

FEDERAL ELECTION COMMISSION

Nick Maietta

Naples, FL 34108

Complainant

v.

MUR # 6784

**Lizbeth Benacquisto
Ft. Myers, FL 33901
(239) 338-2570**

**330 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100
(850) 487-5030**

and

**Lizbeth Benacquisto for Congress
610 S. Boulevard
Tampa, FL 33606**

**RECEIVED
2014 FEB 19 PM 1:30
OFFICE OF
COUNCIL**

Sample Affidavit

State of Florida)
County of Collier) SS:

Before me, the undersigned notary public, this day, personally,
appeared Nicholas Marietta to me known,
who being duly sworn according to law, deposes the following:

(FEC Complaint)

Nicholas Marietta
(Signature of Affiant)

Subscribed and sworn to before me this 18th day of February, 2014.

Lisa Gallagher
Notary Public

My Commission Expires:



2014 FEB 19 PM 1:30
OFFICE OF Notary Public
Collier County, FL

Federal Campaign finance laws prohibit special interest-corporate contributions to be raised by the as all contributions are required to come from individuals. Federal election law does not permit candidates to spend non-federally raised money on their federal election. The TV advertisement purchase was alleged to be for Benacquisto's State Senate Race. Many media outlets in Congressional District 19 suggested that the ads were intended to boost Benacquisto's name identification and aid her in a congressional election . Many specifically questioned why Benacquisto would spend \$167,500 on for a state senate race to be held in August of 2014—when no viable opponent filed to run against her. Despite the media allegations, to date there has been no official investigation into Benacquisto's campaign finances or media expenditures.

The TV advertisement in question featured Benacquisto in a generally positive light. The advertisement made no mention of any state initiatives that Benacquisto would pursue as State Senator. The ad did not 'by voice' mention that Benacquisto was running for the Senate. The only indication in the TV advertisement that Benacquisto was running for the State Senate and not the U.S. Congress was the disclaimer which appeared only in print at the end of the commercial. The ad made no mention of the actual voting date of the state senate election. These advertisements aired throughout the month of January TV in Congressional District 19 through early February. When asked about the advertisements, Benacquisto stated, "I think it was allowable by law... what the FEC allows you to do as a deliberative measure and we did that."

Trey Radel officially resigned from office on January 27th, 2014. Lizbeth Benacquisto traveled to Washington DC and continued to gather support for her congressional race. Benacquisto filed her Congressional Campaign Committee, "Lizbeth for Congress" on February 4, 2014. Benacquisto announced her official candidacy on February 7, 2014 in Fort Myers, Florida. Also on February 7, 2014, Benacquisto took her political candidate Facebook page which was entitled 'Benacquisto for State Senate' and changed the name to 'Benacquisto for Congress'. The Facebook page, which was labeled as 'political' had over 26,000 likes and hundreds of followers when it switched instantaneously from Benacquisto's state senate page to her congressional campaign page.

Shortly thereafter, Benacquisto began running new TV advertisements promoting her congressional campaign. The television advertisements featured the exact same images, locations, and people that were featured in her state senate campaign commercials which aired just days before.

"The pictures on her congressional campaign website - from her clothes to the people she's talking to - are just about identical to what was seen in her TV commercials for her state senate campaign.

1004410140001

An expert in the area of campaign finance tells Fox 4 if the funds from her state campaign were used to pay for the same images in her federal campaign, that could be a problem.

"Federal law requires that any candidate running for federal office not accept any transfers of money or any assets from a state campaign run by that same individual," says Paul Ryan from the non-partisan and non-profit Campaign Legal Center.

He explains the law is very clear about this with candidates.

"They really need to keep money that they've raised and used for state office campaigns separate from any federal office campaigns," says Ryan.

"She was navigating thru the gray," he says of Benacquisto's ads that ran before she declared her candidacy for Congress.

"I think federal election laws are very black and white," he adds."

In her previous races, Benacquisto committed and was found guilty of committing 105 election law violations.

D. REQUEST FOR INVESTIGATION

Benacquisto, through her expenditure of state campaign funds on goods and services which would later be used in her federal campaign, violated 11 CFR 110.3(d). Furthermore, her failure to file within 10 days following the expenditure of \$1000 on her Federal campaign falls under the purview of 11 CFR 102.1(a) and 11 CFR 102.1(d). Therefore, I respectfully request that the Federal Election Commission undertake an investigation of Benacquisto's expenditures in order to show that no state funds were misallocated or commingled with those of her Federal campaign, and that her filing was made within the proper time frame following such expenditures.

