



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 30, 2012

MEMORANDUM

To: The Commission

Through: Alec Palmer
Staff Director

From: Patricia C. Orrock *PCO*
Chief Compliance Officer

Thomas Hintermister *TH*
Assistant Staff Director
Audit Division

Marty Kuest *MK*
Audit Manager

By: Lezhi Irving *L1 by MK*
Lead Auditor

Subject: Audit Division Recommendation Memorandum on the Washington State
Republican Party (A10-02)

Pursuant to Commission Directive No. 70 (FEC Directive on Processing Audit Reports), the Audit staff presents its recommendations below and discusses the findings in the attached Draft Final Audit Report (DFAR). The Office of General Counsel has reviewed this memorandum and concurs with the recommendations.

Finding 1. Misstatement of Financial Activity

In response to the interim audit report, WSRP materially complied with the Audit staff recommendation. The Audit staff recommends that the Commission find that Washington State Republican Party (WSRP) misstated its financial activity for calendar years 2009 and 2010.

WSRP requested an audit hearing for the Commission to consider whether an unreported disbursement of \$43,921 made on August 5, 2010, and a corresponding unreported receipt in the same amount on August 12, 2010, should have been included in the misstatement total. WSRP explained that the unreported disbursement was a payment mistakenly made for non-federal activity from the

federal account and the unreported receipt was the subsequent reimbursement from the non-federal account. Both transactions occurred in the same reporting period. As such, WSRP stated its belief that these offsetting transactions were obvious errors and that it should not be required to include these transactions on its disclosure report. Federal regulations require that a committee accurately report and disclose all activity that passes through their federal bank account(s). The regulations also make no provision or exception for transactions made in error. The Audit staff maintains that the activity be reported and included as part of the WSRP activity that was misstated for 2010.

Finding 2. Misstatement of Financial Activity – Levin Fund

In response to the interim audit report, WSRP materially complied with the Audit staff recommendation. In response to the DFAR, WSRP made no comment on this finding. The Audit staff recommends that the Commission find that WSRP misstated its Levin fund financial activity for calendar years 2009 and 2010.

Finding 3. Reporting of Debts and Obligations

In response to the interim audit report, WSRP materially complied with the Audit staff recommendation. In response to the DFAR, WSRP made no comment on this finding. The Audit staff recommends that the Commission find that WSRP failed to report debts to vendors for calendar years 2009 and 2010.

If this memorandum is approved, a Proposed Final Audit Report will be prepared within 30 days of the Commission's vote.

In case of an objection, Directive No. 70 states that the Audit Division Recommendation Memorandum will be placed on the next regularly scheduled open session agenda.

Documents related to this audit report can be viewed in the Voting Ballot Matters folder. Should you have any questions, please contact Lezhi Irving or Marty Kuest at 694-1200.

Attachment:

- Draft Final Audit Report of the Audit Division on the Washington State Republican Party

cc: Office of General Counsel



Draft Final Audit Report of the Audit Division on the Washington State Republican Party

January 1, 2009 - December 31, 2010

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.¹ 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 Washington State Republican Party is a state party committee headquartered in Bellevue, Washington. For more information, see the chart on the Committee Organization, p. 2.

Financial Activity (p. 2)

• Federal Receipts	
○ Contributions from Individuals	\$1,844,135
○ Contributions from Political Committees	900,961
○ Transfers from Affiliated and Other Political Committees	527,887
○ Transfers from Non-federal and Levin Funds	462,069
○ Other Receipts	44,356
Total Federal Receipts	\$3,779,408
• Federal Disbursements	
○ Operating Expenditures	\$3,753,148
○ Transfers to Affiliated and Other Political Committees	32,334
○ Contributions to Other Committees	27,900
○ Federal Election Activity	103,626
○ Refunds/Other Disbursements	23,837
Total Federal Disbursements	\$3,940,845
• Levin Receipts	\$15,000
• Levin Disbursements	\$32,000

Findings and Recommendations (p. 3)

- Misstatement of Financial Activity (Finding 1)
- Misstatement of Financial Activity – Levin Fund (Finding 2)
- Reporting of Debts and Obligations (Finding 3)

¹ 2 U.S.C. §438(b).

