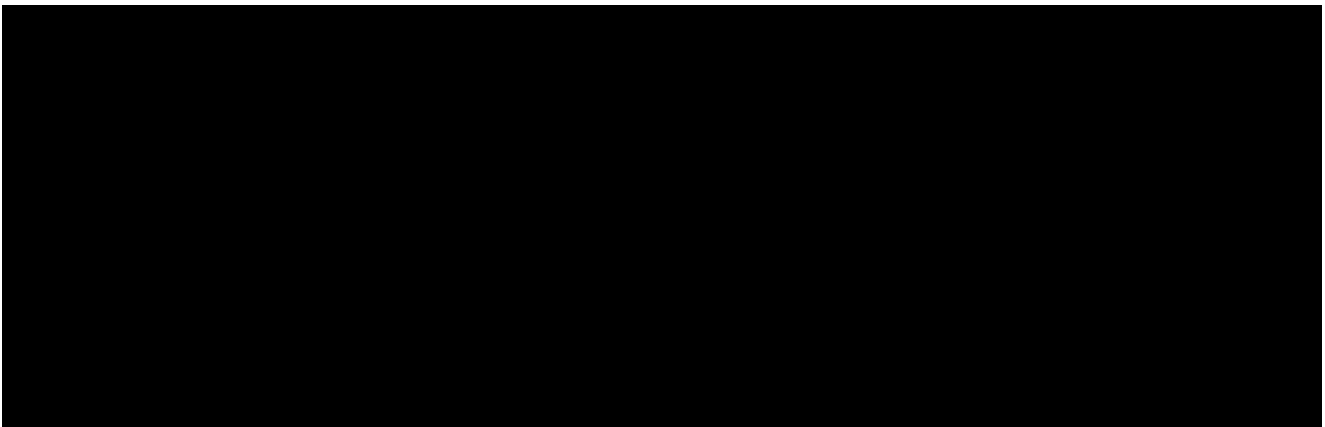
Neil P. Reiff, Esq.  
Sandler, Reiff, Lamb, Rosenstein & Birkenstock P.C.  
1090 Vermont Avenue, NW, Suite 750  
Washington, DC 20005

RE: MUR 8261 (formerly RR 23L-62)  
Democratic Executive Committee  
of Florida

Dear Mr. Reiff:

In the normal course of carrying out its supervisory responsibilities, the Federal Election Commission became aware of information suggesting that your client, the Democratic Executive Committee of Florida and Fran Garcia, in her official capacity as treasurer, (the "Committee") may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). On May 14, 2024, the Commission found reason to believe that the Committee violated 52 U.S.C. §§ 30104(b)(2), (4) and 30116(f), provisions of the Act, and 11 C.F.R. §§ 104.3(a), (b) and 110.9, provisions of the Commission's regulations. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is enclosed for your information.

In order to expedite the resolution of this matter, the Commission has authorized the Office of the General Counsel to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. Pre-probable cause conciliation is not mandated by the Act or the Commission's regulations, but is a voluntary step in the enforcement process that the Commission is offering your client as a way to resolve this matter at an early stage and without the need for briefing the issue of whether the Commission should find probable cause to believe that your client violated the law.



MUR 8261 (Democratic Executive Committee of Florida)

Neil P. Reiff, Esq.

Page 2

[REDACTED]

If your client is interested in engaging in pre-probable cause conciliation, please contact Christine C. Gallagher, the attorney assigned to this matter, at (202) 694-1505 or [cgallagher@fec.gov](mailto:cgallagher@fec.gov), within seven days of receipt of this letter. During conciliation, you may submit any factual or legal materials that you believe are relevant to the resolution of this matter. Because the Commission only enters into pre-probable cause conciliation in matters that it believes have a reasonable opportunity for settlement, we may proceed to the next step in the enforcement process if a mutually acceptable conciliation agreement cannot be reached within sixty days. *See* 52 U.S.C. § 30109(a), 11 C.F.R. Part 111 (Subpart A). Conversely, if your client is not interested in pre-probable cause conciliation, the Commission may conduct formal discovery in this matter or proceed to the next step in the enforcement process. Please note that once the Commission enters the next step in the enforcement process, it may decline to engage in further settlement discussions until after making a probable cause finding.