E. LEGAL ARGUMENT

1: The appropriation of state campaign funds for the direct and intentional benefit of a Federal campaign falls under the purview of a "transfer from a nonfederal to federal campaign."

11 CFR 110.3(d) Transfers from nonfederal to federal campaigns. Transfers of funds or assets from a candidate's campaign committee or account for a nonfederal election to his or her principal campaign committee or other authorized committee for a federal election are prohibited. However, at the option of the nonfederal committee, the nonfederal committee may refund contributions, and may coordinate arrangements with the candidate's principal campaign committee or other authorized committee for a solicitation by such committee(s) to the same contributors. The full cost of this solicitation shall be paid by the Federal committee.

A) TV and Radio Expenditures

Benacquisto, as evidenced by her expenditures filings with the Florida Department of State Division of Elections (Exhibit 1), used funds designated for her state senate campaign for the direct benefit of her federal campaign.

Benacquisto with no viable opponent spent \$167,500 dollars on TV and radio commercials with state campaign funds in January of 2014 which were intended to benefit her federal congressional campaign.

In early January, Benacquisto made it known in the community, Tallahassee, and in DC that she was planning on running for U.S. Congress. However, Benacquisto was unable to spend from her state campaign funds because the contributions collected were from corporate, special interest, and political action committees. Benacquisto needed cover to spend from her state account on her congressional race but had no opponent in her state race to justify any meaningful media spending.

Conveniently, on 01/02/14, Thomas LePine filed to challenge Benacquisto for her state senate seat. Also conveniently, the exact same day as Republican primary candidate Thomas LePine filed a Statement of Candidacy (Exhibit 2) with the Florida Department of State Division of Elections, Benacquisto hired McLaughlin & Associates to the tune of \$167,500 for Media Advertising.

This was not the first time that Benacquisto was involved with LePine. LePine filed to run and closed out the primary for Benacquisto in 2012 as well. However, LePine failed to qualify as a candidate and never appeared on the ballot in 2012, allowing Benacquisto to run unopposed in a closed primary in 2012. Benacquisto used the innocuous state candidate LePine as a justification to run TV and radio advertising for the sole purpose of improving her name identification in the congressional district.

B) Website Domain

The website for Benacquisto, LizbethForCongress.com was registered as a domain name on 12/30/2013 (Exhibit 3). LizbethforCongress is the primary website actively used by Benacquisto's congressional campaign. This domain was registered in advance of her filing or formally declaring her candidacy by nearly a month. An investigation would, no doubt, reveal that Benacquisto had contracted to begin construction of the website well before she officially filed or declared her candidacy. The domain was registered just four days prior to Benacquisto allocating half her state senate account on TV and radio advertising to bolster her name identification. It is clear that these actions are all a part of the same effort—to effectuate a congressional campaign using state funds. While basic logic and financial shrewdness would prevent a State Senator from pursuing this course of action, federal political strategy would certainly encourage it.

Also troubling, in Benacquisto's 2/04/14 filing with the Federal Election Commission (Exhibit 4), Benacquisto listed "none" under the section designated for the Committee Web Page URL. If Benacquisto's political committee had no web page, then why was LizbethforCongress.com live on 2/3/14, one day prior to the filing which failed to specify the aforementioned website? Either this was a clerical error or a clear and intentional misrepresentation.

If Benacquisto had no intention of running for Congress, there would have been no reason to register a domain name 3 days prior to the \$167,500 expenditure to McLaughlin & Associates supposedly in the name of her State Senate reelection campaign. Given that Benacquisto currently uses LizbethforCongress.com as her principal domain for her Federal campaign, and it was registered on 12/30/13, there is an obvious impropriety to Benacquisto's course of action.

