




FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

January 29, 1999

**MEMORANDUM**

**TO:** RON M. HARRIS  
PRESS OFFICER  
PRESS OFFICE

**FROM:** ROBERT J. COSTA   
ASSISTANT STAFF DIRECTOR  
AUDIT DIVISION

**SUBJECT:** PUBLIC ISSUANCE OF THE FINAL AUDIT REPORT ON  
BUCHANAN FOR PRESIDENT, INC.

Attached please find a copy of the final audit report and related documents on Buchanan For President, Inc. which was approved by the Commission on January 14, 1999.

Informational copies of the report have been received by all parties involved and the report may be released to the public.

Attachment as stated

cc: Office of General Counsel  
Office of Public Disclosure  
Reports Analysis Division  
FEC Library

9624 525 70 025 4296

Public  
Records

SUNSHINE ACT NOTICES

AGENCY: FEDERAL ELECTION COMMISSION BILLING CODE: 6715-01-M

PREVIOUSLY ANNOUNCED DATE & TIME:

WEDNESDAY, JANUARY 12, 2000

10:00 A.M.

ORAL HEARING: BUCHANAN FOR PRESIDENT COMMITTEE, INC.

THE HEARING HAS BEEN POSTPONED AT THE REQUEST OF THE  
BUCHANAN COMMITTEE AND IT WILL BE RESCHEDULED FOR A  
LATER DATE.

\*\*\*\*\*

PERSON TO CONTACT FOR INFORMATION: Ron Harris, Press Officer  
Telephone (202) 694-1220

Signed:



Mary W. Dove  
Acting Secretary of the Commission

Received at the FEDERAL REGISTER: January 11, 2000  
Publication Date: January 13, 2000

2000 JAN 13 10 42 AM '00



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

SEP 27 11 12 AM '99

September 23, 1999

**MEMORANDUM**

**TO:** The Commission

**THROUGH:** James A. Pehrkon  
Staff Director

**FROM:** Lawrence M. Noble  
General Counsel

**BY:** Kim Bright-Coleman *KB*  
Associate General Counsel

Rhonda J. Vosdingh *RJ*  
Assistant General Counsel

Delanie DeWitt Painter *DWP*  
Attorney

Angela T. Whitehead *ATW*  
Law Clerk

**SUBJECT:** Buchanan for President, Inc. Request for Extension of Time to Respond to Notice of Repayment Determination (LRA #512)

On July 15, 1999, the Commission determined that Patrick J. Buchanan and Buchanan for President, Inc. (collectively, "the Committee") must repay \$63,750 to the United States Treasury pursuant to 26 U.S.C. § 9038(b)(1) and 11 C.F.R. § 9038.2(b)(1)(iii). Under 11 C.F.R. § 9038.2(c)(2)(i), a candidate may dispute the Commission's Notice of Repayment Determination by filing, within 60 days of the Commission's notice, written materials that legally and factually demonstrate no repayment or less repayment is due<sup>1</sup>. The Committee's response to the Commission's Repayment Determination is due September 27, 1999. The Committee requests that the Commission grant it a 15-day extension, until October 12, 1999, to make its response. Attachment.

<sup>1</sup> If the Committee does not dispute the Repayment Determination, the repayment to the United States Treasury is due within 90 days. 11 C.F.R. § 9038.2(d)(1).

The Commission does not routinely grant extensions of time to committees to respond to repayment determinations. 11 C.F.R. § 9038.4(a). However, the Commission may grant such a request if the candidate submits it at least seven calendar days prior to the expiration of the applicable time period and demonstrates good cause for the extension. 11 C.F.R. §§ 9038.4 (b) and (c). Any extension of a 60-day response period may not exceed 15 days. 11 C.F.R. § 9038.4(c).

The Office of General Counsel recommends that the Commission grant the Committee's request for an extension. The Committee's application for extension was submitted on September 14, 1999, 13 days before the expiration of its response period, and was therefore timely. See 11 C.F.R. § 9038.4(c). Further, the Committee explained that the matter is factually and legally complex and additional time is required to examine the Commission's method and conclusion. Attachment. The Committee also noted that because it was unable to examine the Commission's conclusion prior to the Notice of Repayment Determination, it needed sufficient opportunity to do so after receiving the Notice. *Id.*

The Office of General Counsel agrees that this matter requires extensive analysis of intricate legal and factual information. Therefore, good cause exists to grant the Committee's request for an extension of time. 11 C.F.R. § 9038.4(c). If the Commission approves this recommendation to grant an extension of time, the Committee's response will be due by October 12, 1999.

## RECOMMENDATIONS

The Office of General Counsel recommends that the Commission:

1. Approve Buchanan for President, Inc.'s request for a 15-day extension of time to respond to the Commission's Notice of Repayment Determination; and
2. Approve the appropriate letter to Buchanan for President, Inc. notifying them of the Commission's decision.

### Attachment

Letter from John Duffy to the Federal Election Commission, September 14, 1999

John J. Duffy  
202.429.8020  
jduffy@step toe.com

September 14, 1999

Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

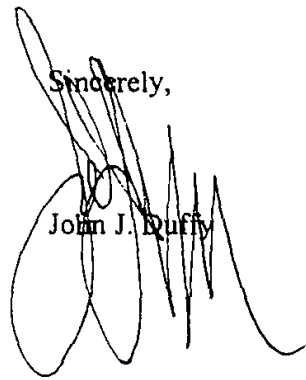
Re: Buchanan for President, Inc. – Repayment Determination (LRA # 512)

Dear Commissioners:

We are submitting on behalf of Buchanan for President, Inc. (the "Committee") a request for an extension of time to respond to the Commission's Notice of Repayment Determination. The Committee's response is now due on September 27, 1999, and we request a 15-day extension of time up to and including October 12, 1999. The Commission's audit finding is both factually and legally complex, and additional time is necessary to examine the method by which the Commission made this determination and the conclusion that it reached. Unlike the ordinary audit process, the Committee has had no opportunity to examine the Commission's conclusion prior to the release of the Notice of Repayment Determination.

If you have any questions concerning this matter, please don't hesitate to contact the undersigned.

Sincerely,



John J. Duffy

ATTACHMENT

Page 1 of 1

004 520 4300  
22 07 025 4300



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

AUG 5 12 11 PM '99

August 5, 1999

MEMORANDUM

TO: The Commission

THROUGH: James A. Pehrkon  
Staff Director

FROM: Lawrence M. Noble  
General Counsel

Kim Bright-Coleman  
Associate General Counsel

Lorenzo Holloway  
Assistant General Counsel

Jamila Wyatt  
Attorney

SUBJECT: Buchanan for President, Inc. Request for Extension of Time to  
Submit Information After Oral Presentation (LRA #466)

On January 14, 1999, the Commission determined that Buchanan for President, Inc. (the "Committee") must repay \$44,791 to the United States Treasury. As part of the Committee's response to the repayment determination, it made an oral presentation before the Commission on July 21, 1999. In the past, the Commission has allowed presidential committees five business days to submit additional information after the oral presentation. Therefore, the Committee's additional documentation was due on July 28, 1999.

By letter dated July 28, 1999, the Committee submitted some of the additional documentation. However, the Committee requests additional time to submit more documentation. Attachment 1. The Committee states that due to "unexpected circumstances," the Committee's treasurer, Scott Mackenzie was unable to gather all of the documentation relevant to Ms. Angela Buchanan's expenses before the July 28, 1999 deadline. Attachment 1. The Committee states that Mr. Mackenzie will be able to provide the documentation "on or before Friday, August 6, [1999]." *Id.* The Committee also states that it was unable to obtain credit card statements from the account of

22 "07" 025 "4301

Greg Mueller, a former Committee employee, however these statements would be available "within one week." Attachment 1.

In a letter dated August 2, 1999, the Committee submitted information clarifying its initial extension request, and asking the Commission to allow the Committee until August 13, 1999 to submit additional documentation. Attachment 2. The Committee noted that immediately following the oral hearing, Mr. Mueller contacted his credit card company and requested the relevant statements. However, the credit card company was unable to provide the documentation before July 28, 1999. *Id.* In addition, the letter stated that the Committee's treasurer, Mr. Mackenzie was unable to gather the necessary documentation due to illness. Attachment 2.

The Office of General Counsel notes that presidential committees may submit legal and factual materials disputing the initial repayment determination prior to the oral presentation. 11 C.F.R. § 9038.2(c)(2). However, the Commission's regulations do not provide for the submission of additional documentation subsequent to the oral presentation. Nevertheless, the Commission has permitted presidential committees five business days to submit additional documentation related to the issues raised at the oral presentation.

