Interim Audit Report of the
Audit Division on the
Democratic Party of Orange
County FED PAC
January 1, 2007 - December 31, 2008

Why the Audit Was Done
Federal law permits the
Commission to conduct
audits and field
investigations of any
political committee that
is required to file reports
under the Federal
Election Campaign Act
(the Act). The
Commission generally
conducts such audits
when a committee
appears not to have met
the threshold
requirements for
substantial compliance
with the Act. The audit
determines whether the
committee complied
with the limitations,
prohibitions and
disclosure requirements
of the Act.

Future Action
The Commission may
initiate an enforcement
action, at a later time,
with respect to any of
the matters discussed in
this report.

About the Committee (p. 2)
The Democratic Party of Orange County FED PAC (DPOC)
is a local party committee, located in Santa Ana, California.
For more information, see the chart on Committee
Organization, p. 2.

Financial Activity (p. 2)
- Receipts
  o Contributions from Individuals $ 334,560
  o Contributions from Political Committees 31,737
  o Loans Received 13,000
  o Offsets to Expenditures 3,525
  o Transfers from Non-Federal Funds 202,684
  o Transfers from Levin Funds 4,992
  Total Receipts $ 590,498

- Disbursements
  o Operating Expenditures $ 503,938
  o Transfers to Affiliated Committees 45,483
  o Contributions to Political Committees 6,702
  o Independent Expenditures 21,529
  o Loan Repayments 7,750
  o Contribution Refunds 806
  o Other Disbursements 1,020
  o Federal Election Activity 11,118
  Total Disbursements $ 598,346

Findings and Recommendations (p. 3)
- Misstatement of Financial Activity (Finding 1)
- Untimely Deposit of Receipts (Finding 2)

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1 2 U.S.C. §438(b).
2 Although the Statement of Organization lists the Treasurer's Burbank, California office address as DPOC's address, the committee is headquartered in Santa Ana, California.
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Part I
Background

Authority for Audit
This report is based on an audit of the Democratic Party of Orange County FED PAC (DPOC), undertaken by the Audit Division of the Federal Election Commission (the Commission) in accordance with the Federal Election Campaign Act of 1971, as amended (the Act). The Audit Division conducted the audit pursuant to 2 U.S.C. §438(b), which permits the Commission to conduct audits and field investigations of any political committee that is required to file a report under 2 U.S.C. §434. Prior to conducting any audit under this subsection, the Commission must perform an internal review of reports filed by selected committees to determine if the reports filed by a particular committee meet the threshold requirements for substantial compliance with the Act. 2 U.S.C. §438(b).

Scope of Audit
Following Commission approved procedures, the Audit staff evaluated various risk factors and as a result, this audit examined:

1. The disclosure of disbursements, debts and obligations.
2. The disclosure of expenses allocated between federal and non-federal accounts.
3. The disclosure of individual contributors’ occupation and name of employer.
4. The consistency between reported figures and bank records.
5. The completeness of records.
6. Other committee operations necessary to the review.

Scope Limitation
The treasurer of DPOC operates an accounting firm that handles DPOC’s accounting, recordkeeping and reporting. The firm also acts as DPOC’s credit card processor. The same credit card merchant account is used to process contributions for DPOC and a number of other clients. The Audit staff did not have access to complete records for this account and therefore was limited in its ability to verify the proper accounting of transactions relating to the account.
Part II
Overview of Committee