C) Transfer of Value

In the FEC Advisory Opinion 1989-4, the Commission states that any use of state committee assets by a federal committee requires that the latter make payment to the former for the "usual and normal charge" for such assets in the market where ordinarily sold. Based on this opinion, Benacquisto must show that the proper value of her photography, mailing lists, volunteer lists, computers, and any media service expenses such as website design/management and social media was paid from her Federal campaign to reimburse the expenditures that were made from her state campaign fund. Given the suspect timing of her website registration, her significant expenditure of state funds on media advertising, as well as her Statement of Candidacy filing, it is imperative that Benacquisto show that she took the proper steps to ensure that any value bestowed upon her Federal campaign from her state campaign was properly accounted for. In the event that no reimbursements were made, Lizbeth for Congress would essentially be unjustly enriched.

a. TV Commercials

The TV commercials that aired after Benacquisto formally announced her candidacy bore a striking resemblance to those that aired in her state senate campaign just days before. The same images, people, places, even clothing were shared between commercials. If the content of these commercials was paid for by the state senate campaign then at the very least, a full accounting is required to ensure that Benacquisto's federal campaign did not improperly benefit from her state campaign.

b. Facebook

The abrupt switch of Benacquisto's Facebook website from one purporting to represent her State Senate career to one advocating for her election to Federal office represents a transfer of value. Benacquisto has paid tens of thousands of dollars from her state account to aid in the management of her social media campaigns since 2010. Benacquisto's Facebook page represented a dynamic way to reach voters for her senate race. Since Benacquisto likely spent state funds on the creation and maintenance of her social media accounts, some accounting must have been made that shows that the "usual and normal charge" for these assets was paid from her federal campaign funds to her state campaign account.

2: The failure to file as a political committee within 10 days following the spending of state campaign funds on photography, social media, and website creation/management later appropriated for use in a Federal campaign is improper.

11 CFR 102.1(a) & (d)

(a) *Principal campaign committees.* Each principal campaign committee shall file a Statement of Organization in accordance with 11 CFR 102.2 no later than 10 days after designation pursuant to 11 CFR 101.1. In addition, each principal campaign committee shall file all designations, statements and reports which are filed with such committee at the place of filing specified at 11 CFR part 105.

(d) *Other political committees.* All other committees shall file a Statement of Organization no later than 10 days after becoming a political committee within the meaning of 11 CFR 100.5. Such statement(s) shall be filed at the place of filing specified at 11 CFR part 105.

At the very least, Benacquisto's procurement of services for her "State Senate campaign" in December that would later be used for her Federal campaign in January/February amount to a violation of the aforementioned statute, as she had not registered as a political committee until 2/4/14. Given that no web page was listed in the filing on this date, Benacquisto must have spent funds from the state coffer on media work that would later make its way onto her website.

Given that Benacquisto had 10 days from the alleged federal-related expenditures to register a political committee, Benacquisto's grace period would begin on January 23. Furthermore, since the latest possible date that Benacquisto can be shown to have intent to run is December 30 – that will be the end date to the range. In that time period, Benacquisto spent \$178,903.684 – meaning that less than .9% of those expenditures must have been spent on Benacquisto's federal campaign in order to show that Benacquisto should have filed earlier than 02/04/14 to be compliant with Federal election law. Benacquisto must account for the expenditures spent during this time period to show that no funds were improperly allocated to her federal campaign.

F. CONCLUSION

Given the totality of the information contained in this complaint, Benacquisto owes a duty to the Federal Election Commission and to the voters of the 19th Congressional District of Florida to show that any value transferred from her state funds to her federal campaign was properly accounted for, and that no state funds were misallocated or commingled. Furthermore, in the event that expenditures in the amount of \$1000 or more were spent on her federal campaign prior to her filing on 2/4/14, Benacquisto must show that no such expenditures took place prior to 10 days before that filing (1/23/14).

FEC
FORM 1

STATEMENT OF
ORGANIZATION

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1. NAME OF
COMMITTEE (In full)

☐

(Check if name
is changed)

Example: If typing, type
over the lines.

12FE4M5

L i s b e t h B e n e s c u i s t o f o r C o n g r e s s

ADDRESS (number and street)

6 1 0 S B o u l e v a r d

☐

(Check if address
is changed)

T a m p a F L 3 3 6 0 6

CITY

STATE

ZIP CODE

COMMITTEE'S E-MAIL ADDRESS (Please provide only one e-mail address)

☐

(Check if address
is changed)

n w a t k i n s e r o b e r t w a t k i n s . c o m

COMMITTEE'S WEB PAGE ADDRESS (URL)

☐

(Check if address
is changed)

N o n e

2. DATE

0 2

0 3

2 0 1 4

3. FEC IDENTIFICATION NUMBER

C

4. IS THIS STATEMENT

☒

NEW (N)

OR

☐

AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Nancy H. Watkins

Signature of Treasurer

Nancy H. Watkins

Date

0 2

0 3

2 0 1 4

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g.