Pre-probable cause conciliation, extensions of time, and other enforcement procedures and options are discussed more comprehensively in the Commission's "Guidebook for Complainants and Respondents on the FEC Enforcement Process," which is available on the Commission's website at [http://www.fec.gov/em/respondent\\_guide.pdf](http://www.fec.gov/em/respondent_guide.pdf).

We look forward to your response.

On Behalf of the Commission



Sean J. Cooksey  
Chairman

Enclosures:

1. Factual and Legal Analysis  
[REDACTED]

**FEDERAL ELECTION COMMISSION  
FACTUAL AND LEGAL ANALYSIS**

**RESPONDENT:** Democratic Executive Committee of Florida **MUR 8261**  
and Fran Garcia in her official capacity as treasurer

**I. INTRODUCTION**

This matter was generated from information ascertained by the Federal Election Commission in the normal course of carrying out its supervisory responsibilities.<sup>1</sup> The Reports Analysis Division (“RAD”) referred the Democratic Executive Committee of Florida and Fran Garcia in her official capacity as treasurer (the “Committee”), a state political party committee, to the Office of General Counsel (“OGC”) concerning amended disclosure reports from the 2022 election cycle showing previously unreported receipts totaling \$946,351.72 and disbursements totaling \$990,776.33, as well as excessive contributions totaling \$27,880 that were not timely refunded, in violation of the Federal Election Campaign Act of 1971, as amended (the “Act”).<sup>2</sup> The Committee does not dispute the allegations, responding that the omission of the financial activity from its original reports was inadvertent due to miscommunications among staff about the existence of a new bank account.<sup>3</sup> The Committee requests that the Commission take no further action or refer the matter to the Alternative Dispute Resolution Office (“ADRO”).<sup>4</sup>

For the reasons discussed below, the Commission finds reason to believe that the Committee violated: (1) 52 U.S.C. § 30104(b)(2), (4) and 11 C.F.R. § 104.3(a), (b) by failing to timely and accurately report receipts and disbursements; and (2) 52 U.S.C. § 30116(f) and 11 C.F.R. § 110.9 by knowingly accepting excessive contributions.

---

<sup>1</sup> See 52 U.S.C. § 30109(a)(2).

<sup>2</sup> Referral at 1-3 (Oct. 18, 2023).

<sup>3</sup> Resp. at 1 (Dec. 8, 2023).

<sup>4</sup> *Id.*

## II. FACTUAL AND LEGAL ANALYSIS

### A. The Commission Finds Reason to Believe That the Committee Violated 52 U.S.C. § 30104(b)(2), (4) and 11 C.F.R. § 104.3(a), (b) by Failing to Timely and Accurately Report Receipts and Disbursements

The Act and Commission regulations require political committee treasurers to file reports of receipts and disbursements.<sup>5</sup> These reports must include, *inter alia*, the total amount of receipts and disbursements, including the appropriate itemizations, where required.<sup>6</sup> RAD referred the Committee for failing to disclose all financial activity on its original 2022 October Monthly Report and 2022 12-Day Pre-General Report.<sup>7</sup> As explained below, the Committee filed an amended 2022 October Month Report which disclosed additional receipts totaling \$307,215.11 and an amended 2022 12-Day Pre-General Report which disclosed additional receipts totaling \$639,136.61 and disbursements totaling \$990,776.33. In sum, the Committee failed to timely and accurately report \$946,351.72 in receipts and \$990,776.33 in disbursements.