Committee Organization

<table>
<thead>
<tr>
<th>Important Dates</th>
<th>August 19, 1996</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of Registration</td>
<td>January 1, 2007 – December 31, 2008</td>
</tr>
</tbody>
</table>

| Headquarters                                          | Santa Ana, California |

| Bank Information                                      | One |

| Bank Depositories                                     | Five (2 Federal, 1 Levin, 2 Non-Federal) |

| Treasurer                                             | Kinde Durkee |

| Treasurer When Audit Was Conducted                     | Kinde Durkee |

| Treasurers During Period Covered by Audit              | Florice Hoffman (through 05/15/07), Kinde Durkee (05/16/07 to present) |

| Management Information                                | Yes |

| Attended FEC Campaign Finance Seminar                 | Paid Firm |

| Who Handled Accounting and Recordkeeping Tasks        | Paid Firm |

Overview of Financial Activity
(Audited Amounts)

| Cash on hand @ January 1, 2007                        | $12,785 |

| Contributions from Individuals                        | 334,560 |
| Contributions from Political Committees               | 31,737  |
| Loans Received                                       | 13,000  |
| Offsets to Expenditures                               | 3,525   |
| Transfers from Non-Federal Funds                      | 202,684 |
| Transfers from Levin Funds                            | 4,992   |

Total Receipts $590,498

| Operating Expenditures                                | 503,938 |
| Transfers to Affiliated Committees                    | 45,483  |
| Contributions to Political Committees                 | 6,702   |
| Independent Expenditures                              | 21,529  |
| Loan Repayments                                      | 7,750   |
| Contribution Refunds                                  | 806     |
| Other Disbursements                                   | 1,020   |
| Federal Election Activity                             | 11,118  |

Total Disbursements $598,346

Cash on hand @ December 31, 2008 $4,937
Part III
Summaries

Findings and Recommendations

Finding 1. Misstatement of Financial Activity
During audit fieldwork, a comparison of DPOC’s reported figures to bank records indicated that receipts and disbursements were understated by $13,110 and $13,057 in 2007 and by $33,394 and $32,806 in 2008. The Audit staff recommends that DPOC amend its reports to correct these misstatements and submit any additional comments relevant to this finding.
(For more detail, see p. 4)

Finding 2. Untimely Deposit of Receipts
Audit fieldwork indicated that DPOC failed to deposit, within 10 days of receipt, 58% of the contributions received during the 2008 election cycle. The delays in depositing these contributions averaged 41 days. The Audit staff recommends that DPOC provide evidence showing that the deposits in question were deposited timely or submit any additional comments relevant to this finding.
(For more detail, see p. 6)
Part IV
Findings and Recommendations

Finding 1. Misstatement of Financial Activity

Summary
During audit fieldwork, a comparison of DPOC's reported figures to bank records indicated that receipts and disbursements were understated by $13,110 and $13,057 in 2007 and by $33,394 and $32,806 in 2008. The Audit staff recommends that DPOC amend its reports to correct these misstatements and submit any additional comments relevant to this finding.

Legal Standards
Contents of Reports. Each report must disclose:
- The amount of cash on hand at the beginning and end of the reporting period;
- The total amount of receipts for the reporting period and for the calendar year;
- The total amount of disbursements for the reporting period and for the calendar year;
and
- Certain transactions that require itemization on Schedule A (Itemized Receipts) or Schedule B (Itemized Disbursements). 2 U.S.C. §434(b)(1), (2), (3), (4) and (5).

Facts and Analysis

A. Facts
During audit fieldwork, a reconciliation of DPOC's reported financial activity with bank records for 2007 and 2008 indicated that cash on hand, receipts and disbursements were misstated in both years. The following charts outline the discrepancies for both years and provide explanations for the misstated activity.

<table>
<thead>
<tr>
<th>2007 Committee Activity</th>
<th>Reported</th>
<th>Bank Records</th>
<th>Discrepancy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beginning Cash</td>
<td>$12,827</td>
<td>$12,785</td>
<td>$(42) Overstated</td>
</tr>
<tr>
<td>Receipts</td>
<td>$311,632</td>
<td>$324,742</td>
<td>$13,110 Understated</td>
</tr>
<tr>
<td>Disbursements</td>
<td>$292,185</td>
<td>$305,242</td>
<td>$13,057 Understated</td>
</tr>
<tr>
<td>Ending Cash</td>
<td>$32,274</td>
<td>$32,285</td>
<td>$11 Understated</td>
</tr>
</tbody>
</table>