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

Office
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Only

For further information contact:
Federal Election Commission
Toll Free 800-426-6530
Local 202-694-1100

FEC FORM 1
(Revised 02/2009)

5. TYPE OF COMMITTEE

Candidate Committee:

- (a) ☒ This committee is a principal campaign committee. (Complete the candidate information below.)
- (b) ☐ This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of Candidate

L i z b e t h B e n a c u i s t o

Candidate Party Affiliation

R E P

Office Sought:

☒ House☐ Senate☐ President

State

F L

District

1 9

- (c) ☐ This committee supports/opposes only one candidate, and is NOT an authorized committee.

Name of Candidate

Party Committee:

- (d) ☐ This committee is a (National, State or subordinate) committee of the (Democratic, Republican, etc.) Party.

Political Action Committee (PAC):

- (e) ☐ This committee is a separate segregated fund. (Identify connected organization on line 6.) Its connected organization is a:
- ☐ Corporation ☐ Corporation w/o Capital Stock ☐ Labor Organization
- ☐ Membership Organization ☐ Trade Association ☐ Cooperative
- ☐ In addition, this committee is a Lobbyist/Registrant PAC.
- (f) ☐ This committee supports/opposes more than one Federal candidate, and is NOT a separate segregated fund or party committee. (i.e., nonconnected committee)
- ☐ In addition, this committee is a Lobbyist/Registrant PAC.
- ☐ In addition, this committee is a Leadership PAC. (Identify sponsor on line 6.)

Joint Fundraising Representative:

- (g) ☐ This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, at least one of which is an authorized committee of a federal candidate.
- (h) ☐ This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, none of which is an authorized committee of a federal candidate.

Committees Participating in Joint Fundraiser

1. FEC ID number C
2. FEC ID number C
3. FEC ID number C
4. FEC ID number C

14031174805

Write or Type Committee Name

Lizbeth Benacquisto for Congress

6. Name of Any Connected Organization, Affiliated Committee, Joint Fundraising Representative, or Leadership PAC Sponsor

N o n e

Mailing Address

CITY STATE ZIP CODE

Relationship: ☐ Connected Organization ☐ Affiliated Committee ☐ Joint Fundraising Representative ☐ Leadership PAC Sponsor

7. Custodian of Records: Identify by name, address (phone number - optional) and position of the person in possession of committee books and records.

Full Name

N a n c y H . W a t k i n s

Mailing Address

6 1 0 S . B o u l e v a r d
T a m p a F L 3 3 6 0 6

Title or Position

CITY

STATE

ZIP CODE

T r e a s u r e r

Telephone number 8 1 3 - 2 5 4 - 3 3 6 9

8. Treasurer: List the name and address (phone number - optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name of Treasurer

N a n c y H . W a t k i n s

Mailing Address

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T a m p a F L 3 3 6 0 6

Title or Position

CITY

STATE

ZIP CODE

T r e a s u r e r

Telephone number 8 1 3 - 2 5 4 - 3 3 6 9

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Full Name of
Designated
Agent

R o b e r t I W a t k i n s

Mailing Address

6 1 0 S B o u l e v a r d

T a m p a F L 3 3 6 0 6

CITY

STATE

ZIP CODE

Title or Position

A s s i s t a n t T r e a s u r e r

Telephone number

8 1 3 - 2 5 6 - 3 3 6 9

9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.

T h e B a n k o f T a m p a

Mailing Address

6 0 1 B a y a h o r e B l v d

T a m p a F L 3 3 6 0 6

CITY

STATE

ZIP CODE

Name of Bank, Depository, etc.