The Commission does not routinely grant extensions of time. 11 C.F.R. § 9038.4(a). However, the Commission may grant an extension upon a showing of good cause. 11 C.F.R. § 9038.4(c). The Office of General Counsel believes that the Commission should grant the Committee's request for an extension. The Committee made an effort to submit the information within the five day period after the hearing, and it has submitted some documentation. The Committee states that Mr. Mueller attempted to gather the relevant documents from his credit card company, however, the company was unable to provide the Committee with the documents by July 28, 1999. Attachment 2. The Committee also notes that it was unable to provide all of the necessary documentation because the Committee's treasurer has been suffering from "a severe and chronic bronchial infection." *Id.* Mr. Mackenzie attempted to gather all of the relevant materials, however, due to his medical condition, he was unable to submit all of the documents by July 28, 1999. *Id.* Therefore, good cause exists to grant the Committee's request for an extension of time. 11 C.F.R. § 9038.4(c). Thus, the Office of General Counsel recommends that the Commission grant the Committee 16 days<sup>1</sup> to submit

---

<sup>1</sup> The Commission's regulations state that if a candidate seeks an extension of a 60-day response period, the Commission may only grant the candidate one extension not to exceed 15 days. 11 C.F.R. § 9038.4(c). In light of the fact that the Committee is seeking an extension of a five day response period rather than a 60-day response period, the Office of General Counsel believes that it is appropriate to grant the Committee a 16 day extension.

additional documentation.<sup>2</sup> If the Commission approves this recommendation, the documentation will be due by August 13, 1999.

## RECOMMENDATIONS

The Office of General Counsel recommends that the Commission:

1. Approve Buchanan for President, Inc.'s request for 16 days to submit additional documentation after the oral presentation; and
2. Approve the appropriate letter to Buchanan for President, Inc. notifying it of the Commission's decision.

## Attachments

1. Letter dated July 28, 1999, from John Duffy to the Office of General Counsel (without attachments).
2. Letter dated August 2, 1999 from John Duffy to the Office of General Counsel clarifying extension request.

---

<sup>2</sup> A request for an extension of time is usually required to be submitted seven calendar days before the expiration period. 11 C.F.R. § 9038.4(c). However, given that the Committee had only five business days after the oral hearing to submit the additional information, the Office of General Counsel believes that an extension is appropriate in this case.

EE . 07 . 025 . 403



John J. Duffy  
202.429.8020  
jduffy@steptoel.com

July 28, 1999

JUL 28 5 23 PM '99  
FEDERAL ELECTION COMMISSION  
OFFICE OF GENERAL COUNSEL

Office of the General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Dear Commissioners:

We are submitting on behalf of the Buchanan for President Committee, Inc. (the "Committee") its response to the information requested by the Commission during the July 21 oral hearing. Our submission consists of four parts.

Section 1 addresses the invoice for \$8,212.65 from the West End Travel, which is attached as Appendix 1. The Audit Staff has asked for additional evidence that this invoice was not paid by the campaign. The Committee now provides in Appendix 2 a statement from Mr. Buchanan's money market account showing a debit for a check to the West End Travel in the amount of the invoice, and a statement from Mr. Buchanan indicating that he paid for these tickets personally and that campaign funds were not used to pay for them. The Committee had previously submitted a statement from West End Travel confirming that the travel referred to by this invoice was paid for by Mr. Buchanan and was not paid for by the Committee (Appendix 3).

Section 2 addresses reimbursements to Mr. Greg Mueller. The Audit Staff has declined to treat the payments made by the Committee to Mr. Mueller as qualified campaign expenses, because, according to the Audit Staff, the Committee has not provided adequate "documentation" with respect to those expenses. The Committee has submitted, to support a finding that these expenses were incurred, a contemporaneous memorandum prepared by the Committee's Treasurer, Scott Mackenzie, attaching a document entitled "Report on Greg Mueller's Travel Expenses and Reimbursements." The memorandum was prepared to show that the Committee had reimbursed him for all of the expenses he had submitted for reimbursement. The report shows the details of each expenditure for which the Committee reimbursed Mr. Mueller, including the date incurred, the type of expense, the vendor of the goods or services received, the location of the expenditure, and the method of payment. In response to the requests of various Commissioners, we have included in Appendix 4 the following:

ATTACHMENT 1  
Page 1 of 2

4054 530 70 22

a. The original cover letter to the memorandum, which was dated December 4, 1996.

b. A statement from Mr. Mueller indicating that he had received this document detailing his expenses in early December, 1996.

c. Finally, we are in the process of obtaining the annual statements of activity for 1995 and 1996 from Mr. Mueller's American Express account, which he used during the campaign and constituted the bulk of the expenses for which he was reimbursed. We expect the statements to be available within one week, and we will submit them immediately upon receipt.

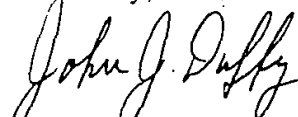
We believe this additional documentation demonstrates fully the reliability of this contemporaneous memorandum as a basis for concluding that the reimbursement of Mr. Mueller's expenses constituted qualified campaign expenses.

Section 3 addresses the issue of the documentation for the "additional" expenses that the Committee has "offset" against the "duplicative" reimbursements that the Audit Staff identified as being made to Ms. Angela Buchanan and Mr. and Mrs. Pat Buchanan. Mr. Mackenzie, the Committee's Treasurer, has supplied documentation for all of the expenses of Mr. and Mrs. Pat Buchanan and has supplied documentation for the majority of expenses for Ms. Angela Buchanan (Appendix 5). Due to unexpected circumstances, however, Mr. Mackenzie was unable to gather all of the documentation for Ms. Angela Buchanan. Mr. Mackenzie has indicated that he will be able to provide that documentation on or before Friday, August 6. Therefore, the Committee respectfully asks for that additional amount of time to submit that additional information.

Finally, we have shown for each of the categories of alleged non-qualified campaign expenses identified by the Audit Staff the amount of non-qualified expenses alleged to have been expended by the Committee, the amount of the repayment that would be associated with each of these amounts in controversy, and the amount of repayment that would be required if the Committee's position were adopted (Appendix 6).

If you have any questions concerning this matter, please don't hesitate to give me a call.

Sincerely,

  
John J. Duffy

*ldm*

STEPTOE & JOHNSON LLP

John J. Duffy  
202.429.8020  
jduffy@staptoe.com

August 2, 1999

Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Dear Commissioners:

We are submitting on behalf of the Buchanan for President Committee, Inc. (the "Committee") a request for an extension of time, up to and including August 13, 1999, to submit the additional material requested by the Commission during the July 21 oral hearing.

Promptly after the oral hearing, the Committee contacted Mr. Mueller, who in turn, promptly contacted American Express; however, American Express could not forward Mr. Mueller the records in time for them to be filed on July 28, 1999.

For sometime now, Mr. Mackenzie, the Committee's Treasurer, has been under a doctor's care for a severe and chronic bronchial infection. Subsequent to the oral hearing his symptoms worsened and prevented him from re-assembling the documentation for Ms. Angela Buchanan. A portion of that documentation had, according to Mr. Mackenzie, been misplaced and his physical condition made it impossible for him to conduct a search for these records prior to July 28.

The Committee has requested an extension until August 13, 1999 in an abundance of caution; although it fully expects to have the material before then. It will, of course, file the material promptly upon receipt.

If you have any questions concerning this matter, please don't hesitate to contact me.

Sincerely,

John J. Duffy

WASHINGTON

PHOENIX

LOS ANGELES

MOSCOW

ALMATY

9054 520 20 22  
02 07 025 4306



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

May 12 10 12 AM '99

May 12, 1999

**MEMORANDUM**

TO: The Commission

THROUGH: James A. Pehrkon  
Staff Director

FROM: Lawrence M. Noble  
General Counsel

BY: Kim Bright-Coleman  
Associate General Counsel

Lorenzo Holloway  
Assistant General Counsel

Jamila I. Wyatt  
Attorney

SUBJECT: Patrick Buchanan Request for Oral Hearing (LRA #466)

On January 14, 1999, the Commission determined that Patrick Buchanan and the Buchanan for President Committee, Inc. (the "Committee") must repay \$44,791 to the United States Treasury. On March 25, 1999 the Committee submitted its written response to the repayment determination and requested the opportunity to address the Commission in open session in order to demonstrate that a lesser repayment is required. 11 C.F.R. § 9038.2(c)(2)(ii). *See* Attachment. The Office of General Counsel recommends that the Commission grant the Committee's request for an oral hearing and schedule the oral hearing for July 21, 1999.

Publicly-financed presidential committees may respond to a repayment determination by submitting written legal and factual materials to demonstrate that no repayment, or a lesser repayment, is required. 11 C.F.R. § 9038.2(c)(2)(i). The committee may request an opportunity to address the Commission in open session. 11 C.F.R. § 9038.2(c)(2)(ii). The committee should identify in its legal and factual materials the repayment issues it will address at the oral hearing. *Id.* The Commission may grant this request by an affirmative vote of four of its members and inform the committee of the date and time set for the oral hearing. *Id.*

22-07-025-4307

The basis for the Commission's repayment determination was that the Committee used public funds to defray nonqualified campaign expenses. In the Committee's legal and factual materials, the Committee provides documentation and explanations it believes will show that disbursements made to various entities and individuals were made in connection with seeking the nomination, and therefore, are qualified campaign expenses. 11 C.F.R. § 9032.9(a).

The Office of General Counsel believes that an oral hearing will provide the Committee with an opportunity to respond to any questions related to the documents submitted by the Committee in response to the repayment determination. Accordingly, this Office recommends that the Commission grant the Committee's request for an oral hearing.

Should the Commission approve our recommendation, the Office of General Counsel proposes that the same procedures used for previous oral hearings during the 1996 election cycle be followed. Pursuant to these procedures, the Office of General Counsel will prepare an agenda document containing materials relevant to the Committee's oral hearing. This document will be provided to the Commission and to the Committee prior to the date of the hearing.