The Committee's original 2022 October Monthly Report disclosed receipts of \$493,475 on Line 11(c) (Contributions From Other Political Committees), and \$2,012,266.79 on Line 12 (Transfers From Affiliated (Other) Party Committees).<sup>8</sup> On February 23, 2023, the Committee amended that report to disclose receipts of \$755,537 on Line 11(c) and \$2,057,419.90 on Line 12.<sup>9</sup> As a result, the Committee disclosed a total of \$307,215.11 in increased receipts on the

---

<sup>5</sup> 52 U.S.C. § 30104(a)(1); 11 C.F.R. § 104.1(a).

<sup>6</sup> 52 U.S.C. § 30104(b)(2), (4); 11 C.F.R. § 104.3(a), (b).

<sup>7</sup> Referral at 2-3.

<sup>8</sup> *Id.*, Attach. 1 (Referral Chart, "Overview of Additional Receipts 2022 October Monthly Report"); *see also* DEC-FL, 2022 October Monthly Report at 3 (Oct. 20, 2022), <https://docquery.fec.gov/pdf/076/202210209541453076/202210209541453076.pdf>.

<sup>9</sup> Referral at 2, Attach. 1 (Referral Chart, "Overview of Additional Receipts 2022 October Monthly Report"); *see also* DEC-FL, Amended 2022 October Monthly Report at 3 (Feb. 23, 2023), <https://docquery.fec.gov/pdf/547/202302239578723547/202302239578723547.pdf>.

1 amended report.<sup>10</sup> On March 15, 2023, RAD sent a Request for Additional Information (“RFAI”)  
 2 to the Committee referencing those increased receipts and requested that it amend the report or  
 3 provide clarification regarding why the substantial increase in receipts on the Amended 2022  
 4 October Monthly Report was not disclosed on the original report.<sup>11</sup> The Committee did not  
 5 respond to that RFAI.

6 Additionally, the Committee disclosed increased receipts and disbursements on its  
 7 Amended 2022 12-Day Pre-General Report that were not disclosed on the original report.<sup>12</sup> The  
 8 Committee’s original 2022 12-Day Pre-General Report disclosed receipts of \$402,000 on  
 9 Line 11(c) (Contributions From Other Political Committees) and \$320,500 on Line 12 (Transfers  
 10 From Affiliated (Other) Party Committees).<sup>13</sup> On February 23, 2023, the Committee amended its  
 11 2022 12-Day Pre-General Report to disclose receipts of \$972,300.95 on Line 11(c) and  
 12 \$389,335.66 on Line 12.<sup>14</sup> As a result, the Committee disclosed \$639,136.61 in additional  
 13 receipts on its amended report that were not disclosed on the original report.<sup>15</sup>

---

<sup>10</sup> Referral at 1, Attach. 1 (Referral Chart, “Overview of Additional Receipts and Disbursements 2022 12-Day Pre-General Report”).

<sup>11</sup> Referral at 2-3; *see also* RFAI at 1 (Mar. 15, 2023), <https://docquery.fec.gov/cgi-bin/fecimg/?202303160300175999+0>. As noted in the Referral, the RFAI incorrectly referenced an increase in receipts of \$307,101.82, which is slightly lower than the correct amount of increased receipts, \$307,215.11. Referral at 3 n.2; Referral Chart, Attach. 1 (Referral Chart, “Overview of Additional Receipts 2022 October Monthly Report”).

<sup>12</sup> Referral at 3, Attach. 1 (Referral Chart, “Overview of Additional Receipts and Disbursements 2022 12-Day Pre-General Report”).

<sup>13</sup> *Id.*; *see also* DEC-FL, 2022 12-Day Pre-General Report at 3 (Oct. 27, 2022), <https://docquery.fec.gov/pdf/036/202210279546575036/202210279546575036.pdf>.

