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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

January 6, 2011

KEITH A. DAVIS, TREASURER
MARCO RUBIO FOR US SENATE
2030 SOUTH DOUGLAS ROAD, SUITE 105
CORAL GABLES, FL 33134

IDENTIFICATION NUMBER: C00458844

Response Due Date
02/10/2011

REFERENCE: 30 DAY POST-GENERAL REPORT (10/14/2010 - 11/22/2010)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **An adequate response must be received at the Senate Public Records Office by the response date noted above. Failure to adequately respond by the response date noted above could result in an audit or enforcement action**. Additional information is needed for the following **5** item(s):

1. Schedule A of your report discloses one or more contributions that appear to be from a corporation(s) and/or labor organization(s) (see attachment #1). 2 U.S.C. § 441b(a) prohibits the receipt of contributions from corporations and labor organizations unless made from separate segregated funds established by the corporations and labor organizations.

If any apparently prohibited contribution in question was incompletely or incorrectly disclosed, you must amend your original report with clarifying information.

If you have received prohibited contributions, you must make a refund. (11 CFR § 103.3(b)(1)) The refund must be made within thirty (30) days of the treasurer becoming aware of the illegality of the contribution. (11 CFR § 103.3(b)(2))

Please inform the Commission of your corrective action immediately and provide a photocopy of any refund checks. Refunds must be reported on a Schedule B supporting Line 20(a) of the report covering the period in which the refund was made. (11 CFR § 104.8(d)(4))

Although the Commission may take further legal action, prompt action by you to refund the prohibited amount will be taken into consideration.

2. Schedule A of your report discloses one or more contributions that appear to

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exceed the limits set forth in the Act (see attachment #1). You should examine all of your contributions to check for additional excessive contributions. The Committee's procedures for processing contributions should also be reviewed.

An individual or a political committee other than an authorized committee or qualified multi-candidate committee may not make a contribution to a candidate for federal office in excess of $2,400 per election. An authorized committee may not make a contribution to a candidate for federal office in excess of $2,000 per election. A qualified multi-candidate committee and all affiliated committees may not make a contribution(s) to a candidate for federal office in excess of $5,000 per election. The term "contribution" includes any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for federal office. (2 U.S.C. § 441a(a) and (f); 11 CFR § 110.1(b), (e) and (k))

If any apparently excessive contribution in question was incompletely or incorrectly disclosed, you must amend your original report with the clarifying information. If any contribution you received exceeds the limits, you may have to refund the excessive amount.

Excessive contributions may be retained if, within sixty (60) days of receipt, the excessive portions are properly redesignated or reattributed. Guidelines for each option are provided below:

For reattributions, excessive contributions from individuals can be retained, if within sixty (60) days of receipt, the excessive amount is properly reattributed to another person. Please note that reattributions only apply to excessive contributions from individuals. An excessive contribution is considered properly reattributed if (1) the contributors provide the committee with written documentation, signed by each contributor, authorizing a reattribution and indicating the amount of the contribution to be attributed to each contributor, or (2) the committee reattributes, by presumption, the excessive portion of the contribution if the contribution was made on a written instrument from a joint account and was signed by only one of the account holders. In this case, the treasurer must notify the contributors in writing within 60 days of receiving the contribution that the committee intends to reattribute the excessive portion and must give the contributor an opportunity to request a refund. (11 CFR § 110.1(k)(3)(ii)(B))

For redesignations, the funds can be retained if, within sixty (60) days of receipt, the excessive amount is properly redesignated for a different election.