At the presentation, the Chairman will make an opening statement. The Committee will then be given 30 minutes in which to make a presentation on the issues raised in the legal and factual materials submitted by the Committee. *See generally* 11 C.F.R. § 9038.2(c)(2)(ii). Following the presentation, individual Commissioners, the General Counsel, and the Audit Division may ask questions. *Id.* The letter to the Committee will inform the Committee of these procedures and also state that any additional materials the Committee may wish to have the Commission consider should be submitted to the Office of General Counsel within five (5) days following the presentation.

## RECOMMENDATIONS

The Office of General Counsel recommends that the Commission:

1. Grant the request of Patrick Buchanan and the Buchanan for President Committee for an oral hearing as provided at 11 C.F.R. § 9038.2(c)(2)(ii);
2. Schedule the oral hearing for July 21, 1999; and
3. Approve the appropriate letter.

### Attachment

Buchanan for President Committee, Inc. response dated March 25, 1999.

John J. Duffy  
202.429.8020  
jduffy@steptoel.com

March 25, 1999

Larry Noble  
General Counsel  
6th Floor  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL  
MAR 25 4 46 PM '99

Dear Mr. Noble:

We submit herewith on behalf of the Buchanan for President Committee its written response to the Report of the Audit Division.

We request an opportunity to address the Commission in open session, on the issues raised in this response, to demonstrate that a lesser repayment is required.

Very truly yours,

John J. Duffy

Enclosure

ATTACHMENT 1  
Page 1 of 82

02545207022

BEFORE THE FEDERAL ELECTION COMMISSION

RESPONSE OF THE  
BUCHANAN FOR PRESIDENT COMMITTEE, INC.  
TO THE  
REPORT OF THE AUDIT DIVISION

The Buchanan For President Committee, Inc. (Committee) submits the following response to the Report of the Audit Division on Buchanan for President Committee, Inc., (Report) and in particular, to Section III B. of the Report.

In response to the Exit Conference Memorandum, The Committee has supplied the Audit Division with documentation for most of the disbursements for campaign expenses that the Audit Division had concluded were either insufficiently documented or non-campaign related.

The Committee also submitted with that response information addressing the Audit Division's contention that duplicate and undocumented expense payments had been received by Shelly Buchanan and Angela Buchanan. It submits additional such information today.

Mr. Buchanan and his wife, Shelley incurred numerous expenses on behalf of Buchanan for President. These expenses were paid by credit card (American Express and VISA); cash or check. Reimbursement checks for these expenses were issued either to Shelley Buchanan or directly to American Express.

The Committee has compiled a listing of all documented expenses<sup>1</sup> (Appendix A) and has determined that after eliminating all undocumented and duplicate payments the candidate and his wife are due an additional reimbursement of \$648.00.

Similarly, the Committee's submission (Appendix B) shows that, for Angela Buchanan, total documented expenses submitted for reimbursement were \$40,725.94 and total payments made to Ms. Buchanan or directly to her credit card issuers equaled \$41,907.69. Thus, although in some cases the Committee's records may not have accurately identified the particular expenses to which particular disbursements should have been attributed, the **total amount of reimbursement received** was not significantly in excess of the **total amount of qualified campaign expenses submitted for reimbursement**, and properly paid by the Committee.

---

<sup>1</sup> Back-up for all expenses listed in this report have been provided to Mr. Gray Hashee of the FEC Audit Division. Additional copies of the supporting documentation will be made available upon request.

20070254310

The Committee objects to the failure of the Audit Division to accept the documentation submitted for the following persons and supplies the following additional explanations:

**Greg Mueller**

During the campaign, Mr. Mueller and the Committee differed as to whether Mr. Mueller had been reimbursed for the full amount of the expenses that he had submitted. To resolve this dispute Scott Mackenzie reviewed Mr. Mueller's expense reports and the attached documentation, the Committee's expense authorization requests, and checks drawn to Mr. Mueller and produced a report which was previously submitted to the Commission. This report was prepared in December, 1996. Subsequently Mr. Mueller's expense reports and the associated documentation were lost. The Audit Division has declined to accept the disbursements made to Mr. Mueller for reimbursements as qualified campaign expenses because no documentation of the expenses has been presented. The Committee believes that Mr. Mackenzie's report constitutes a contemporaneous memorandum, which adequately documents the expenses incurred by Mr. Mueller and should be accepted in lieu of the lost documentation. The memorandum was prepared for purposes unconnected with compliance with FEC's requirements and this independence, in our opinion, gives it particular reliability.

**West End Travel**

During the campaign the candidate and his wife traveled on personal business to Europe. Plane tickets for their travel were purchased through West End Travel. By error the company billed the tickets to the Committee. The Committee never paid for the tickets, and informed West End Travel that the tickets should be billed to the candidate personally. The candidate personally paid for these tickets as shown on the statement of account provided previously to the Commission. The Committee redacted irrelevant materials from that document to avoid placing personal information about Mr. Buchanan on the public record. The Committee would be willing to share the original of the document to the Audit Division if it was deemed necessary or to obtain a copy of the check, again if deemed necessary. A confirming statement from West End Travel is submitted as **Appendix C**.

**Bob Surrick**

Mr. Surrick is an attorney who was hired by the campaign to defend a delegate pledged to Mr. Buchanan from a law suit challenging her eligibility to serve as a delegate.



**K.B. Forbes**

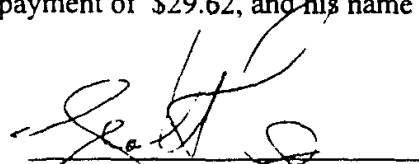
Mr. Forbes received a check as a severance payment. It was incorrectly described as an advance on salary.

**John Condit**

Mr. Condit received three payments of \$825.00 per month for three months for living expenses in connection with his temporary relocation from Ohio to Northern Virginia. The payments were in the nature of a monthly stipend to compensate for increased living expenses rather than an advance on reimbursable expenses, and the Committee did not expect to receive any documentation of those expenses.

**Dave Scott**

Mr. Scott has refunded a duplicate payment of \$29.62, and his name should be deleted from the duplicate payment list.

  
\_\_\_\_\_  
Scott Mackenzie  
Treasurer

March 25, 1999

22 " 07 " 025 " 4312

SHELLEY S. BUCHANAN  
EXPENSE REIMBURSEMENTS

---

LISTING OF ALL DOCUMENTED EXPENSES  
INCURRED AND SUBMITTED FOR PAYMENT

# SHELLEY S. BUCHANAN EXPENSE REIMBURSEMENTS

---

## SUMMARY

---

Mr. Buchanan and his wife, Shelley incurred numerous expenses on behalf of Buchanan for President. These expenses were paid by credit card (American Express and VISA); cash or check. Reimbursement checks for these expenses were issued either to Shelley Buchanan or directly to American Express.

The committee has compiled a listing of all documented expenses<sup>1</sup> and has determined that after eliminating all undocumented and duplicate payments that the candidate and his wife are due an additional reimbursement of \$648.

---

## ACCOUNTING SUMMARY

---

### American Express

Campaign Related Expenses	\$ 94,491.54	
Committee Reimbursements	<u>\$(86,884.86)</u>	
Under-Payment		\$ 7,606.68