The understatement of receipts was the result of the following:
- Unreported receipts $ 12,113
- Unexplained difference 997
  Understatement of Receipts $ 13,110
The understatement of disbursements was the result of the following:
- Unreported transfers to non-federal accounts $ 12,113
- Unreported miscellaneous expenses 700
- Unexplained difference 244

Understatement of Disbursements $ 13,057

The majority of the unreported receipts and disbursements, noted above, occurred between August 22 and December 22, 2007. During that time DPOC made deposits of individual contributions totaling $10,265 into its federal account that were intended for the non-federal account. Neither the deposits nor the transfers to the non-federal account were reported. The balance, $1,848 ($12,113-$10,265), was a transfer received from the non-federal account on January 30 and returned on March 8.

<table>
<thead>
<tr>
<th>2008 Committee Activity</th>
<th>Reported</th>
<th>Bank Records</th>
<th>Discrepancy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beginning Cash</td>
<td>$32,274</td>
<td>$32,285</td>
<td>$11 Understated</td>
</tr>
<tr>
<td>Receipts</td>
<td>$232,362</td>
<td>$265,756</td>
<td>$33,394 Understated</td>
</tr>
<tr>
<td>Disbursements</td>
<td>$260,298</td>
<td>$293,104</td>
<td>$32,806 Understated</td>
</tr>
<tr>
<td>Ending Cash</td>
<td>$4,338</td>
<td>$4,937</td>
<td>$599 Understated</td>
</tr>
</tbody>
</table>

The understatement of receipts was the result of the following:
- Unreported receipts $ 33,370
- Unexplained difference 24

Understatement of Receipts $ 33,394

The understatement of disbursements was the result of the following:
- Unreported transfers to non-federal accounts $ 33,370
- Unexplained difference (564)

Net Understatement of Disbursements $ 32,806

Between January 2 and February 13, 2008, DPOC made 22 deposits of contributions, totaling $32,030, into its federal account that were intended for the non-federal account. In July, an additional $1,340 was deposited into the federal account that was intended for the non-federal account. DPOC did not report the deposits or the transfers to the non-federal account.

During audit fieldwork, DPOC representatives inquired as to whether they were required to report deposit errors made and corrected within a reporting period. The Audit staff noted that DPOC did not correct all of the errors within a reporting period. Further, DPOC representatives were informed that the numerous occurrences indicated a systemic problem and that political committees are required to report all
receipts and disbursements. DPOC representatives described the 2008 deposits of non-federal funds to the federal account as errors; and stated that once identified and corrected, the errors were not repeated.

DPOC misstated cash balances throughout 2007 and 2008 due to the errors outlined above and unknown adjustments from prior reporting periods. On December 31, 2008, the cash balance was understated by $599.

B. Interim Audit Report & Audit Division Recommendation
At the exit conference, Audit staff restated the misstatements previously discussed and received no additional comments from DPOC representatives.

The Audit staff recommends that, within 30 days of service of this report, DPOC:

- Amend its reports to correct the misstatements for 2007 and 2008 as noted above; and,
- Amend its most recently filed report to correct the cash on hand balance with an explanation that the change resulted from a prior period audit adjustment. Further, DPOC should reconcile the cash balance of its most recent report to identify any subsequent discrepancies that may affect the adjustment recommended by the Audit staff.

Finding 2. Untimely Deposit of Receipts

Summary
Audit fieldwork indicated that DPOC failed to deposit, within 10 days of receipt, 58% of the contributions received during the 2008 election cycle. The delays in depositing these contributions averaged 41 days. The Audit staff recommends that DPOC provide evidence showing that the deposits in question were deposited timely or submit any additional comments relevant to this finding.

Legal Standard
Timing of Deposits. A treasurer of a political committee is responsible for making deposits of contributions. These deposits must be made within 10 days of the receipt of the contribution. 11 CFR 103.3(a).