Draft Final Report of the Audit Division on the Washington State Republican Party

January 1, 2009 - December 31, 2010

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Part I

Background

Authority for Audit

This report is based on an audit of the Washington State Republican Party (WSRP), 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 whether 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 individual contributors' occupation and name of employer;
2. the disclosure of disbursements, debts and obligations;
3. the disclosure of expenses allocated between federal and non-federal accounts;
4. the consistency between reported figures and bank records;
5. the completeness of records; and
6. other committee operations necessary to the review.

Part II

Overview of Committee

Committee Organization

Important Dates	
• Date of Registration	October 14, 1975
• Audit Coverage	January 1, 2009 - December 31, 2010
Headquarters	
Bellevue, Washington	
Bank Information	
• Bank Depositories	Two
• Bank Accounts	Eleven Federal, Nine Non-federal, and One Levin
Treasurer	
• Treasurer When Audit Was Conducted	Colleen Morse
• Treasurer During Period Covered by Audit	Ed Mitchell (February 19, 2005 - July 18, 2009) Colleen Morse (July 19, 2009 - Present)
Management Information	
• Attended FEC Campaign Finance Seminar	Yes
• Who Handled Accounting and Recordkeeping Tasks	Paid Staff

Overview of Financial Activity (Audited Amounts)

Federal Cash-on-hand @ January 1, 2009	\$ 155,272
o Contributions from Individuals	1,844,135
o Contributions from Political Committees	900,961
o Transfers from Affiliated and Other Political Committees	527,887
o Transfers from Non-federal and Levin Funds	462,069
o Other Receipts	44,356
Total Federal Receipts	\$3,779,408
o Operating Expenditures	3,753,148
o Transfers to Affiliated and Other Political Committees	32,334
o Contributions to Other Committees	27,900
o Federal Election Activity	103,626
o Refunds/Other Disbursements	23,837
Total Federal Disbursements	\$3,940,845
Federal Cash-on-hand @ December 31, 2010	(\$6,165)²
Levin Cash-on-hand @ January 1, 2009	\$17,001
Total Levin Receipts	\$15,000
Total Levin Disbursements	\$32,000
Levin Cash-on-hand @ December 31, 2010	\$1

² Ending cash-on-hand was negative due to outstanding checks as of December 31, 2010.

Part III

Summaries

Findings and Recommendations

Finding 1. Misstatement of Financial Activity

A comparison of WSRP's reported activity with bank records revealed a misstatement of its beginning cash-on-hand and receipts for 2009 and a misstatement of receipts, disbursements and ending cash-on-hand for 2010. For 2009, WSRP understated beginning cash-on-hand by \$30,321 and overstated receipts by \$45,641. In 2010, receipts were understated by \$697,155, disbursements were understated by \$1,062,382 and ending cash-on-hand was overstated by \$362,753.

In response to the Interim Audit Report, WSRP filed amended reports that materially corrected the misstatements. (For more detail, see p. 5.)

Finding 2. Misstatement of Financial Activity - Levin Fund

A comparison of WSRP's reported Levin activity with bank records revealed a misstatement of its beginning cash-on-hand and disbursements for 2009 and a misstatement of disbursements and ending cash-on-hand for 2010. For 2009, WSRP overstated beginning cash-on-hand by \$32,499 and overstated disbursements by \$32,499. In 2010, WSRP understated disbursements by \$15,000 and overstated ending cash-on-hand by \$12,500.

In response to the Interim Audit Report, WSRP filed amended reports that corrected the misstatements. (For more detail, see p. 8.)

Finding 3. Reporting of Debts and Obligations

During audit fieldwork, the Audit staff identified debts to five vendors that WSRP failed to report in calendar years 2009 and 2010. WSRP did not report debts totaling \$361,838.

In response to the Interim Audit Report, WSRP amended its reports to disclose these debts. (For more detail, see p. 10.)

Part IV

Findings and Recommendations

Finding 1. Misstatement of Financial Activity

Summary

A comparison of WSRP's reported activity with bank records revealed a misstatement of its beginning cash-on-hand and receipts for 2009 and a misstatement of receipts, disbursements and ending cash-on-hand for 2010. For 2009, WSRP understated beginning cash-on-hand by \$30,321 and overstated receipts by \$45,641. In 2010, receipts were understated by \$697,155, disbursements were understated by \$1,062,382 and ending cash-on-hand was overstated by \$362,753.

In response to the Interim Audit Report, WSRP filed amended reports that materially corrected the misstatements.

Legal Standard

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, the Audit staff reconciled reported activity with bank records for 2009 and 2010. It determined that WSRP misstated the beginning cash balance and receipts for 2009 and receipts, disbursements and ending cash balance for 2010. The following charts outline the discrepancies for the cash balances, receipts and disbursements for each year. The succeeding paragraphs address the reasons for the misstatements.