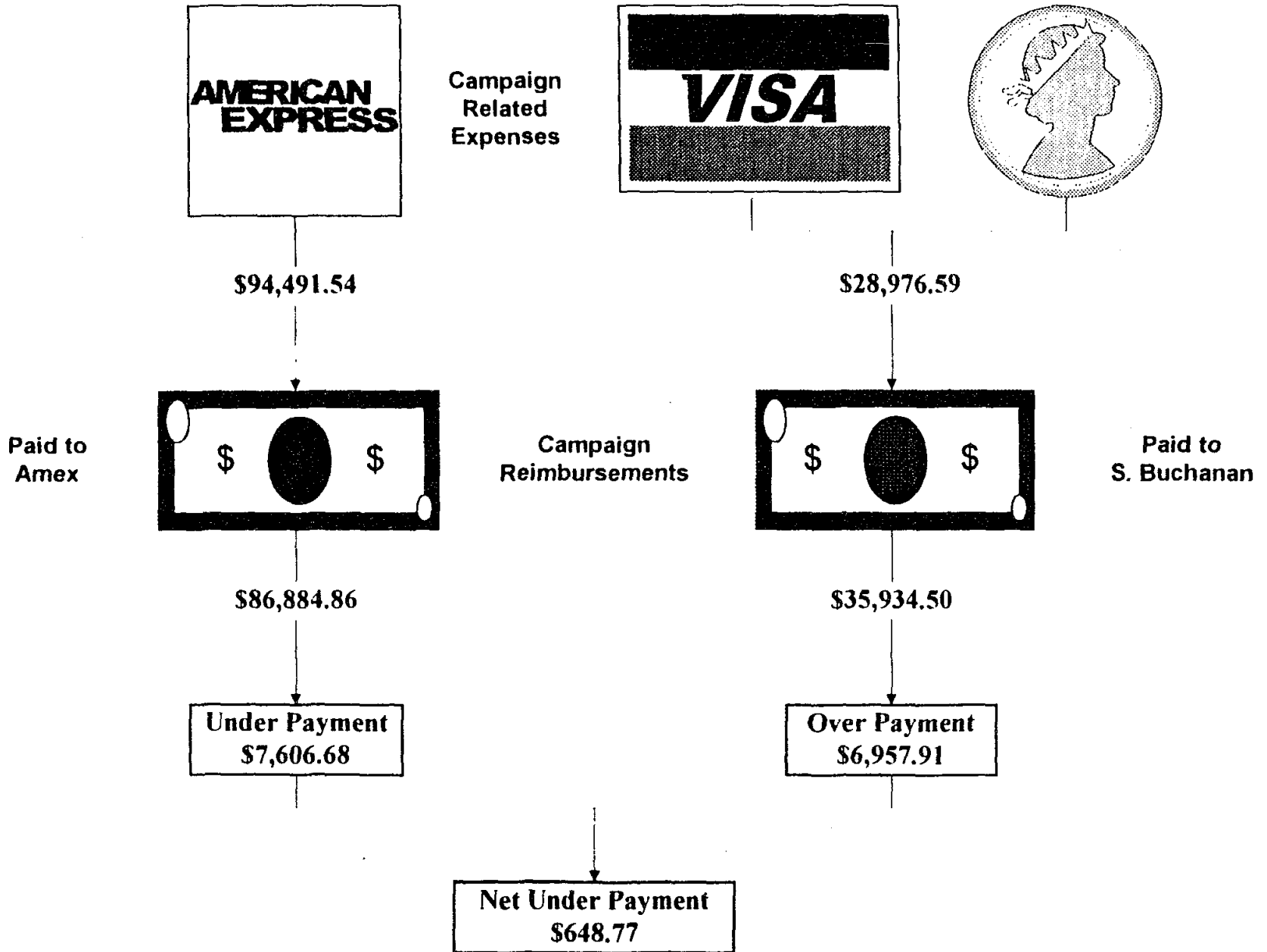
### Shelley S. Buchanan

Campaign Related Expenses	\$ 28,976.59	
Committee Reimbursements	<u>\$(35,934.50)</u>	
Over-Payment		\$(6,957.91)
<b>Net Under-Payment</b>		<u><u>\$ 648.77</u></u>

---

<sup>1</sup> Back-up for all expenses listed in this report have been provided to Mr. Gary Hasbee of the FEC Audit Division. Additional copies of the supporting documentation will be made available upon request.

# Pat & Shelley Buchanan Expense Reimbursements



# Patrick J. & Shelley S. Buchanan

## Expenses Reimbursement Payments

Date	Check #	Payee	Amount	Subtotals
04/06/95	446	American Express	\$ 10,000.00	
12/27/95	10518	American Express	\$ 15,000.00	
04/05/96	1641	American Express	\$ 50,000.00	
05/08/96	2007	American Express	\$ 11,884.86	
				\$ 86,884.86
02/08/95	116	Shelley Buchanan	\$ 321.96	
05/10/95	532	Shelley Buchanan	\$ 1,521.33	
11/24/95	10460	Shelley Buchanan	\$ 4,541.81	
12/27/95	10519	Shelley Buchanan	\$ 4,549.40	
07/08/96	2210	Shelley Buchanan	\$ 10,000.00	
09/03/96	2318	Shelley Buchanan	\$ 15,000.00	
				\$ 35,934.50
Total Payments for Travel & Subsistence				\$ 122,819.36

Patrick J. Buchanan/Shelley S. Buchanan  
Travel & Subsistance Expenses - Submitted

Reference	Amount Submitted	Duplicate or Un-Documented	Amount Documented
EAR # 0112	\$ 321.96	\$ -	\$ 321.96
EAR # 1060	\$ 71.00	\$ -	\$ 71.00
EAR # 1244	\$ 1,450.33	\$ -	\$ 1,450.33
EAR # 1438	\$ 24,778.01	\$ -	\$ 24,778.01
EAR # 3704	\$ 15,415.91	\$ 436.97	\$ 14,978.94
EAR # 4272	\$ 5,036.40	\$ -	\$ 5,036.40
EAR # 5790	\$ 52,106.84	\$ 6,362.13	\$ 45,744.71
Memo # 951222	\$ 4,840.29	\$ -	\$ 4,840.29
Memo # 960401	\$ 5,447.60	\$ 127.00	\$ 5,320.60
Memo # 960401a	\$ 4,557.62	\$ -	\$ 4,557.62
Memo # 960509	\$ 2,226.77	\$ -	\$ 2,226.77
Memo # 960708	\$ 3,705.06	\$ -	\$ 3,705.06
Memo # 960708a	\$ 4,553.44	\$ -	\$ 4,553.44
Memo # 960708b	\$ 140.00	\$ -	\$ 140.00
Memo # 960916	\$ 92.00	\$ -	\$ 92.00
Memo # 961114	\$ 116.00	\$ -	\$ 116.00
Memo # 961995	\$ 5,535.00	\$ -	\$ 5,535.00
<b>Totals</b>	<b>\$ 130,394.23</b>	<b>\$ 6,926.10</b>	<b>\$ 123,468.13</b>

# Patrick J. & Shelley S. Buchanan

## Expenses Submitted for Reimbursement by EAR

Date	Expense Type	Amount	Reference	Merchant	City	Payment Method
01/12/95	Miscellaneous	\$ 321.96	EAR #0112	BFP Expenses	McLean	American Express
02/13/95	Miscellaneous	\$ 71.00	EAR #1060	BFP Expenses	McLean	American Express
03/30/95	Lodging	\$ 37.17	EAR #1244	Breakers Hotel	Palm Beach, FL	American Express
03/30/95	Car Rental	\$ 566.94	EAR #1244	Hertz	Palm Beach, FL	American Express
03/10/95	Lodging	\$ 378.42	EAR #1244	Adam's Mark	McLean	VISA
03/30/95	Lodging	\$ 467.80	EAR #1244	Ritz-Carlton	McLean	American Express
	Subtotal	<u>\$ 1,450.33</u>				
08/29/95	Lodging	\$ 286.75	EAR #1438	Hyatt	Dallas	American Express
08/29/95	Lodging	\$ 116.48	EAR #1438	Hilton	Sioux City, IA	American Express
08/29/95	Lodging	\$ 233.38	EAR #1438	Embassy Suites	Charlotte, NC	American Express
08/29/95	Lodging	\$ 1,466.02	EAR #1438	Embassy Suites	Des Moines	American Express
08/29/95	Lodging	\$ 637.47	EAR #1438	Hyatt	Dallas	American Express
08/29/95	Lodging	\$ 65.49	EAR #1438	Best Western	Council Blfs, IA	American Express
08/29/95	Lodging	\$ 18.94	EAR #1438	Hyatt	Dallas	American Express
08/29/95	Lodging	\$ 107.63	EAR #1438	Holiday Inn	Independence, OH	American Express
08/29/95	Lodging	\$ 171.09	EAR #1438	Holiday Inn	Mason City, IA	American Express
08/29/95	Lodging	\$ 68.67	EAR #1438	Holiday Inn	Waterloo, IA	American Express
08/29/95	Lodging	\$ 77.28	EAR #1438	Hilton	Sioux City, IA	American Express
08/29/95	Lodging	\$ 323.05	EAR #1438	Collins Plaza	Cedar Rapids, IA	American Express
08/29/95	Lodging	\$ 65.25	EAR #1438	Black Hawk Hoyel	Davenport, IA	American Express
08/29/95	Lodging	\$ 339.82	EAR #1438	Meridian	Boston	American Express
08/29/95	Lodging	\$ 140.44	EAR #1438	Days Inn	Ottumwa, IA	American Express
08/29/95	Lodging	\$ 271.61	EAR #1438	Bedford Village Inn	Bedford, NH	American Express
08/29/95	Lodging	\$ 114.35	EAR #1438	Holiday Inn	Concord, NH	American Express
08/29/95	Lodging	\$ 209.81	EAR #1438	Best Western	Des Moines	American Express
08/29/95	Meals	\$ 158.28	EAR #1438	Fisherman's Bay	Ottumwa, IA	American Express
08/29/95	Meals	\$ 152.02	EAR #1438	M's Restaurant	Omaha, NE	American Express
08/29/95	Meals	\$ 36.00	EAR #1438	King Sea Chinese Rest	Souix City, IA	American Express
08/29/95	Meals	\$ 28.27	EAR #1438	Garden Cafe	Council Blfs, IA	American Express
08/29/95	Meals	\$ 65.00	EAR #1438	Noah's Restaurant	Des Moines	American Express