Facts and Analysis
A. Facts
During audit fieldwork, the reconciliation of DPOC’s bank activity identified a number of deposits in transit at the end of calendar year 2007. Of the 29 deposits held to be in transit, 24 consisted of contributions received prior to December 2007 and only one of the 29 was deposited within the required 10 days.
A review of all deposits into DPOC’s federal account indicated that 230 of 430 contribution deposits were made more than 10 days following the contribution’s receipt. On average, the time between receipt and deposit for the late deposits was 41 days, ranging from 11 to 281 days. Contributions deposited untimely totaled $213,960 or approximately 58% of the contributions deposited.

There was a greater delay for the deposit of contributions made by credit card than for those made by check. For the late credit card deposits, the average delay between receipt and deposit was 57 days, while the average delay for check batches was 17 days.

DPOC’s Treasurer discussed this problem in some detail in a written response to questions raised during audit fieldwork:

Merchant services accounts are normally linked to the individual client bank account. Unfortunately, there were inconsistencies while establishing the merchant services account for DPOC and the account was never properly activated. Several months’ worth of activity showed the credit card contribution deposits were not properly posting to the Committee bank account. It was eventually discovered that the funds were being held in a standard non-interest bearing checking account established for merchant services hosted by Durkee & Associates. In order to rectify the situation we immediately began to verify each credit card transaction. As soon as all credit card transactions were accounted for, the net total of each credit card batch was transferred into the Committee bank account. In some instances, the transfer checks were voided and re-issued due to a declined credit card or a chargeback within the original batch. This was a lengthy process, but as of the present date, all credit card transactions have been verified and all funds have been transferred properly.

The check deposit delays were due to new office procedures. During this time, we established an in-office e-scanner to process check deposits through our bank. The e-scanner was new technology our bank was testing. This technology placed a check scanner and computer software in our office that allowed us to process deposits in the same manner as a bank teller processes deposits at a bank branch. We agreed to participate in the process as a means for our clients to save courier fees and to allow them to have the benefit of instant credit of deposits. Unfortunately, there were many discrepancies and processing malfunctions which we were not prepared to handle. As a result,

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3 Since DPOC did not maintain a record showing the actual date a contribution was received, the Audit staff used the dates the batches were recorded in DPOC’s accounting records. These dates coincided with the date written on deposit batch preparation sheets. Generally, the checks in the batches were dated a few days prior to the preparation date. The underlying presumption was that to be able to prepare the deposits, DPOC must have the contributions in hand.

4 Excluded from this calculation is a March 6, 2006 deposit in transit, which could not be traced to DPOC’s bank account, but based on DPOC bank reconciliations, was deposited sometime in March 2008. The time between receipt and deposit may have been in excess of two years.
many of our deposits were not properly processed and therefore did not settle timely.

It should be noted that we have strict internal controls in place to avoid these types of situations in the future.

The Audit staff notes that it is not clear why this deposit delay problem was not identified and resolved more quickly, since the Treasurer's company, Durkee and Associates, both processed DPOC's credit card contributions\(^5\) and regularly reconciled its bank accounts. The delays for the credit card deposits spanned the entire election cycle, although the average time between contribution receipt and deposit in 2008 declined to 35 days from 47 days in 2007. The deposit of checks processed with the new technology may have been the cause of some deposit delays, but this does not explain the late deposits prior to the adoption of the system in December 2007, nor does it explain why six of 13 check deposit batches from December 2008 were late.

**Interim Audit Report & Audit Division Recommendation**

At the exit conference, Audit staff restated the issues discussed previously and DPOC representatives did not comment.

The Audit staff recommends that, within 30 days of service of this report, DPOC provide evidence showing the deposits in question were deposited timely or submit any additional comments relevant to this finding.

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\(^5\) Durkee and Associates handles accounting and reporting for a number of political clients, many of which had the same treasurer as DPOC, and used a shared credit card merchant account.