<sup>14</sup> Referral at 3, Attach. 1 (Referral Chart, “Overview of Additional Receipts and Disbursements 2022 12-Day Pre-General Report”); *see also* DEC-FL, Amended 2022 12-Day Pre-General Report at 3 (Feb. 23, 2023), <https://docquery.fec.gov/pdf/238/202302239578726238/202302239578726238.pdf>.

<sup>15</sup> Referral at 3; Attach. 1 (Referral Chart, “Overview of Additional Receipts and Disbursements 2022 12-Day Pre-General Report”).

The original 12-Day Pre-General Report also disclosed disbursements of \$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).<sup>16</sup> The Committee's amended report disclosed disbursements of \$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).<sup>17</sup> These amendments resulted in \$990,776.33 in additional disbursements on the amended report that were not disclosed on the original 2022 12-Day Pre-General Report.<sup>18</sup>

On March 21, 2023, RAD sent an RFAI to the Committee referencing the increased receipts and disbursements on its amended 2022 12-Day Pre-General Report and requested that the Committee amend its report or provide clarification as to why this increased activity was not disclosed on the original report.<sup>19</sup> On April 25, 2023, the Committee responded via a Miscellaneous Text submission, stating:

After conducting a routine 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

---

<sup>16</sup> Referral at 3, Attach. 1 (Referral Chart, "Overview of Additional Receipts and Disbursements 2022 12-Day Pre-General Report"); *see also* DEC-FL, 2022 12-Day Pre-General Report at 4 (Oct. 27, 2022), <https://docquery.fec.gov/pdf/036/202210279546575036/202210279546575036.pdf>.

<sup>17</sup> Referral at 3, Attach. 1 (Referral Chart, "Overview of Additional Receipts and Disbursements 2022 12-Day Pre-General Report"); *see also* DEC-FL, Amended 2022 12-Day Pre-General Report at 4 (Feb. 23, 2023), <https://docquery.fec.gov/cgi-bin/fecimg/?202302239578726238>.

<sup>18</sup> Referral at 3, Attach. 1 (Referral Chart, "Overview of Additional Receipts and Disbursements 2022 12-Day Pre-General Report"). On March 16, 2023, the Committee further amended its 2022 12-Day Pre-General Report, but did not make any changes in the total receipts or disbursements from the earlier amendment filed on February 23, 2023. Referral at 3.

<sup>19</sup> Referral at 3; *see also* RFAI at 1 (Mar. 21, 2023), <https://docquery.fec.gov/pdf/455/202303210300176455/202303210300176455.pdf>.

1 for the public record, the Committee filed the additional  
2 transactions detailed in the Amended Report.<sup>20</sup>

3 The Response to the Referral states that the Committee's omission of the financial activity  
4 from its original reports was inadvertent.<sup>21</sup> According to the Response, there was a  
5 miscommunication among staff about the existence of a new bank account that was intended to  
6 facilitate the receipt and spending of funds from joint fundraising activities, and the compliance  
7 team that prepares the Committee's reports was not informed of this new account at the time it  
8 prepared the original reports.<sup>22</sup> The Committee asserts that, once this miscommunication was  
9 discovered, it voluntarily amended the affected reports.<sup>23</sup> The Committee further asserts that it  
10 has instituted new internal controls to prevent future miscommunications<sup>24</sup> and that the  
11 compliance team is now integrated into the process of the creation and closure of the Committee's  
12 bank accounts.<sup>25</sup> The Committee requests that the Commission take no further action or refer the  
13 matter to ADRO.<sup>26</sup>

14 Here, the Committee disclosed \$307,215.11 in additional receipts on its Amended 2022  
15 October Monthly Report and \$639,136.61 in additional receipts and \$990,776.33 in additional  
16 disbursements on its Amended 2022 12-Day Pre-General Report, that were not disclosed on its

---

<sup>20</sup> DEC-FL, Miscellaneous Electronic Submission at 1 (Apr. 25, 2023), <https://docquery.fec.gov/pdf/468/202304259581295468/202304259581295468.pdf>.