ATTACHMENT  
 Page 10 of 82

Date	Expense Type	Amount	Reference	Merchant	City	Payment Method
08/29/95	Meals	\$ 89.00	EAR #1438	Outback Steakhouse	Cedar Rapids, IA	American Express
08/29/95	Meals	\$ 119.00	EAR #1438	Fisherman's Bay	Boston	American Express
08/29/95	Meals	\$ 267.00	EAR #1438	Steak & Chop	Des Moines	American Express
08/29/95	Meals	\$ 284.25	EAR #1438	Steak & Chop	Des Moines	American Express
08/29/95	Telephone	\$ 5.15	EAR #1438	GTE Airfone	Oak Brook, IL	American Express
08/29/95	Telephone	\$ 7.73	EAR #1438	GTE Airfone	Oak Brook, IL	American Express
08/29/95	Telephone	\$ 10.30	EAR #1438	GTE Airfone	Oak Brook, IL	American Express
08/29/95	Telephone	\$ 30.90	EAR #1438	GTE Airfone	Oak Brook, IL	American Express
08/29/95	Telephone	\$ 5.45	EAR #1438	AT&T AirOne	Jacksonville, FL	American Express
09/29/95	Lodging	\$ 122.67	EAR #1438	Hotel Fort Des Moines	Des Moines	American Express
09/29/95	Lodging	\$ 41.04	EAR #1438	Traveler Motel	Berlin, NH	American Express
09/29/95	Lodging	\$ 113.40	EAR #1438	Hilton	Las Vegas	American Express
09/29/95	Lodging	\$ 307.14	EAR #1438	Hilton	Ocala, FL	American Express
09/29/95	Lodging	\$ 179.53	EAR #1438	Hyatt	Greenville, SC	American Express
09/29/95	Lodging	\$ 128.08	EAR #1438	Adam's Mark	Columbia, SC	American Express
09/29/95	Lodging	\$ 562.43	EAR #1438	Holiday Inn	Manchester, NH	American Express
09/29/95	Lodging	\$ 96.30	EAR #1438	The Wilcox Inn	Aiken, SC	American Express
09/29/95	Lodging	\$ 32.54	EAR #1438	Laughlin Nev	Las Vegas	American Express
09/29/95	Lodging	\$ 104.34	EAR #1438	Radisson	Orlando, FL	American Express
09/29/95	Lodging	\$ 83.84	EAR #1438	Residence Inn	Gainesville, FL	American Express
09/29/95	Lodging	\$ 18.18	EAR #1438	Radisson	Orlando, FL	American Express
09/29/95	Lodging	\$ 194.40	EAR #1438	The Highlander Inn	Manchester, NH	American Express
09/29/95	Lodging	\$ (216.96)	EAR #1438	Balsams Grand Hotel	Dixville Nch, NH	American Express
09/29/95	Lodging	\$ 110.00	EAR #1438	Eastgate Motor Inn	Littleton, NH	American Express
09/29/95	Lodging	\$ 227.69	EAR #1438	Hilton	Pittsburgh, PA	American Express
09/29/95	Meals	\$ 85.64	EAR #1438	Cafe Pavone	Manchester, NH	American Express
09/29/95	Meals	\$ 200.00	EAR #1438	Hennessy's	Columbia, SC	American Express
09/29/95	Meals	\$ 108.51	EAR #1438	Puritan Back Rm Restr	Manchester, NH	American Express
09/29/95	Meals	\$ 48.00	EAR #1438	Don AleJandros	Las Vegas	American Express
09/29/95	Meals	\$ 99.00	EAR #1438	Steak & Ale	Gainesville, FL	American Express
09/29/95	Meals	\$ 175.00	EAR #1438	Puritan Back Rm Restr	Manchester, NH	American Express
09/29/95	Miscellaneous	\$ 74.49	EAR #1438	EMS	Manchester, NH	American Express
09/29/95	Telephone	\$ 41.20	EAR #1438	GTE Airfone	Oak Brook, IL	American Express
09/29/95	Telephone	\$ 59.23	EAR #1438	GTE Airfone	Oak Brook, IL	American Express
09/29/95	Telephone	\$ 43.78	EAR #1438	GTE Airfone	Oak Brook, IL	American Express
09/29/95	Telephone	\$ 5.15	EAR #1438	GTE Airfone	Oak Brook, IL	American Express
09/29/95	Telephone	\$ 5.15	EAR #1438	GTE Airfone	Oak Brook, IL	American Express
09/29/95	Telephone	\$ 29.72	EAR #1438	AT&T AirOne	Jacksonville, FL	American Express

ATTACHMENT  
 Page 11 of 88



Date	Expense Type	Amount	Reference	Merchant	City	Payment Method
10/29/95	Lodging	\$ 345.36	EAR #1418	Embassy Suites	Tampa, FL	American Express
10/29/95	Lodging	\$ 261.00	EAR #1418	Sheraton	Cedar Rapids, IA	American Express
10/29/95	Lodging	\$ 84.80	EAR #1418	Breakers Hotel	Spring Lake, NJ	American Express
10/29/95	Lodging	\$ 207.67	EAR #1438	Holiday Inn	Manchester, NH	American Express
10/29/95	Lodging	\$ 218.86	EAR #1438	Best Western	Fort Dodge, IA	American Express
10/29/95	Lodging	\$ 181.87	EAR #1438	Marriott	Newark, NJ	American Express
10/29/95	Lodging	\$ 275.48	EAR #1438	Hilton	Sioux City, IA	American Express
10/29/95	Lodging	\$ 271.50	EAR #1438	Monteleone Hotel	New Orleans, LA	American Express
10/29/95	Lodging	\$ 213.64	EAR #1438	Marriott	Newark, NJ	American Express
10/29/95	Lodging	\$ 396.73	EAR #1438	Holiday Inn	Manchester, NH	American Express
10/29/95	Lodging	\$ 88.63	EAR #1438	Comfort Inn	Yokenportsmth, NH	American Express
10/29/95	Lodging	\$ 439.03	EAR #1438	Marriott	Greenville, SC	American Express
10/29/95	Lodging	\$ 163.04	EAR #1438	Marriott	Orlando, FL	American Express
10/29/95	Lodging	\$ 249.10	EAR #1438	Hilton	Mesa, AZ	American Express
10/29/95	Lodging	\$ 307.79	EAR #1438	Marriott	Omaha, NE	American Express
10/29/95	Lodging	\$ 330.63	EAR #1438	Hotel Fort Des Moines	Des Moines	American Express
10/29/95	Lodging	\$ 218.53	EAR #1438	Sheraton	Cedar Rapids, IA	American Express
10/29/95	Lodging	\$ 132.00	EAR #1438	Marriott	Orlando, FL	American Express
10/29/95	Lodging	\$ 70.53	EAR #1438	Best Western	Clinton, IA	American Express
10/29/95	Miscellaneous	\$ 34.29	EAR #1438	Presidents Rvr Clb	Davenport, IA	American Express
10/29/95	Meals	\$ 150.00	EAR #1438	Cafe Paradiso	Tampa, FL	American Express
10/29/95	Meals	\$ 31.08	EAR #1438	Garden Cafe	Council Blfs, IA	American Express
10/29/95	Meals	\$ 105.00	EAR #1438	Austins	Omaha, NE	American Express
10/29/95	Meals	\$ 128.00	EAR #1438	Chen Yang Li	Bedford, NH	American Express
10/29/95	Meals	\$ 105.40	EAR #1438	Puritan Back Rm Restr	Manchester, NH	American Express
10/29/95	Meals	\$ 68.02	EAR #1438	The First Edition	Sioux City, IA	American Express
11/28/95	Airfare	\$ 1,224.00	EAR #1438	Delta Airlines	Fairbanks, AK	American Express
11/28/95	Airfare	\$ 1,224.00	EAR #1438	Delta Airlines	Fairbanks, AK	American Express
11/28/95	Airfare	\$ 641.00	EAR #1438	United Airlines	McLean	American Express
11/28/95	Lodging	\$ 219.69	EAR #1438	Westmark Baranof	Juneau, AK	American Express
11/28/95	Lodging	\$ 87.69	EAR #1438	Westmark Baranof	Juneau, AK	American Express
11/28/95	Lodging	\$ 169.57	EAR #1438	Captain Cook Hotel	Anchorage, AK	American Express
11/28/95	Lodging	\$ 13.21	EAR #1438	Shilo Portland	Portland, OR	American Express
11/28/95	Lodging	\$ 168.37	EAR #1438	Hyatt	Buffalo, NY	American Express
11/28/95	Lodging	\$ 116.11	EAR #1438	Residence Inn	Latham, NY	American Express
11/28/95	Lodging	\$ 169.45	EAR #1438	Westmark Baranof	Juneau, AK	American Express
11/28/95	Lodging	\$ 199.42	EAR #1438	Fairbanks Princess	Fairbanks, AK	American Express
11/28/95	Lodging	\$ 348.31	EAR #1438	Hilton	Chicago	American Express