2009 Committee Activity			
	Reported	Bank Records	Discrepancy
Beginning Cash Balance @ January 1, 2009	\$124,951	\$155,272	\$30,321 Understated
Receipts	\$852,256	\$806,615	\$45,641 Overstated
Disbursements	\$970,577	\$952,783	\$17,794 Overstated
Ending Cash Balance @ December 31, 2009	\$6,630	\$9,104	\$2,474 Understated

WSRP understated the beginning cash-on-hand by \$30,321 and did not explain the discrepancy, but it likely resulted from prior period discrepancies.

The overstatement of receipts resulted from the following:

- Reported transfers from Levin (\$32,499) and non-federal accounts (\$30,691) that were not supported by bank deposits or checks/debits by the transferring accounts \$ (63,190)
 - Transfers from affiliated committee and non-federal account not reported 15,097
 - Unexplained differences 2,452
- \$ (45,641)**

2010 Committee Activity			
	Reported	Bank Records	Discrepancy
Beginning Cash Balance @ January 1, 2010	\$6,630	\$9,104	\$2,474 Understated
Receipts	\$2,756,638	\$2,972,793	\$697,155 Understated
Disbursements	\$1,925,680	\$2,988,062	\$1,062,382 Understated
Ending Cash Balance @ December 31, 2010	\$356,588	-\$6,165	\$362,753 Overstated

The understatement of receipts resulted from the following:

• Transfer from Levin account not reported	\$ 3,000
• Transfers from non-federal accounts not reported	109,078
• Transfers from political committees not reported	487,215
• Contributions from individuals not reported	93,337
• In-kind contributions not reported as receipts	10,976
• Reported transfer not supported by bank deposits	(11,675)
• Reported contribution not supported by bank deposit	(5,000)
• Unexplained differences	10,224
Net Understatement of Receipts	<u>\$697,155</u>

The understatement of disbursements resulted from the following:

• Payroll expenditures not reported	\$ 33,457
• Operating Expenditures not reported	1,023,213
• Transfers to political committees not reported	25,000
• Contributions to other committees not reported	10,000
• Reported disbursements not supported by checks or debits	(24,185)
• Unexplained differences	(5,103)
Net Understatement of Disbursements	<u>\$1,062,382</u>

The majority of the \$1,023,213 in expenditures not reported included costs associated with mail pieces provided by nine vendors, totaling \$882,966.

The \$362,753 overstatement of the ending cash-on-hand resulted from the misstatements described above.

B. Interim Audit Report & Audit Division Recommendation

Audit staff discussed this matter with WSRP representatives at the exit conference. WSRP representatives made no comment on this matter.

The Interim Audit Report recommended that WSRP amend its disclosure reports to correct the misstatements for both 2009 and 2010, 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, the Audit staff recommended that WSRP reconcile the cash balance of its most recent report to identify any subsequent discrepancies that may affect the adjustment recommended by the Audit staff.

C. Committee Response to Interim Audit Report

In response to the Interim Audit Report, WSRP filed amended reports that materially corrected the misstatements.

In addition, a WSRP representative explained that Audit staff should have treated a \$43,921 disbursement from a federal account and a transfer of an identical amount from the nonfederal account to the federal account-- both of which were included as unreported in the Interim Audit Report -- as reversing transactions. These transactions involved a payment mistakenly made from a federal account for nonfederal activity and

the subsequent reimbursement from the nonfederal account. WSRP included both transactions in the amended reports.

Finding 2. Misstatement of Financial Activity – Levin Fund

Summary

A comparison of WSRP's reported Levin activity with bank records revealed a misstatement of its beginning cash-on-hand and disbursements for 2009 and a misstatement of disbursements and ending cash-on-hand for 2010. For 2009, WSRP overstated beginning cash-on-hand by \$32,499 and overstated disbursements by \$32,499. In 2010, WSRP understated disbursements by \$15,000 and overstated ending cash-on-hand by \$12,500.

In response to the Interim Audit Report, WSRP filed amended reports that corrected the misstatements.

Legal Standard

Contents of Levin Reports. Each report must disclose:

- the amount of cash-on-hand for Levin funds at the beginning and end of the reporting period;
- the total amount of Levin fund receipts and disbursements (including allocation transfers) for the reporting period and for the calendar year; and
- certain transactions that require itemization on Schedule L-A (Itemized Receipts of Levin Funds) or Schedule L-B (Itemized Disbursements of Levin Funds). 11 CFR §300.36 (b)(2)(B).

