FEDERAL ELECTION COMMISSION

In the matter of: Bacardi U.S.A., Inc. Political Action Committee
Robert M. Higdon, Treasurer
Pete's Political Action Committee
Democracy Believers Political Action Committee
Barbara W. Bonfiglio, Treasurer

COMPLAINT


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. The Bacardi U.S.A. Inc., Political Action Committee is a separate segregated fund subject to regulation by the Federal Election Commission ("FEC"). Robert M. Higdon is the Treasurer of the Bacardi PAC.

4. Pete's Political Action Committee is the leadership PAC of U.S. Senator Pete Dominici (R-NM). Barbara W. Bonfiglio is the Treasurer of Pete's PAC.

5. Democracy Believers Political Action Committee is the leadership PAC of two Members of the U.S. House of Representatives, Lincoln Diaz-Balart (R-FL) and Mario
Factual Allegations

6. Both the Federal Election Campaign Act ("FECA") and the FEC’s 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 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).

7. FEC implementing regulations specify that a contribution is considered to be made when the contributor relinquishes control over the contribution. 11 C.F.R. §110.1(b)(6). A contributor is considered to have relinquished control over the contribution when the contribution is delivered to the candidate, the candidate’s campaign committee or to an agent of the campaign committee. Id. A contribution that is mailed is considered to have been made on the date of the postmark. Id.

8. A candidate or campaign committee is required to deposit a contribution within ten days of receipt of that contribution. 11 C.F.R. §103.3(a). FEC regulations provide that a contribution is received on the date that the campaign or its agent takes possession of the contribution. 11 C.F.R. §102.8(a).

COUNT I

9. The Bacardi U.S.A., Inc. PAC reported making a $1,000 contribution to Pete’s PAC on January 25, 2005, but Pete’s PAC did not report receiving the contribution until March 4, 2005, six weeks after the contribution was allegedly made. See Bacardi

10. Given the lag time between the date that the Bacardi PAC reported making the contribution and the date Pete’s PAC reported receiving it, one of two violations has occurred: either the treasurer of the Bacardi PAC violated 11 C.F.R. §102.9(b)(1)(ii) and §104.9(a), or the treasurer of Pete’s PAC violated 11 C.F.R. §103.3(a).

COUNT II

11. Similarly, the Bacardi PAC reported making a $1,000 contribution to the Democracy Believers PAC on April 13, 2005, but the Democracy Believers PAC did not report receiving the contribution until May 31, 2005, six weeks after the contribution was allegedly made. See Bacardi U.S.A., Political Action Committee, Report of Receipts and Disbursements, page 6, filed July 7, 2005 (attached as Exhibit C), compared with Democracy Believers Political Action Committee, Report of Receipts and Disbursements, page 11, filed June 9, 2005 (attached as Exhibit D).

12. Given the lag time between the date that the Bacardi PAC reported making the contribution and the date the Democracy Believers PAC reported receiving it, one of two violations has occurred: either the treasurer of the Bacardi PAC violated 11 C.F.R. §102.9(b)(1)(ii) and §104.9(a), or the treasurer of the Democracy Believers PAC violated 11 C.F.R. §103.3(a).

Conclusion

WHEREFORE, Citizens for Responsibility and Ethics in Washington requests that the Federal Election Commission conduct an investigation into these allegations, declare the
respondents to have violated the federal campaign finance laws, impose sanctions appropriate to these violations and take such further action as may be appropriate.

Melanie Sloan
Executive Director
Citizens for Responsibility and Ethics in Washington
2nd Floor
11 Dupont Circle, N.W.
Washington, D.C. 20036
(202) 588-5565
Verification

Citizens for Responsibility and Ethics in Washington, acting through Melanie Sloan, hereby verifies that the statements made in the attached Complaint are, upon information and belief, true.


Melanie Sloan

Sworn to and subscribed before me this 12th day of July, 2005.