ATTACHMENT  
 Page 12 of 87

Date	Expense Type	Amount	Reference	Merchant	City	Payment Method
11/28/95	Lodging	\$ 220.27	EAR #1438	The Clift Hotel	San Francisco	American Express
11/28/95	Lodging	\$ 1,599.61	EAR #1438	Breakers Hotel	Palm Beach, FL	American Express
11/28/95	Lodging	\$ 484.37	EAR #1438	Ritz-Carlton	New York	American Express
11/28/95	Lodging	\$ 12.99	EAR #1438	Ritz-Carlton	New York	American Express
11/28/95	Lodging	\$ 109.89	EAR #1438	Residence Inn	Latham, NY	American Express
11/28/95	Lodging	\$ 182.18	EAR #1438	Huntington Hotel	Melville, NY	American Express
11/28/95	Lodging	\$ 305.10	EAR #1438	Red Lion Hotels & Inns	Glendale, CA	American Express
11/28/95	Lodging	\$ 33.34	EAR #1438	Red Lion Hotels & Inns	Glendale, CA	American Express
11/28/95	Lodging	\$ 309.62	EAR #1438	Best Western	Sedona, AZ	American Express
11/28/95	Lodging	\$ 305.45	EAR #1438	Woodlands Plaza Hotel	Flagstaff, AZ	American Express
11/28/95	Lodging	\$ 141.60	EAR #1438	Hilton	Phoenix, AZ	American Express
11/28/95	Lodging	\$ 250.00	EAR #1438	Marriott	Orlando, FL	American Express
11/28/95	Lodging	\$ 131.72	EAR #1438	Marriott	Denver	American Express
11/28/95	Lodging	\$ 33.00	EAR #1438	Hospitality Inn	Pensacola, FL	American Express
11/28/95	Lodging	\$ 110.50	EAR #1438	Sheraton	Windsor Locks, CT	American Express
11/28/95	Lodging	\$ 159.32	EAR #1438	Sheraton	Windsor Locks, CT	American Express
11/28/95	Lodging	\$ 199.32	EAR #1438	Marriott	Cleveland	American Express
11/28/95	Lodging	\$ 256.51	EAR #1438	Holiday Inn	Manchester, NH	American Express
11/28/95	Lodging	\$ 171.93	EAR #1438	Hanover Inn	Hanover, NH	American Express
11/28/95	Meals	\$ 102.00	EAR #1438	Puritan Back Rm Restr	Manchester, NH	American Express
11/28/95	Meals	\$ 140.00	EAR #1438	Angus Steak Ranch	Pensacola, FL	American Express
11/28/95	Meals	\$ 186.40	EAR #1438	Steak & Chop	Des Moines	American Express
11/28/95	Meals	\$ 160.00	EAR #1438	Charlie's Crab	Palm Beach, FL	American Express
11/28/95	Miscellaneous	\$ 69.99	EAR #1438	Host International	Anchorage, AK	American Express
11/28/95	Meals	\$ 211.00	EAR #1438	Cole's Restaurant	Buffalo, NY	American Express
11/28/95	Telephone	\$ 5.45	EAR #1438	GTE Airfone	Oak Brook, IL	American Express
11/28/95	Telephone	\$ 11.20	EAR #1438	GTE Airfone	Oak Brook, IL	American Express
11/28/95	Telephone	\$ 5.45	EAR #1438	GTE Airfone	Oak Brook, IL	American Express
11/28/95	Telephone	\$ 74.42	EAR #1438	GTE Airfone	Oak Brook, IL	American Express
11/28/95	Telephone	\$ 77.29	EAR #1438	GTE Airfone	Oak Brook, IL	American Express
11/28/95	Telephone	\$ 7.92	EAR #1438	AT&T AirOne	Jacksonville, FL	American Express
	Subtotal	<u>\$ 24,778.01</u>				
02/28/95	Airfare	\$ 2,010.50	EAR #3704	USAir	McLean	American Express
02/28/95	Airfare	\$ 2,020.50	EAR #3704	USAir	McLean	American Express
02/28/95	Lodging	\$ 682.94	EAR #3704	Holiday Inn	Phoenix, AZ	American Express
02/28/95	Lodging	\$ 545.13	EAR #3704	Holiday Inn	Manchester, NH	American Express
02/28/95	Lodging	\$ 206.91	EAR #3704	Hilton	Boston	American Express

ATTACHMENT  
 Page 13 of 82

Date	Expense Type	Amount	Reference	Merchant	City	Payment Method
02/28/95	Meals	\$ 44.00	EAR #3704	Quigley's	Washington D.C.	American Express
02/28/95	Miscellaneous	\$ 10.75	EAR #3704	Holiday Inn	Manchester, NH	American Express
03/30/95	Airfare	\$ 2,108.00	EAR #3704	Northwest Airlines	Detroit, MI	American Express
03/30/95	Airfare	\$ 599.00	EAR #3704	Delta Airlines	Palm Beach, FL	American Express
03/30/95	Airfare	\$ 95.00	EAR #3704	Delta Airlines	Columbia, SC	American Express
03/30/95	Airfare	\$ 95.00	EAR #3704	Delta Airlines	Columbia, SC	American Express
03/30/95	Airfare	\$ 599.00	EAR #3704	Delta Airlines	Palm Beach, FL	American Express
03/30/95	Lodging	\$ 37.17	EAR #3704	Breakers Hotel	Palm Beach, FL	American Express
03/30/95	Lodging	\$ 530.49	EAR #3704	Ritz-Carlton	Naples, FL	American Express
03/30/95	Lodging	\$ 140.55	EAR #3704	Dobson Ranch Inn	Mesa, AZ	American Express
03/30/95	Lodging	\$ 102.31	EAR #3704	Holiday Inn	Manchester, NH	American Express
03/30/95	Lodging	\$ 144.33	EAR #3704	Embassy Suites	Des Moines	American Express
03/30/95	Lodging	\$ 84.90	EAR #3704	Black Hawk Hoyal	Davenport, IA	American Express
03/30/95	Lodging	\$ 93.50	EAR #3704	Sheraton	Charleston, SC	American Express
03/30/95	Lodging	\$ 264.59	EAR #3704	Marriott	Bloomington, MN	American Express
03/30/95	Lodging	\$ 135.00	EAR #3704	Marriott	San Diego	American Express
03/30/95	Lodging	\$ 154.25	EAR #3704	Town & Country Hotel	San Diego	American Express
03/30/95	Lodging	\$ 216.69	EAR #3704	Town & Country Hotel	San Diego	American Express
09/02/95	Telephone	\$ 202.18	EAR #3704	Bell Atlantic	McLean	Checking
09/14/95	Telephone	\$ 50.00	EAR #3704	Motorola	Chicago	Checking
10/02/95	Telephone	\$ 214.38	EAR #3704	Bell Atlantic	McLean	Checking
10/07/95	Telephone	\$ 412.31	EAR #3704	Motorola	Chicago	Checking
10/08/95	Taxi	\$ 184.00	EAR #3704	A-1 Limo	McLean	Checking
10/10/95	Meals	\$ 17.00	EAR #3704	Host International	San Francisco	VISA
10/10/95	Supplies	\$ 25.00	EAR #3704	EMS	Manchester, NH	VISA
11/24/95	Bar Tab	\$ 426.65	EAR #3704	MacArthur Beverage	McLean	Checking
11/24/95	Telephone	\$ 40.02	EAR #3704	Motorola	Chicago	Checking
11/25/95	Telephone	\$ 200.84	EAR #3704	Bell Atlantic	McLean	Checking
12/02/95	Telephone	\$ 308.38	EAR #3704	Bell Atlantic	McLean	Checking
11/10/95	Miscellaneous	\$ 110.00	EAR #3704	The Costume Gallery	Manchester, NH	VISA
11/10/95	Meals	\$ 37.51	EAR #3704	Town Clock Inn	Dubuque, IA	VISA
11/10/95	Telephone	\$ 22.69	EAR #3704	GTE Airfone	Oak Brook, IL	VISA
11/10/95	Telephone	\$ 57.18	EAR #3704	GTE Airfone	Oak Brook, IL	VISA
11/10/95	Telephone	\$ 5.45	EAR #3704	GTE Airfone	Oak Brook, IL	VISA
11/10/95	Telephone	\$ 8.32	EAR #3704	GTE Airfone	Oak Brook, IL	VISA
11/10/95	Telephone	\$ 11.20	EAR #3704	GTE Airfone	Oak Brook, IL	VISA
11/10/95	Telephone	\$ 11.20	EAR #3704	GTE Airfone	Oak Brook, IL	VISA
11/10/95	Telephone	\$ 16.94	EAR #3704	GTE Airfone	Oak Brook, IL	VISA

ATTY GENERAL  
 Page 14 of 82

Date	Expense Type	Amount	Reference	Merchant	City	Payment Method
11/10/95	Telephone	\$ 39.93	EAR #3704	GTE Airfone	Oak Brook, IL	VISA
12/20/95	Telephone	\$ 105.16	EAR #3704	Motorola	Chicago	Checking
12/22/95	Miscellaneous	\$ 538.18	EAR #3704	Alexandria Florist	Alexandria, VA	Checking
12/22/95	Miscellaneous	\$ 977.07	EAR #3704	Classic Tents	Alexandria, VA	Checking
12/31/95	Miscellaneous	\$ 389.80	EAR #3704	BFP Expenses	McLean	Undoc/Duplicate
12/10/95	Telephone	\$ 38.62	EAR #3704	GTE Airfone	Oak Brook, IL	VISA
12/10/95	Telephone	\$ 11.20	EAR #3704	GTE Airfone	Oak Brook, IL	VISA
12/10/95	Telephone	\$ 34.19	EAR #3704	GTE Airfone	Oak Brook, IL	VISA
	Subtotal	<u>\$ 15,415.91</u>				

