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September 20, 2023

*By email to Audit@fec.gov*

Nicole Burgess  
Audit Division  
Federal Election Commission  
1050 First Street, NE  
Washington, DC 20463

Re: Interim Audit Report of the Audit Division on the  
1199 SEIU United Healthcare Workers East  
Federal Political Action Fund

Dear Ms. Burgess:

I am responding on behalf of the 1199 SEIU United Healthcare Workers East Federal Political Action Fund (“the Committee”) to the Interim Audit Report (IAR). I address the three interim findings in turn.

**Interim Finding 1: Misstatement of Financial Activity**

The Committee has sought to further determine the causes of the discrepancy between its bank records on the one hand and the opening and closing cash on hand balances on its reports to the Commission on the other hand. The Committee is amending its most recent report, the Mid-Year 2023 Report, to make a one-time prior period adjustment in order to align its reported balances with its internal records, and it is filing a Form 99 explaining that it has done so.

**Interim Finding 2: Reporting of Apparent Independent Expenditures.**

The Committee is filing amended 2020 October Quarterly, Pre-General, Post-General and Year-End reports, primarily in order to correct the misattributions to Line 29 of disbursements that should have been disclosed on Schedule E, and to update the estimates reflected on the 48-Hour and 24-Hour reports submitted during October and November 2020 with information ascertained since. Especially notable is that vendor A/B Partners PBC was engaged to produce and disseminate digital advertising on various platforms, and the pricing for these and similar digital ads cannot be known at the time, or within one or two days later when Schedule E reports may be due, because it depends in part on the actions of their recipients and the analysis of those results. The Commission should accord especial latitude to differences between reported estimates and later-reported actuals for this kind of advertising.

Other aspects of these amended reports that differ from the original reports reflect additional information that the Committee has taken into account in the course of reviewing the original reports and its records. Please note that these amendments do not seek to Address Interim Finding 1, above.

With respect to the payments to Committee vendor BerlinRosen of \$50,000 on October 28 and \$25,500 on November 2, 2020 (the latter amount is the relevant portion of a total \$41,250 payment), the Committee has ascertained that they are attributable to independent expenditures supporting Joseph Biden for President via telephone calls, using what's termed the Call Hub Dialer, totaling \$155,500 that were disseminated between October 6 and Election Day, November 3. The Committee also paid BerlinRosen \$50,000 on October 14 and \$30,000 on October 21 for these independent expenditures. On October 26 the Committee submitted a 24-Hour Report for these calls in the amount of \$80,000 with an October 25 dissemination date. The Committee believes that the volume of calls during the 29-day period did not vary significantly from day to day except that it likely increased in the days leading to and on Election Day. The amended Pre-General and Post-General Reports assume, however, that the calls were evenly spaced throughout this period. The same is true for the allocable compensation costs incurred by the Committee for the time spent by connected organization employees to utilize the Call Hub Dialer for the independent expenditures, as is reflected on Schedules D and E of both those reports.

**Interim Finding 3: Recordkeeping for Communications.**

The Committee has previously exhausted the available efforts to locate and provide all of the documentation described, including by seeking records from AB Partners, the Committee vendor that handled the Committee's digital advertising independent expenditure campaign. The Committee has no further records of these communications to provide now to the Audit Division.

The Committee has resolved that in the event it again undertakes independent expenditures it will contemporaneously secure all available information from its vendors in order for the Committee both to prepare its reports and to ensure compliance with its recordkeeping requirements without further reliance on the vendors.

Thank you for your consideration.

Yours truly,



Laurence E. Gold

Counsel to 1199 SEIU United Healthcare Workers  
East Federal Political Action Fund

cc: Helen Schaub, Treasurer