<sup>21</sup> Resp. at 1.

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> *Id.* The Response does not specify the new internal controls that the Committee put in place to prevent future miscommunications.

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

original reports.<sup>27</sup> The Response does not dispute the allegations in the Referral and responds that the omissions were inadvertent.<sup>28</sup> The Committee’s request to take no further action or refer this matter to ADRO would be inconsistent with how the Commission has treated similarly situated committees.<sup>29</sup>

Therefore, the Commission finds reason to believe that the Democratic Executive Committee of Florida and Fran Garcia in her official capacity violated 52 U.S.C. § 30104(b)(2), (4) and 11 C.F.R. § 104.3(a), (b) by failing to timely and accurately disclose receipts and disbursements.

---

<sup>27</sup> Referral, Attach. 1 (Referral Charts, “Overview of Additional Receipts 2022 October Monthly Report” and “Overview of Additional Receipts and Disbursements 2022 12 - Day Pre-General Report”).

<sup>28</sup> Resp. at 1.

<sup>29</sup> The Commission has pursued other committees in the Enforcement context, finding reason to believe reporting violations occurred and engaging in pre-probable cause conciliation, involving voluntary disclosure of omitted financial activity despite the errors being inadvertent. *See, e.g.*, Factual and Legal Analysis (“F&LA”) at 3-4, MUR 7971 (Ind. Democratic Cong. Victory Comm.), Certification (“Cert.”) ¶¶ 2.b, 2.d, 2.e (Mar. 24, 2022) (committee stated that it inadvertently failed to import all financial transactions from its general accounting software to its reporting software, including by failing to mark a new bank account for importation into the reporting software); F&LA at 2-4, MUR 7054 (Oakland Cty. Democratic Party), Cert. ¶¶ 2.b, 2.d, 2.e (Apr. 28, 2016) (finding reason to believe where committee stated that it inadvertently underreported disbursements due to information not properly transferred from QuickBooks to its reporting software); F&LA 4-6, MUR 7603 (Wyo. Republican Party, Inc.), Cert. ¶¶ 3.b, 3.c, 3.d (Apr. 29, 2019) (finding reason to believe where committee stated that reporting errors were due to miscommunications between two vendors).

Moreover, the Commission has similarly pursued DEC-FL for inadvertent reporting errors identified in previous RAD referrals. The Committee has been the subject of six enforcement matters before the Commission for activity dating back to 2007, and has paid \$143,000 in civil penalties in those MURs. *See* F&LA at 1, MUR 8070 (finding reason to believe that the Committee failed to accurately disclose debt during the 2020 election cycle and accepted excessive and prohibited contributions), CA ¶ IV.1, MUR 8070 (including \$43,000 civil penalty); F&LA at 1, MUR 7899 (Mar. 21, 2022) (finding reason to believe that the Committee failed to maintain monthly payroll logs of employees whose salaries have been allocated between the Committee’s federal and non-federal accounts), F&LA at 1, MUR 7899 (Apr. 14, 2021) (finding reason to believe that the Committee accepted excessive and prohibited contributions, impermissibly transferred funds from its non-federal account, and failed to accurately disclose its activity during the 2018 election cycle), CA ¶ IV.1, MUR 7899 (including \$44,000 civil penalty); F&LA at 1, MUR 7466 (finding reason to believe that the Committee failed to accurately disclose its cash-on-hand and receipts in 2014), CA ¶ IV.1, MUR 7466 (including \$11,500 civil penalty); F&LA at 1, MUR 7026 (finding reason to believe that the Committee failed to disclose receipt of Levin funds in 2014), CA ¶ IV.1, MUR 7026 (including \$7,500 civil penalty); F&LA at 1, MUR 6923 (finding reason to believe that the Committee failed to accurately disclose receipts and disbursements in 2010 and 2011), CA ¶ V.1, MUR 6923 (including \$28,000 civil penalty); F&LA at 4-6, MUR 6731 (finding reason to believe that the Committee made an excessive contribution, failed to itemize coordinated party expenditures, and accepted an excessive contribution during the 2008 election cycle), CA ¶ IV.1, MUR 6731 (including \$9,000 civil penalty).