08/10/95	Limo	\$ 186.00	EAR #4272	A-1 Limo	McLean	Checking
07/29/95	Airfare	\$ 100.00	EAR #4272	TranWorld Air	St. Louis, MO	American Express
07/29/95	Airfare	\$ 75.00	EAR #4272	USAir	New York	American Express
07/29/95	Airfare	\$ 75.00	EAR #4272	USAir	New York	American Express
07/29/95	Lodging	\$ 55.74	EAR #4272	Villa Hotel	San Mateo, CA	American Express
07/29/95	Lodging	\$ 5.41	EAR #4272	Ritz-Carlton	Pasadena, CA	American Express
07/29/95	Lodging	\$ 75.04	EAR #4272	Holiday Inn	Dubuque, IA	American Express
07/29/95	Lodging	\$ 270.78	EAR #4272	Wyndham Franklin Plaza	Philadelphia	American Express
07/29/95	Lodging	\$ 664.82	EAR #4272	Ritz-Carlton	Marina Del Ray	American Express
07/29/95	Lodging	\$ 56.29	EAR #4272	Ritz-Carlton	Marina Del Ray	American Express
07/29/95	Lodging	\$ 327.61	EAR #4272	Ritz-Carlton	Luguna, CA	American Express
07/29/95	Lodging	\$ 13.75	EAR #4272	Ritz-Carlton	Luguna, CA	American Express
07/29/95	Lodging	\$ 554.10	EAR #4272	Ritz-Carlton	San Francisco	American Express
07/29/95	Lodging	\$ 197.88	EAR #4272	Hyatt	Sacramento, CA	American Express
07/29/95	Lodging	\$ 154.97	EAR #4272	Ritz-Carlton	Pasadena, CA	American Express
07/29/95	Lodging	\$ 162.11	EAR #4272	Stouffer	Denver	American Express
07/29/95	Lodging	\$ 193.23	EAR #4272	Marriott	St. Louis, MO	American Express
07/29/95	Lodging	\$ 14.82	EAR #4272	Stouffer	Denver	American Express
07/29/95	Lodging	\$ 49.44	EAR #4272	Hyatt	San Diego	American Express
07/29/95	Lodging	\$ 31.80	EAR #4272	Hyatt	San Diego	American Express
07/29/95	Lodging	\$ 185.50	EAR #4272	Marriott	Detroit, MI	American Express
07/29/95	Lodging	\$ 131.73	EAR #4272	Radisson	Omaha, NE	American Express
07/29/95	Lodging	\$ 166.89	EAR #4272	Radisson	Omaha, NE	American Express
07/29/95	Lodging	\$ 131.61	EAR #4272	Embassy Suites	Des Moines	American Express
07/29/95	Lodging	\$ 197.08	EAR #4272	Embassy Suites	Des Moines	American Express
07/29/95	Lodging	\$ 11.37	EAR #4272	Red Lion Hotels & Inns	Glendale, CA	American Express
07/29/95	Lodging	\$ 88.34	EAR #4272	Courtyard	Phoenix, AZ	American Express
07/29/95	Lodging	\$ 59.43	EAR #4272	Holiday Inn	Phoenix, AZ	American Express

ATTACHMENT  
 Page 15 of 87

Date	Expense Type	Amount	Reference	Merchant	City	Payment Method
07/29/95	Lodging	\$ 109.21	EAR #4272	Courtyard	Phoenix, AZ	American Express
07/29/95	Lodging	\$ 183.14	EAR #4272	Red Lion Hotels & Inns	Glendale, CA	American Express
07/29/95	Meals	\$ 67.13	EAR #4272	Noah's Restaurant	Des Moines	American Express
07/29/95	Meals	\$ 80.25	EAR #4272	Brady's	San Diego	American Express
07/29/95	Meals	\$ 91.93	EAR #4272	Puritan Back Rm Restr	Manchester, NH	American Express
07/29/95	Meals	\$ 78.00	EAR #4272	Host International	Detroit, MI	American Express
07/29/95	Meals	\$ 113.00	EAR #4272	The Drover	Omaha, NE	American Express
07/29/95	Meals	\$ 76.00	EAR #4272	Imperial House	Des Moines	American Express
	Subtotal	<u>\$ 5,036.40</u>				
01/31/95	Airfare	\$ 764.00	EAR #5790	USAir	McLean	American Express
01/31/95	Airfare	\$ 764.00	EAR #5790	USAir	McLean	American Express
01/31/95	Airfare	\$ 614.00	EAR #5790	USAir	McLean	American Express
01/31/95	Airfare	\$ 614.00	EAR #5790	USAir	McLean	American Express
01/31/95	Airfare	\$ 1,871.00	EAR #5790	United Airlines	McLean	American Express
01/31/95	Airfare	\$ 1,871.00	EAR #5790	United Airlines	McLean	American Express
01/31/95	Lodging	\$ 59.00	EAR #5790	Radisson	Baton Rouge	American Express
01/31/95	Lodging	\$ 272.28	EAR #5790	Holiday Inn	Manchester, NH	American Express
02/28/95	Airfare	\$ 1,894.00	EAR #5790	United Airlines	McLean	American Express
02/28/95	Airfare	\$ 1,894.00	EAR #5790	United Airlines	McLean	American Express
02/28/95	Lodging	\$ 46.81	EAR #5790	Marriott	Scottsdale, AZ	American Express
03/28/95	Lodging	\$ 81.80	EAR #5790	Loew's Anatole	Dallas	American Express
03/29/95	Airfare	\$ 799.00	EAR #5790	American Airlines	McLean	American Express
03/29/95	Airfare	\$ 799.00	EAR #5790	American Airlines	McLean	American Express
03/29/95	Lodging	\$ 136.00	EAR #5790	Loew's Anatole	Dallas	American Express
03/31/95	Meals	\$ 183.00	EAR #5790	The Palm	Washington D.C.	American Express
03/31/95	Meals	\$ 138.00	EAR #5790	La Colline	Washington D.C.	American Express
04/28/95	Lodging	\$ 217.41	EAR #5790	Wyndham Hotel	Atlanta	American Express
04/28/95	Lodging	\$ 262.75	EAR #5790	Wyndham Hotel	Atlanta	American Express
04/28/95	Lodging	\$ 18.89	EAR #5790	Dobson Ranch Inn	Mesa, AZ	American Express
04/28/95	Lodging	\$ 160.13	EAR #5790	Best Western	Rosemont, IL	American Express
04/28/95	Lodging	\$ 88.48	EAR #5790	Hilton	Sioux City, IA	American Express
04/30/95	Airfare	\$ 60.00	EAR #5790	America West	Tempe, AZ	American Express
04/30/95	Airfare	\$ 60.00	EAR #5790	America West	Tempe, AZ	American Express
04/30/95	Airfare	\$ 60.00	EAR #5790	America West	Tempe, AZ	American Express
04/30/95	Airfare	\$ 157.00	EAR #5790	Delta Airlines	Huntsville, AL	American Express
04/30/95	Airfare	\$ 157.00	EAR #5790	Delta Airlines	Huntsville, AL	American Express
04/30/95	Airfare	\$ 292.00	EAR #5790	USAir	Manchester, NH	American Express

ATTACHMENT  
 Page 16 of 82

Date	Expense Type	Amount	Reference	Merchant	City	Payment Method
04/30/95	Airfare	\$ 292.00	EAR #5790	USAir	Manchester, NH	American Express
04/30/95	Airfare	\$ (428.00)	EAR #5790	Northwest Airlines	Minneapolis	American Express
04/30/95	Lodging	\$ 69.13	EAR #5790	Hampton Inn	Omaha, NE	American Express
04/30/95	Lodging	\$ 263.05	EAR #5790	Hotel Fort Des Moines	Des Moines	American Express
04/30/95	Lodging	\$ 84.00	EAR #5790	Hyatt	Dallas	American Express
04/30/95	Lodging	\$ 189.13	EAR #5790	Holiday Inn	Manchester, NH	American Express
04/30/95	Lodging	\$ 216.44	EAR #5790	Marriott	Huntsville, AL	American Express
04/30/95	Lodging	\$ 162.72	EAR #5790	Wyndham Hotel	Phoenix, AZ	American Express
04/30/95	Lodging	\$ 36.13	EAR #5790	Marriott	Denver	American Express
04/30/95	Lodging	\$ 143.39	EAR #5790	Marriott	Denver	American Express
04/30/95	Lodging	\$ 620.45	EAR #5790	Holiday Inn	Manchester, NH	American Express
04/30/95	Meals	\$ 105.10	EAR #5790	Puritan Back Rm Restr	Manchester, NH	American Express
04/30/95	Meals	\$ 151.00	EAR #5790	Chen Yang Li	Bedford, NH	American Express
04/30/95	Meals	\$ 95.01	EAR #5790	The Garden Cafe	Omaha, NE	American Express
04/30/95	Meals	\$ 25.84	EAR #5790	Hyatt	Dallas	American Express
04/30/95	Meals	\$ 218.11	EAR #5790	Bedford Village Inn	Bedford, NH	American Express
04/30/95	Meals	\$ 104.00	EAR #5790	Puritan Back Rm Restr	Manchester, NH	American Express
04/30/95	Telephone	\$ 33.48	EAR #5790	GTE Airfone	Oak Brook, IL	American Express
04/30/95	Telephone	\$ 38.63	EAR #5790	GTE Airfone	Oak Brook, IL	American Express
05/31/95	Airfare	\$ 306.00	EAR #5790	Delta Airlines	Cincinnati	American Express
05/31/95	Lodging	\$ 131.64	EAR #5790	Hyatt	Orlando, FL	American Express
05/31/95	Lodging	\$ 53.80	EAR #5790	Hyatt	Orlando, FL	American Express
05/31/95	Lodging	\$ 133.69	EAR #5790	Hilton	LaFayette, LA	American Express
05/31/95	Lodging	\$ 47.50	EAR #5790	Ramada Inn	Metairie, LA	American Express
05/31/95	Lodging	\$ 436.46	EAR #5790	Sheraton	Metairie, LA	American Express
05/31/95	Lodging	\$ 34.10	EAR #5790	Broadwalk Plaza	Rehoboth, DE	American Express
05/31/95	Lodging	\$ 102.60	EAR #5790	Henlopen Hotel	Rehoboth, DE	American Express
05/31/95	Lodging	\$ 541.71	EAR #5790	Harbor Court Hotel	Baltimore, MD	American Express
05/31/95	Lodging	\$ 167.00	EAR #5790	Harbor Court Hotel	Baltimore, MD	American Express
05/31/95	Lodging	\$ 4.25	EAR #5790	Holiday Inn	Manchester, NH	American Express
05/31/95	Lodging	\$ 135.10	EAR #5790	Holiday Inn	Manchester, NH	American Express
05/31/95	Lodging	\$ 257.89	EAR #5790	Radisson	Florence, KY	American Express
05/31/95	Lodging	\$ 33.18	EAR #5790	Sheraton	Tampa, FL	American Express
05/31/95	Lodging	\$ 107.04	EAR #5790	Sheraton	Tampa, FL	American Express
05/31/95	Meals	\$ 80.00	EAR #5790	Rusty Rudder	Dewey Beach, DE	American Express
05/31/95	Meals	\$ 27.00	EAR #5790	Murphy's State House	Concord, NH	American Express
06/29/95	Lodging	\$ 462.06	EAR #5790	Hotel Fort Des Moines	Des Moines	American Express
06/29/95	Lodging	\$ 221.51	EAR #5790	Hilton	Sioux City, IA	American Express