Facts and Analysis

A. Facts

During audit fieldwork, the Audit staff reconciled reported Levin activity with bank records for 2009 and 2010. It determined that WSRP misstated beginning cash-on-hand and disbursements for 2009 and disbursements and ending cash-on-hand for 2010. The following charts outline the discrepancies for the cash balances, receipts, and disbursements for each year. The succeeding paragraphs address the reasons for the misstatement.

2009 Committee Activity			
	Reported	Bank Records	Discrepancy
Beginning Cash Balance @ January 1, 2009	\$49,500	\$17,001	\$32,499 Overstated
Receipts	\$0	\$0	\$0
Disbursements	\$49,499	\$17,000	\$32,499 Overstated
Ending Cash Balance @ December 31, 2009	\$1	\$1	\$0

WSRP overstated the beginning cash balance by \$32,499 and did not explain the discrepancy, but it likely resulted from prior period discrepancies.

The overstatement of disbursements resulted when WSRP erroneously reported transfers of \$32,499 to the federal account. WSRP also identified these transactions as an adjustment to the federal bank reconciliation (see Finding 1, page 5). These transfers appear to have been reported to correct the overstatement of cash-on-hand as of January 1, 2009.

2010 Committee Activity			
	Reported	Bank Records	Discrepancy
Beginning Cash Balance @ January 1, 2010	\$1	\$1	\$0
Receipts	\$12,500	\$15,000	\$2,500 Understated
Disbursements	\$0	\$15,000	\$15,000 Understated
Ending Cash Balance @ December 31, 2010	\$12,501	\$1	\$12,500 Overstated

WSRP did not report a \$15,000 transfer it made to the federal account. The \$12,500 overstatement of the ending cash balance resulted from the misstated receipts and disbursements noted above.

B. Interim Audit Report & Audit Division Recommendation

Audit staff discussed this matter with WSRP representatives at the exit conference. WSRP representatives made no comment on this matter.

The Interim Audit Report recommended that WSRP amend its disclosure reports to correct the misstatements for both 2009 and 2010.³

C. Committee Response to Interim Audit Report

In response to the Interim Audit Report, WSRP filed amended reports that corrected the misstatements.

³ WSRP has not reported any Levin activity for calendar year 2011.

Finding 3. Reporting of Debts and Obligations

Summary

During audit fieldwork, the Audit staff identified debts to five vendors that WSRP failed to report in calendar years 2009 and 2010. Debts totaling \$361,838 were not reported.

In response to the Interim Audit Report, WSRP amended its reports to disclose these debts.

Legal Standard

A. Continuous Reporting Required. A political committee must disclose the amount and nature of outstanding debts and obligations until those debts are extinguished. 2 U.S.C. §434(b)(8) and 11 CFR §§104.3(d) and 104.11(a).

B. Separate Schedules. A political committee must file separate schedules for debts owed by and to the committee with a statement explaining the circumstances and conditions under which it incurred or extinguished each debt and obligation. 11 CFR §104.11(a).

C. Itemizing Debts and Obligations.

- Once it has been outstanding 60 days from the date incurred, a debt of \$500 or less must be reported on the next regularly scheduled report.
- A debt exceeding \$500 must be disclosed in the report that covers the date on which the debt was incurred. 11 CFR §104.11(b).

Facts and Analysis

A. Facts

The Audit staff reviewed vendor invoices and computer files containing WSRP disbursements made in 2009 and 2010. Although WSRP paid the majority of invoices in a timely manner, it carried outstanding balances with five vendors that were not disclosed as debts on Schedule D (Debts and Obligations). The debts totaled \$361,838.⁴

B. Interim Audit Report & Audit Division Recommendation

The Audit staff informed WSRP representatives of this matter at the exit conference and provided schedules detailing the undisclosed debts for each reporting period. WSRP representatives made no comment on this matter.

The Interim Audit Report recommended that WSRP amend its reports to disclose the debts and obligations addressed above.

⁴ Each debt in this amount was counted once. In order for WSRP to correctly file amended reports, a schedule was provided that includes the amount of each debt required to be reported for each reporting period.

C. Committee Response to Interim Audit Report
In response to the Interim Audit Report, WSRP filed amended reports disclosing the debts and obligations.