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An excessive contribution is considered properly redesignated if (1) the committee obtains signed written documentation from the contributor(s) authorizing the redesignation of the contribution for another election, provided that the new designation does not exceed the limitations on contributions made with respect to that election, or (2) your committee redesignates by presumption the excessive portion of the contribution for another election provided that the new designation does not exceed the limitations on contributions made with respect to that election. In this case, the treasurer must notify the contributor of the redesignation in writing within 60 days of the treasurer's receipt of the contribution. The notification must give the contributor an opportunity to request a refund. (11 CFR § 110.1(b)(5)(ii)(B)) Please note that you cannot presumptively redesignate an excessive contribution from a multi-candidate committee. Also, a contribution can only be redesignated to a previous election to the extent that the contribution does not exceed the committee's net debts outstanding for that election. (11 CFR § 110.1(b)(3)(i))

If the foregoing conditions for reattributions or redesignations are not met within 60 days of receipt of the contribution, the excessive amount must be refunded. See 11 CFR § 103.3(b)(1).

Please inform the Commission of your corrective action immediately in writing and provide photocopies of any refund checks and/ or letters reattributing or redesignating the contributions in question. Refunds are reported on Line 20 of the Detailed Summary Page and on a supporting Schedule B of the report covering the period in which they are made. Redesignations and reattributions are reported as memo entries on Schedule A of the report covering the period in which the authorization for the redesignation and/or reattribution is received. (11 CFR § 104.8(d)(2), (3) and (4))

The acceptance of excessive contributions is a serious problem. Again, the committee's procedures for processing contributions should be examined and corrected in order to avoid this problem. Although the Commission may take further legal action, prompt action by you to refund, redesignate, and/or reattribute of the excessive amount will be taken into consideration.

3. Schedule A of your report indicates that your committee may have failed to file one or more of the required 48-hour notices regarding "last minute" contributions received by your committee after the close of books for the 12 Day Pre-General Report (see attachment #2). A principal campaign committee must notify the Commission, in writing, within 48 hours of any contribution of $1,000 or more received between two and twenty days before an election.

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These contributions are then reported on the next report required to be filed by the committee. To ensure that the Commission is notified of last minute contributions of $1,000 or more to your campaign, it is recommended that you review your procedures for checking contributions received during the aforementioned time period. The failure to file 48-hour notices may result in civil money penalties or legal enforcement action. If any contribution of $1,000 or more was incorrectly reported, you must amend your original report with the clarifying information. (11 CFR § 104.5(f))

4. It appears that your committee may have filed duplicate 48-hour notices. Your committee filed two 48 hour notices for Jose Fanjul for $2,400.00; however, this contributions is only disclosed once on Schedule A of your report. Please amend your report to include the additional contributions or provide an explanation of the apparent discrepancies. (11 CFR §104.3(a)(4)(i))

5. Your committee has previously established that it has been using "best efforts" to obtain the occupations and names of employers for contributors. This report discloses a significant increase in the number of entries for which the occupations and/or employers are not provided. Please note that the committee must make, in addition to the original solicitation, at least one additional written or oral request for the information within 30 days of the receipt of the contribution. A written request may not include an additional solicitation or material on any subject other than thanking the contributor for the contribution, and must include a pre-addressed post card or envelope for the contributor's response. An oral request must be documented in writing. (11 CFR §§ 104.3(a)(4)(i) and 104.7)

Please note, you will not receive an additional notice from the Commission on this matter. Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action. **Requests for extensions of time in which to respond will not be considered**.

A written response or an amendment to your original report(s) correcting the above problems should be filed with the Senate Public Records Office. Please contact the Senate Public Records Office at (202) 224-0322 for instructions on how and where to file an amendment. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1165.

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Sincerely,



Rebecca Hough
Senior Campaign Finance Analyst
Reports Analysis Division

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P = Primary Election
G = General Election

Excessive and/or Prohibited Contributions
Marco Rubio for US Senate (C00458844)
30 Day Post-General Report (10/14/10 - 11/22/10)