Mailing Address

CITY

STATE

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Campaign Expenditures

2014 General Election
Lirbeth Rietack(Helm) (REP)
State Senator

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Exp. No.	Exp. Type	Amount	Exp. Date	To	From	Account No.	Comments	Type
1	1	100.00	11/11/13	State of Florida	Lirbeth Rietack(Helm)	100.00	State of Florida	1
2	1	100.00	11/11/13	State of Florida	Lirbeth Rietack(Helm)	100.00	State of Florida	1
3	1	100.00	11/11/13	State of Florida	Lirbeth Rietack(Helm)	100.00	State of Florida	1
4	1	100.00	11/11/13	State of Florida	Lirbeth Rietack(Helm)	100.00	State of Florida	1
5	1	100.00	11/11/13	State of Florida	Lirbeth Rietack(Helm)	100.00	State of Florida	1
6	1	100.00	11/11/13	State of Florida	Lirbeth Rietack(Helm)	100.00	State of Florida	1
7	1	100.00	11/11/13	State of Florida	Lirbeth Rietack(Helm)	100.00	State of Florida	1
8	1	100.00	11/11/13	State of Florida	Lirbeth Rietack(Helm)	100.00	State of Florida	1
9	1	100.00	11/11/13	State of Florida	Lirbeth Rietack(Helm)	100.00	State of Florida	1
10	1	100.00	11/11/13	State of Florida	Lirbeth Rietack(Helm)	100.00	State of Florida	1

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After Rep. Radel's cocaine bust, a Connie Mack comeback?

@MarcACaputo

Shortly after Congressman Trey Radel's cocaine bust in DC went viral, the
inevitable speculation about the future of his seat started and inevitably
settled on one person in particular: Former U.S. Rep. Connie Mack, who
once held the Fort Myers seat.

Apparently, a few reporters called Mack's political team, which didn't really
knock down the speculation with this statement that had political insiders
buzzing after it was blasted out:

FORT MYERS -- In response to questions that he has received this
evening, former Congressman Connie Mack issued the following
statement regarding Rep. Trey Radel.

Mack said:

"This is undoubtedly a very difficult time for Trey and his family and I'm
sure all of us in Southwest Florida are keeping them in our thoughts and
prayers.

"It is important that we all appreciate the very personal nature of Trey's
situation and understand that it is premature to respond to or consider
political questions at this time."

It should be noted that Mack endorsed Radel, so there are no hard
feelings apparently there. However, that might not be the case with some
of Radel's opponents in the GOP primary that included Radel, Chauncey
Goss and former state Reps Paige Kreegel and Gary Aubuchon.

Mack had left his congressional seat in a tough and failed bid last year
against Democratic Sen. Bill Nelson, who won the post after Mack's father
and namesake retired from the U.S. Senate in 2000.

Posted by Marc Caputo at 8:35 AM on Wednesday, Nov. 20, 2013 in Connie Mack |
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Flood insurance.

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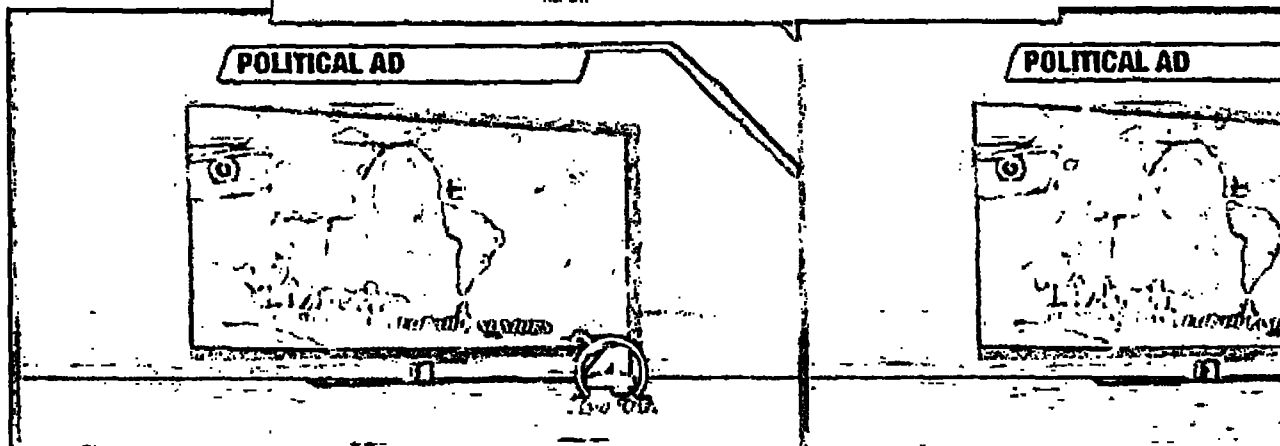
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Too close for comfort? Questions about candidate's simultaneous campaigns



Warren Wright

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CREATED Feb. 5, 2014

FORT MYERS, Fla.- More questions tonight about one of the congressional candidates running to replace disgraced Republican Trey Radel.