Blanca M. Clayton
Notary Public
EXHIBIT A
**REPORT OF RECEIPTS AND DISBURSEMENTS**

**FEC FORM 3X**

For Other Than An Authorized Committee

<table>
<thead>
<tr>
<th>1. NAME OF COMMITTEE (in full)</th>
<th>USE FEC MAILING LABEL OR TYPE OR PRINTLY Example if typing, type over the lines</th>
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<tr>
<td>BACARDI USA INC POLITICAL ACTION COMMITTEE</td>
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</tr>
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</table>

<table>
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<th>2. ADDRESS(number and street)</th>
<th>2100 BISCAYNE BOULEVARD</th>
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<td>Check if different than previously reported (ACC)</td>
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| 5. Covering Period | 01 01 2005 through 08 30 2005 |

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

Type or Print Name of Treasurer: Mr. Robert M Higdon

Signature of Treasurer: Electronically Filed by Mr. Robert M Higdon

Date: 07 05 2005

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 USC 437g.
### SCHEDULE B (FEC Form 3X)

**ITEMIZED DISBURSEMENTS**

Use separate schedule(s) for each category of the Detailed Summary Page

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Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

**NAME OF COMMITTEE (in Full)**

**BACARDI U S A INC POLITICAL ACTION COMMITTEE**

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**SUBTOTAL of Disbursements This Page (optional)** 1500.00

**TOTAL This Period (last page this line number only)** 9000.00
EXHIBIT B
FEC FORM 3X

REPORT OF RECEIPTS AND DISBURSEMENTS
For Other Than An Authorized Committee

1. NAME OF COMMITTEE (in full)
   Pete's Political Action Committee

2. FEC IDENTIFICATION NUMBER
   C00245377

3. IS THIS REPORT
   X NEW (N) OR AMENDED (A)

4. TYPE OF REPORT
   (Choose One)
   (b) Monthly Report
       Feb 20 (M2) May 20 (M5) Aug 20 (M8)
       Nov 20 (M11) (Non-Election Year Only)
       Apr 20 (M4) Jul 20 (M7) Oct 20 (M10)
       Jan 31 (YE)

   (c) Quarterly Reports:
       April 15 Quarterly Report(Q1)
       Jul 15 Quarterly Report(Q2)
       Oct 15 Quarterly Report(Q3)
       Jan 31 Quarterly Report(YE)
       July 31 Mid-Year Report(Non-election Year Only) (NY)

   (d) 30-Day Report for the
       General (30G) Runoff (30R) Special (30B)

   Election on
   in the State of

   Election on
   in the State of

5. Covering Period
   03 01 2005 through 03 31 2005

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

Type or Print Name of Treasurer

Signature of Treasurer

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

FEC FORM 3X
(Rev 02/2005)
### SCHEDULE A (FEC Form 3X)

#### ITEMIZED RECEIPTS

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

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<th>State</th>
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**SUBTOTAL of Receipts This Page (optional)**: 8500.00

**TOTAL This Period (last page this line number only)**: 8500.00
REPORT OF RECEIPTS AND DISBURSEMENTS
For Other Than An Authorized Committee

1. NAME OF COMMITTEE (In full)  USE FEC MAILING LABEL OR TYPE OR PRINT
Example: If typing, type over the lines

BACARDI U.S.A. INC POLITICAL ACTION COMMITTEE

2. FEC IDENTIFICATION NUMBER

C00150538

3. IS THIS REPORT NEW (N) OR AMENDED (A)

X New

4. TYPE OF REPORT (Choose One)

(a) Monthly Report

(b) Quarterly Reports:
Apr 20 (Q1)
July 16 (Q2)
Oct 15 (Q3)
Jan 31 (Q4)

(c) Primaries:
12-Day Primary (12P)
Pre-Election Report (12P)

(d) Runoff:
Runoff (12R)

Special:
Convention (12C)
Special (12G)

Election on

in the State of

X July 31 Mid-Year Report (Non-election Year Only) (MY)

Termination Report (TER)

Election on

in the State of

5. Covering Period

01 01 2005 through 08 30 2005

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

Type or Print Name of Treasurer: Mr. Robert M. Higdon

Signature of Treasurer: Electronically Filed by Mr. Robert M. Higdon

Date: 07 05 2005

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 USC 437g.
**SCHEDULE B (FEC Form 3X)**