Attachment #1

CONTRIBUTOR NAME		DATE	AMOUNT	ELECTION
ALTMAN	THOMAS MR	8/9/2010	$2,200.00	G, 2010
ALTMAN	THOMAS MR	10/25/2010	$300.00	G, 2010
ARCADIS PAC		10/26/2010	$5,000.00	G, 2010
ARCADIS PAC		11/2/2010	$5,000.00	G, 2010
AT&T INC. FEDERAL PAC		8/27/2010	$2,500.00	G, 2010
AT&T INC. FEDERAL PAC		10/13/2010	$2,500.00	G, 2010
AT&T INC. FEDERAL PAC		10/25/2010	$2,500.00	G, 2010
BYERS	WALTER MR	9/17/2010	$1,500.00	G, 2010
BYERS	WALTER MR	10/26/2010	$1,000.00	G, 2010
CAMPBELL	KIM K MRS	4/23/2010	$1,000.00	G, 2010
CAMPBELL	KIM K MRS	10/21/2010	$1,500.00	G, 2010
CAMPBELL	KIM K MRS	10/27/2010	$2,400.00	G, 2010
CLARKE	VICTOR E MR	9/8/2010	$1,500.00	G, 2010
CLARKE	VICTOR E MR	9/27/2010	$1,000.00	G, 2010
CLARKE	VICTOR E E MR	11/1/2010	$1,950.00	G, 2010
DOBBS	JOHN HULL MR	10/29/2010	$5,000.00	G, 2010
FANJUL	JOSE PEPE MR	6/30/2010	$500.00	G, 2010
FANJUL	JOSE MR SR	9/29/2010	$1,900.00	G, 2010
FANJUL	JOSE PEPE MR SR	10/25/2010	$2,400.00	G, 2010
FLORIDA FARM BUREAU FEDERATION FEDPAC		8/27/2010	$2,500.00	G, 2010
FLORIDA FARM BUREAU FEDERATION FEDPAC		9/1/2010	$2,500.00	G, 2010
FLORIDA FARM BUREAU FEDERATION FEDPAC		10/21/2010	$2,500.00	G, 2010
FOSTER	THADDEUS T MR	11/1/2010	$2,150.00	G, 2010
FOSTER	THADDEUS T MR	11/1/2010	$2,150.00	G, 2010

P = Primary Election
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Excessive and/or Prohibited Contributions
Marco Rubio for US Senate (C00458844)
30 Day Post-General Report (10/14/10 - 11/22/10)

Attachment #1

CONTRIBUTOR NAME		DATE	AMOUNT	ELECTION
FREITAS	MARK E MR	9/30/2009	$100.00	G, 2010
FREITAS	MARK E MR	10/25/2010	$4,800.00	G, 2010
FUENTES	JOSE MR	10/13/2010	$2,400.00	G, 2010
FUENTES	JOSE MR	10/25/2010	$2,400.00	G, 2010
GARCIA-BENGOCHEA	JAVIER DR	2/26/2010	$2,400.00	G, 2010
GARCIA-BENGOCHEA	JAVIER DR	10/26/2010	$2,400.00	G, 2010
GIBBS	GEORGE W MR	11/8/2010	$3,000.00	P, 2016
GONZALEZ	FRANCISCO	10/21/2010	$4,800.00	G, 2010
GROW	WESLEY R MR	6/30/2010	$200.00	G, 2010
GROW	WESLEY R MR	8/6/2010	$1,000.00	G, 2010
GROW	WESLEY R MR	8/9/2010	$400.00	G, 2010
GROW	WESLEY R MR	8/9/2010	$1,000.00	G, 2010
GROW	WESLEY R MR	10/12/2010	$2,000.00	G, 2010
GROW	WESLEY R MR	10/13/2010	-$600.00	G, 2010
GROW	WESLEY R MR	10/28/2010	$400.00	G, 2010
HAM	GEORGE MR	9/1/2010	$300.00	G, 2010
HAM	GEORGE MR	9/9/2010	$1,300.00	G, 2010
HAM	GEORGE MR	10/18/2010	$500.00	G, 2010
HAM	GEORGE MR	10/29/2010	$500.00	G, 2010
HARRISON	WILLIAM JR	11/1/2010	$2,400.00	G, 2010
HARRISON	WILLIAM JR	11/1/2010	$2,400.00	G, 2010
LANDRY	CHRISTOPHER KEVIN MR	5/10/2010	$2,400.00	G, 2010
LANDRY	CHRISTOPHER KEVIN MR	10/18/2010	$2,400.00	G, 2010
LAUTENBACH	NED	10/21/2010	$2,600.00	G, 2010