**B. The Commission Finds Reason to Believe That the Committee Violated 52 U.S.C. § 30116(f) and 11 C.F.R. § 110.9 by Knowingly Accepting Excessive Contributions**

The Act provides 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 aggregate, exceed \$10,000.<sup>30</sup> With the exception of a committee established and maintained by a national political party, no multicandidate committee shall make contributions to any other political committee in any calendar year in which the aggregate exceed \$5,000.<sup>31</sup> The Act also provides that no political committee shall knowingly accept any contribution in excess of these limits.<sup>32</sup>

A committee's treasurer is responsible for examining all contributions received to ascertain whether contributions received, when aggregated with other contributions from the same contributor, exceed the Act's contribution limits.<sup>33</sup> Contributions which on their face exceed the contribution limits, and contributions which do not appear to exceed the contribution limits but exceed contribution limits when aggregated with other contributions, and which cannot be accepted under the net debts outstanding provisions, may be returned to the contributor or deposited.<sup>34</sup> If deposited, contributions must be: (1) redesignated in accordance with 11 C.F.R. §§ 110.1(b)(5) or 110.2(b)(5); (2) reattributed in accordance with 11 C.F.R. § 110.1(k)(3); or

---

<sup>30</sup> 52 U.S.C. § 30116(a)(1)(D); *see also* 11 C.F.R. § 110.1(c)(5).

<sup>31</sup> 52 U.S.C. § 30116(a)(2)(C); *see also* 11 C.F.R. § 110.2(d).

<sup>32</sup> 52 U.S.C. § 30116(f); *see also* 11 C.F.R. § 110.9.

<sup>33</sup> 11 C.F.R. § 103.3(b).

<sup>34</sup> *Id.* § 103.3(b)(3); *see also id.* § 110.1(b)(3) (stating that a contribution designated for a particular election shall not exceed the amount of net debts outstanding from that election).

(3) refunded within 60 days of the date that the committee has actual notice of the need to refund, redesignate or reattribute the contributions.<sup>35</sup>

During the 2022 30-Day Post-General reporting period, the Committee received a total of \$27,880 in excessive contributions consisting of \$23,600 from five individuals and \$4,280 from a multicandidate political action committee (“PAC”), which were refunded between 116 and 132 days after receipt, and thus well beyond the 60-day permissible timeframe.<sup>36</sup> The contributions received, when aggregated with previous contributions the individuals and PAC made during the election cycle, constituted excessive contributions.<sup>37</sup> All contributions are fully itemized in the chart attached to the Referral, and the excessive amounts along with the date of the refunds are as follows:<sup>38</sup>

Contributor	Date Received	Excessive Amount	Date Refunded	Days Between Receipt and Refund
Agnes Gund	Oct. 25, 2022	\$1,000	Feb. 28, 2023	126
Todd J. Michaels	Oct. 19, 2022	\$500	Feb. 28, 2023	132
Alix L. Ritchie	Oct. 25, 2022	\$10,000	Feb. 28, 2023	126
Joao Rodolfo Canto	Nov. 4, 2022	\$10,000	Feb. 28, 2023	116
Chris Sasso	Nov. 4, 2022	\$2,100	Feb. 28, 2023	116
<i>Subtotal Individual Excessives:</i>		<i>\$23,600</i>		
IBEW PAC	Oct. 21, 2022	\$4,280	Feb. 28, 2023	130
<i>Subtotal PAC Excessives:</i>		<i>\$4,280</i>		
<b>Total Excessives:</b>		<b>\$27,880</b>		

On April 17, 2023, RAD sent an RFAI to the Committee identifying the apparent excessive contributions as disclosed on its Amended 2022 30-Day Post-General Report filed

<sup>35</sup> *Id.* § 103.3(b)(3).