**ITEMIZED DISBURSEMENTS**

Use separate schedule(s) for each category of the Detailed Summary Page

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</table>

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**NAME OF COMMITTEE (in Full):**

**BACARDI USA INC POLITICAL ACTION COMMITTEE**

### A. AMERIPAC THE FUND FOR A GREATER AMERICA

- **Mailing Address:** 499 S Capitol St SW #414 Suite 106
- **City:** Washington
- **State:** DC
- **Zip Code:** 20003
- **Purpose of Disbursement:** PAC Contribution
- **Candidate Name:**
  - **Office Sought:** House
  - **Disbursement For:** 2005
  - **Category/Type:** General
- **State:**
- **District:**

#### Transaction ID: SB23 4338
- **Date of Disbursement:** 05/11/2005
- **Amount of Each Disbursement this Period:** 1000.00

### B. DEMOCRACY BELIEVERS POLITICAL ACTION COMMITTEE AKA DBPAC

- **Mailing Address:** 1155 21st Street NW Suite 300
- **City:** Washington
- **State:** DC
- **Zip Code:** 20036
- **Purpose of Disbursement:** PAC Contribution
- **Candidate Name:**
  - **Office Sought:** House
  - **Disbursement For:** 2005
  - **Category/Type:** General
- **State:**
- **District:**

#### Transaction ID: SB23 4332
- **Date of Disbursement:** 04/13/2005
- **Amount of Each Disbursement this Period:** 1000.00

### C. DISTILLED SPIRITS COUNCIL OF THE UNITED STATES INC POLITICAL ACTION COMMITTEE

- **Mailing Address:** 1250 EYE ST. NW #400
- **City:** Washington
- **State:** DC
- **Zip Code:** 20005
- **Purpose of Disbursement:** PAC Contribution
- **Candidate Name:**
  - **Office Sought:** House
  - **Disbursement For:** 2005
  - **Category/Type:** General
- **State:**
- **District:**

#### Transaction ID: SB23 4339
- **Date of Disbursement:** 05/01/2005
- **Amount of Each Disbursement this Period:** 2500.00

**SUBTOTAL of Disbursements This Page (optional):** 4500.00

**TOTAL This Period (last page this line number only):**
REPORT OF RECEIPTS AND DISBURSEMENTS
For Other Than An Authorized Committee

1. NAME OF COMMITTEE (In Full)
   Democracy Believers Political Action Committee (DB PAC)

ADDRESS (Number and street)
   1155 21st Street, NW
   Suite 300
   Washington, DC 20036

2. FEC IDENTIFICATION NUMBER
   C0382056

   CITY A
   STATE A
   ZIPCODE A

3. IS THIS REPORT X NEW (N) OR AMENDED (A)

4. TYPE OF REPORT
   (Choose One)
   (a) Quarterly Reports
      April 15 Quarterly Report
      July 15 Quarterly Report
      October 15 Quarterly Report
      January 31 Quarterly Report (YE)
      July 31 Mid-Year Report (Non-election Year Only)
      September 30 Mid-Year Report (TER)
   (b) Monthly Report
      Due On
      Apr 20 (M4) X
      May 20 (M5)
      Jun 20 (M6)
      Jul 20 (M7)
   (c) 12-Day Report
      Primary (12P)
      Convention (12C)
      Special (12G)
   (d) 30-Day Report
      General (30G)
      Runoff (30R)
      Special (30B)
   Election on
   State of

5. Covering Period
   05 01 2005 through 05 31 2005

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

Type or Print Name of Treasurer
Barbara W. Bonfiglio

Signature of Treasurer
Barbara W. Bonfiglio

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

FEC FORM 3X (Rev. 02/2005)
### SCHEDULE A (FEC Form 3X)
#### ITEMIZED RECEIPTS

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Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committees.

### Name of Committee (In Full)
Democracy Believers Political Action Committee (DB PAC)

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### TOTAL This Period (last page this line number only) | 7000.00