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Excessive and/or Prohibited Contributions
Marco Rubio for US Senate (C00458844)
30 Day Post-General Report (10/14/10 - 11/22/10)

Attachment #1

CONTRIBUTOR NAME		DATE	AMOUNT	ELECTION
MILSTEIN	LAZER	11/1/2010	$2,400.00	G, 2010
MILSTEIN	LAZER	11/1/2010	$2,400.00	G, 2010
NATIONAL REPUBLICAN SENATORIAL COMMITTEE		9/17/2010	$12,600.00	G, 2010
NATIONAL REPUBLICAN SENATORIAL COMMITTEE		10/26/2010	$42,000.00	G, 2010
PALMER	JACK	10/7/2010	$500.00	G, 2010
PALMER	JACK	10/28/2010	$1,000.00	G, 2010
PALMER	JACK	10/29/2010	$1,000.00	G, 2010
RODRIGUEZ	RAUL	9/7/2010	$2,400.00	G, 2010
RODRIGUEZ	RAUL	10/28/2010	$1,000.00	G, 2010
ROSELLINI	LOUIS F	10/23/2010	$4,800.00	G, 2010
SAWYER	BRUCE	10/23/2010	$2,500.00	G, 2010
SEAMAN	ELEANOR	9/26/2010	$1,000.00	G, 2010
SEAMAN	ELEANOR	10/28/2010	$500.00	G, 2010
SEAMAN	ELEANOR	10/28/2010	$500.00	G, 2010
SEAMAN	ELEANOR	10/29/2010	$500.00	G, 2010
SEAMAN	ELEANOR	10/29/2010	$500.00	G, 2010
SHOEMAKER	ROBERT MR	9/3/2010	$600.00	G, 2010
SHOEMAKER	ROBERT MR	9/15/2010	$600.00	G, 2010
SHOEMAKER	ROBERT MR	9/30/2010	$600.00	G, 2010
SHOEMAKER	ROBERT MR	10/26/2010	$300.00	G, 2010
SHOEMAKER	ROBERT MR	11/1/2010	$1,000.00	G, 2010
SMITH	MATTHEW	10/18/2010	$2,000.00	G, 2010
SMITH	MATTHEW	10/29/2010	$2,800.00	G, 2010
SMITH	RANDALL MR	3/31/2010	$1,200.00	G, 2010

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CONTRIBUTOR NAME		DATE	AMOUNT	ELECTION
SMITH	RANDALL MR	10/27/2010	$2,400.00	G, 2010
SNOWDEN	RICHARD	10/25/2010	$2,400.00	G, 2010
SNOWDEN	RICHARD	10/25/2010	$2,400.00	G, 2010
ST GEORGE	NICHOLAS J MR	8/26/2010	$900.00	G, 2010
ST GEORGE	NICHOLAS MR	10/28/2010	$1,000.00	G, 2010
ST GEORGE	NICHOLAS MR	10/29/2010	$1,000.00	G, 2010
THE NEW CUBAN AMERICAN MAJORITY PAC		10/28/2010	$2,400.00	G, 2010
THE NEW CUBAN AMERICAN MAJORITY PAC		10/28/2010	$2,400.00	G, 2010
VIRGIN	CHARLES MR	9/29/2010	$1,000.00	G, 2010
VIRGIN	CHARLES MR	10/29/2010	$1,500.00	G, 2010
WAY	STEPHEN	9/16/2010	$2,400.00	G, 2010
WAY	STEPHEN	11/1/2010	$2,400.00	G, 2010
The following contributions appear to be prohibited.				
FIRST SERVICE ADMINISTRATORS		10/19/2010	$500.00	G, 2010
OLYMPA PLUMBING CORP		10/21/2010	$500.00	G, 2010

Missing 48-hour notices
Marco Rubio for US Senate (C00458844)
30 Day Post-General Report (10/14/10 - 11/22/10)
General Election 2010
48 Hour Notice Period (10/14/10 - 10/30/10)