Radel resigned from Congress last week amid continuing controversy over his cocaine conviction.

Fellow Republican Lizbeth Benacquisto is now running for the District 19 seat -- which represents all of Lee county and coastal Collier county in the U.S. House of Representatives.

She currently represents part of Southwest Florida in the state senate in Tallahassee.

She also running for re-election for that state office.

The law says she has to keep the money for both campaigns separate.

But Fox 4 is finding some of the images used in both campaigns look identical and that's raising questions about whether there is any financial overlap between the campaigns.

It all started when Benacquisto started running political TV ads touting her image last month - before she joined the race for congress.

At the time, she said the ads were only for her state senate re-election campaign.

A PAC, whose president supports a Republican rival for the congressional seat - Paige Kreegel - began airing attack ads - accusing Benacquisto of skirting campaign finance rules.

The PAC claims Benacquisto was essentially running ads with eye toward getting voters to support her for the congressional seat -- while technically claiming her ads were for her state senate re-election bid.

Now that Benacquisto has officially joined the race for Radel's old seat, images on her newly revealed congressional campaign website have only stoked the flames of the controversy.

The pictures on her congressional campaign website - from her clothes to the people she's talking to - are just about identical to what was seen in her TV commercials for her state senate campaign.

An expert in the area of campaign finance tells Fox 4 if the funds from her state campaign were used to pay for the same images in her federal campaign, that could be a problem.

"Federal law requires that any candidate running for federal office not accept any transfers of money or any assets from a state campaign run by that same individual," says Paul Ryan from the non-partisan and non-profit Campaign Legal Center.

He explains the law is very clear about this with candidates.

"They really need to keep money that they've raised and used for state office campaigns separate from any federal office campaigns," says Ryan.

"She was navigating thru the gray," he says of Benacquisto's ads that ran before she declared her candidacy for Congress.

"I think federal election laws are very black and white," he adds.

Though PAC attacking her has raised questions about her, there's no evidence to show Benacquisto has actually done anything against the rules.

Fox 4 has requested she explain the timing and financing of the identical images seen in both campaigns.

If, for example, her state senate campaign paid to have the images made, she will have done nothing illegal if her federal campaign reimburses the state campaign for using the images on her congressional campaign website.

Her office has not responded yet to Fox 4's inquiries about this issue.

Money aside, Benacquisto seems to at least be mingling information between the campaigns.

On her website for her state senate campaign, she talks about her run for federal office - providing a link to the congressional campaign website.

Even if that's legal, we're told it could still affect her image in voters' eyes.

"It raises questions about whether she is taking adequate care to keep her state campaign, if there's one ongoing, completely separate, as the law requires, from her federal campaign," says Ryan.

Benacquisto is one of a number of Republicans running for the seat.

The others are Curt Clawson, Michael Dreikorn, Mike Giallombardo, Mike Gibens, Paige Kreegel and Timothy Rossano.

The winner of the special election primary - to be held on April 22nd - will likely face Democrat April Freeman and Libertarian Ray Netherwood in the special general election to replace Radel on June 24th.

You must register to vote by March 24th to vote in the April 22nd primary.

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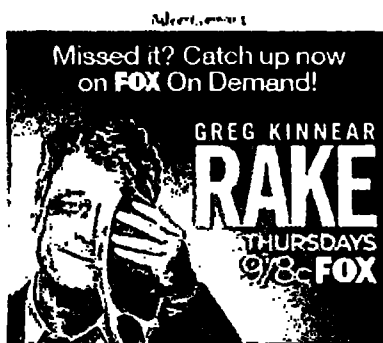
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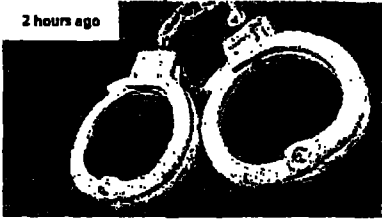
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Registrar URL: http://www.godaddy.com

Registrant Name: Registration Private

Registrant Organization: Domains By Proxy, LLC

Name Server: NS09.DOMAINCONTROL.COM

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