<sup>36</sup> Referral at 1-2, Attach. 1 (Referral Chart, “Untimely Resolved Excessive Contributions”).

<sup>37</sup> Referral, Attach. 1 (Referral Chart, “Untimely Resolved Excessive Contributions”).

<sup>38</sup> *Id.*

MUR 8261 (Democratic Executive Committee of Florida)

Factual and Legal Analysis

Page 9 of 10

March 16, 2023, and requested that the Committee take corrective action.<sup>39</sup> In response to that RFAI, on May 20, 2023, the Committee amended its 2022 30-Day Post-General Report and included memo text stating, in pertinent part, that all excessive contributions had been returned and the refunds disclosed on its 2023 March Monthly Report.<sup>40</sup> The Committee's 2023 March Monthly Report discloses that on February 28, 2023, it refunded \$23,600 in excessive individual contributions and \$4,280 in PAC contributions.<sup>41</sup> The Committee's Response to the Referral does not address the allegation that it accepted excessive contributions.<sup>42</sup>

Here, the Committee received a total of \$23,600 in excessive contributions from five individuals from October 19, 2022, through November 4, 2022.<sup>43</sup> In addition, on October 21, 2022, the Committee received an excessive contribution from a multicandidate PAC in the amount of \$4,280.<sup>44</sup> The Committee refunded the contributions between 116 and 132 days after receipt, beyond the 60-day permissible timeframe.<sup>45</sup>

---

<sup>39</sup> Referral at 1-2, Attach. 1 (Referral Chart, "Untimely Resolved Excessive Contributions"); *see also* RFAI at 1-2 (Apr. 17, 2023), [https://docquery.fec.gov/cgi-bin/fecimg/?\\_202304170300178374+0](https://docquery.fec.gov/cgi-bin/fecimg/?_202304170300178374+0).

<sup>40</sup> Referral at 2; *see also* DEC-FL, Amended 30-Day Post-Election Report at 6 (May 20, 2023), <https://docquery.fec.gov/pdf/099/202305209581624099/202305209581624099.pdf>; DEC-FL, 2023 March Monthly Report at 43-51 (Mar. 20, 2023), <https://docquery.fec.gov/pdf/152/202303209579458152/202303209579458152.pdf>. As noted in the Referral, "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." Referral at 2 n.1.

<sup>41</sup> DEC-FL, 2023 March Monthly Report at 43-51 (Mar. 20, 2023), <https://docquery.fec.gov/pdf/152/202303209579458152/202303209579458152.pdf>.

<sup>42</sup> *See generally* Resp.

<sup>43</sup> Referral, Attach. 1 (Referral Chart, "Untimely Resolved Excessive Contributions").

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*; Referral at 2, Attach. 1 (Referral Chart, "Untimely Resolved Excessive Contributions"); *see* 11 C.F.R. § 103.3(b)(3); *see, e.g.*, F&LA at 3, 6-8, MUR 8030 (Dan Crenshaw for Congress), Cert. ¶ 2.b (July 15, 2022) (finding reason to believe in a RAD Referral, that, *inter alia*, a committee accepted excessive contributions which were refunded late); F&LA at 3-4, 6-7, MUR 8074 (Kim Klacik for Congress) (same); F&LA at 3, 5, 7-10, MUR 8070 (DEC-FL), Cert. ¶ 3.c (Sept. 20, 2022) (same).

MUR 8261 (Democratic Executive Committee of Florida)  
Factual and Legal Analysis  
Page 10 of 10

1           Therefore, the Commission finds reason to believe that the Democratic Executive  
2   Committee of Florida and Fran Garcia in her official capacity as treasurer violated 52 U.S.C.  
3   § 30116(f) and 11 C.F.R. § 110.9 by knowingly accepting excessive contributions.