Attachment #2

CONTRIBUTOR NAME		DATE	AMOUNT	ELECTION
PETWAY	BETTY	10/15/2010	$2,400.00	G, 2010
FEIT	S MR	10/18/2010	$1,000.00	G, 2010
FULLERTON	ROBERT	10/18/2010	$1,000.00	G, 2010
LANDRY	CHRISTOPHER KEVIN MR	10/18/2010	$2,400.00	G, 2010
ROSEMURGY	JENNIFER	10/19/2010	$2,400.00	G, 2010
21ST CENTURY MAJORITY FUND		10/22/2010	$2,500.00	G, 2010
ALLRAD	BARRY L MR	10/22/2010	$1,000.00	G, 2010
ALVAREZ	ESTHER L MRS	10/22/2010	$2,400.00	G, 2010
ALVAREZ	MAXIMO RICARDO MR	10/22/2010	$2,400.00	G, 2010
BALLARD	WAYNE	10/22/2010	$1,440.00	G, 2010
CRETELLA	TOM	10/22/2010	$2,400.00	G, 2010
CUSTER	ROY F MR JR	10/22/2010	$1,000.00	G, 2010
EXXON MOBIL CORPORATION PAC		10/22/2010	$5,000.00	G, 2010
GEO GROUP	INC. PAC	10/22/2010	$5,000.00	G, 2010
GIVEN	KEVIN	10/22/2010	$1,200.00	G, 2010
HALPAC		10/22/2010	$5,000.00	G, 2010
HERTEL	KRISTEN	10/22/2010	$2,400.00	G, 2010
KPMG PAC		10/22/2010	$2,500.00	G, 2010
LAS VEGAS SANDS CORP PAC		10/22/2010	$5,000.00	G, 2010
MEYERHOFF	HARVEY	10/22/2010	$1,000.00	G, 2010
MULVEY	STEPHEN	10/22/2010	$1,200.00	G, 2010
NAW WDPAC		10/22/2010	$5,000.00	G, 2010
NEXT CENTURY FUND		10/22/2010	$5,000.00	G, 2010
PROTECT AMERICAS FUTURE PAC INC.		10/22/2010	$5,000.00	G, 2010
RAC-GOOD GOVERNMENT PAC		10/22/2010	$5,000.00	G, 2010
ROGERS	JOHN	10/22/2010	$2,400.00	G, 2010
SATTER	MUNEER	10/22/2010	$2,400.00	G, 2010
SPEESE	MARK	10/22/2010	$1,000.00	G, 2010
TO PROTECT OUR HERITAGE PAC		10/22/2010	$1,000.00	G, 2010
BEARD	RICHARD A MR III	10/24/2010	$2,400.00	G, 2010
METLIFE	INC.	10/24/2010	$2,500.00	G, 2010
BATTAGLIA	ROBERT E MR	10/27/2010	$1,000.00	G, 2010

Missing 48-hour notices
Marco Rubio for US Senate (C00458844)
30 Day Post-General Report (10/14/10 - 11/22/10)
General Election 2010
48 Hour Notice Period (10/14/10 - 10/30/10)

Attachment #2

CONTRIBUTOR NAME		DATE	AMOUNT	ELECTION
CAMPBELL	J D	10/27/2010	$1,000.00	G, 2010
CARDEN	ROBERT	10/27/2010	$2,000.00	G, 2010
FAIRBANKS	SHANNON	10/27/2010	$1,000.00	G, 2010
FMR LLC PAC		10/27/2010	$5,000.00	G, 2010
SAIC VOLUNTARY PAC		10/27/2010	$2,500.00	G, 2010
PALMER	JACK	10/28/2010	$1,000.00	G, 2010
SCHULTE	FRED C	10/28/2010	$1,000.00	G, 2010
SPIRO	DONALD W MR	10/28/2010	$1,000.00	G, 2010
ST GEORGE	NICHOLAS MR	10/28/2010	$1,000.00	G, 2010