ATTACHMENT  
Page 17 of 82

Date	Expense Type	Amount	Reference	Merchant	City	Payment Method
06/29/95	Lodging	\$ 220.67	EAR #5790	Hotel Somerset	Somerset, NJ	American Express
06/29/95	Lodging	\$ 301.85	EAR #5790	L'Auberge	Del Mar, CA	American Express
06/29/95	Lodging	\$ 23.27	EAR #5790	L'Auberge	Del Mar, CA	American Express
06/30/95	Lodging	\$ 112.94	EAR #5790	Best Western	Lavale, MD	American Express
06/30/95	Lodging	\$ 245.44	EAR #5790	Sheraton	Cedar Rapids, IA	American Express
06/30/95	Lodging	\$ 191.75	EAR #5790	Hyatt	Greenville, SC	American Express
06/30/95	Lodging	\$ 404.58	EAR #5790	Hyatt	Greenville, SC	American Express
06/30/95	Miscellaneous	\$ (150.17)	EAR #5790	Counts Western Wear	Washington D.C.	American Express
06/30/95	Meals	\$ 61.00	EAR #5790	Amalgamated Spirit	Cedar Rapids, IA	American Express
06/30/95	Meals	\$ 116.00	EAR #5790	Ruth's Chris Steak House	Arlington, VA	American Express
06/30/95	Miscellaneous	\$ 796.30	EAR #5790	Counts Western Wear	Washington D.C.	American Express
06/30/95	Telephone	\$ 2.58	EAR #5790	GTE Airfone	Oak Brook, IL	American Express
08/31/95	Meals	\$ 271.61	EAR #5790	Bedford Village Inn	Bedford, NH	American Express
08/31/95	Meals	\$ 95.00	EAR #5790	Hunan Lion	Vienna, VA	American Express
09/30/95	Meals	\$ 97.00	EAR #5790	Ritz Carlton	McLean	American Express
09/30/95	Miscellaneous	\$ 104.50	EAR #5790	Macy's	McLean	American Express
12/31/95	Airfare	\$ 52.50	EAR #5790	USAir	McLean	American Express
12/31/95	Airfare	\$ 52.50	EAR #5790	USAir	McLean	American Express
12/31/95	Airfare	\$ 539.00	EAR #5790	American Airlines	Shreveport, LA	American Express
12/31/95	Airfare	\$ 539.00	EAR #5790	American Airlines	Shreveport, LA	American Express
12/31/95	Airfare	\$ 539.00	EAR #5790	American Airlines	Shreveport, LA	American Express
12/31/95	Airfare	\$ 20.00	EAR #5790	Delta Airlines	Atlanta	American Express
12/31/95	Lodging	\$ 107.11	EAR #5790	Holiday Inn	Cedar Rapids, IA	American Express
12/31/95	Lodging	\$ 284.98	EAR #5790	Holiday Inn	Dubuque, IA	American Express
12/31/95	Lodging	\$ 152.63	EAR #5790	Holiday Inn	Manchester, NH	American Express
12/31/95	Lodging	\$ 218.40	EAR #5790	Marriott	Des Moines	American Express
12/31/95	Lodging	\$ 75.57	EAR #5790	Holiday Inn	Mason City, IA	American Express
12/31/95	Lodging	\$ 1,233.19	EAR #5790	Holiday Inn	Manchester, NH	American Express
12/31/95	Lodging	\$ 126.61	EAR #5790	El Conquistador Resort	Tucson, AZ	American Express
12/31/95	Lodging	\$ 84.22	EAR #5790	Black Hawk Hoyal	Davenport, IA	American Express
12/31/95	Lodging	\$ 56.53	EAR #5790	Fairfield Inn	Ottumwa, IA	American Express
12/31/95	Lodging	\$ 124.88	EAR #5790	Best Western	Burlington, IA	American Express
12/31/95	Lodging	\$ 126.61	EAR #5790	El Conquistador Resort	Tucson, AZ	American Express
12/31/95	Lodging	\$ 508.55	EAR #5790	Ritz-Carlton	Phoenix, AZ	American Express
12/31/95	Lodging	\$ 219.38	EAR #5790	Marriott	Des Moines	American Express
12/31/95	Lodging	\$ 284.85	EAR #5790	Holiday Inn	Roswell, GA	American Express
12/31/95	Lodging	\$ 120.20	EAR #5790	Holiday Inn	Roswell, GA	American Express
12/31/95	Lodging	\$ 117.11	EAR #5790	Holiday Inn	Roswell, GA	American Express

ATTACHMENT  
Page 8 of 52

Date	Expense Type	Amount	Reference	Merchant	City	Payment Method
12/31/95	Lodging	\$ 88.80	EAR #5790	Hilton	Baton Rouge	American Express
12/31/95	Lodging	\$ 110.50	EAR #5790	Hilton	LaFayette, LA	American Express
12/31/95	Lodging	\$ (126.61)	EAR #5790	El Conquistador Resort	Tucson, AZ	American Express
12/31/95	Lodging	\$ 115.37	EAR #5790	Marriott	Des Moines	American Express
12/31/95	Lodging	\$ 62.95	EAR #5790	Best Western	Fort Dodge, IA	American Express
12/31/95	Meals	\$ 390.00	EAR #5790	Ritz Carlton	McLean	American Express
12/31/95	Meals	\$ 135.59	EAR #5790	Ralph & Kacoo's	Bossier City, LA	American Express
12/31/95	Meals	\$ 54.00	EAR #5790	Outback Steakhouse	Cedar Rapids, IA	American Express
12/31/95	Meals	\$ 104.00	EAR #5790	Cafe Pavone	Manchester, NH	American Express
12/31/95	Meals	\$ 136.00	EAR #5790	Puritan Back Rm Restr	Manchester, NH	American Express
12/31/95	Meals	\$ 52.74	EAR #5790	Fisherman's Bay	Ottumwa, IA	American Express
12/31/95	Meals	\$ 109.20	EAR #5790	Red Lobster	Roswell, GA	American Express
12/31/95	Telephone	\$ 25.56	EAR #5790	GTE Airfone	Oak Brook, IL	American Express
12/31/95	Telephone	\$ 5.45	EAR #5790	GTE Airfone	Oak Brook, IL	American Express
01/29/96	Airfare	\$ 185.27	EAR #5790	Delta Airlines	Boston	American Express
01/29/96	Airfare	\$ 185.27	EAR #5790	Delta Airlines	Boston	American Express
01/29/96	Airfare	\$ 185.27	EAR #5790	Delta Airlines	Boston	American Express
01/29/96	Airfare	\$ 185.27	EAR #5790	Delta Airlines	Boston	American Express
01/29/96	Lodging	\$ 159.00	EAR #5790	Hilton	Sioux City, IA	American Express
01/29/96	Lodging	\$ 80.82	EAR #5790	Comfort Inn	Memphis, TN	American Express
01/29/96	Lodging	\$ 146.10	EAR #5790	Hilton	Anchorage, AK	American Express
01/29/96	Lodging	\$ 79.86	EAR #5790	Ramada Inn	Shreveport, LA	American Express
01/29/96	Lodging	\$ 92.99	EAR #5790	Sheraton	Cedar Rapids, IA	American Express
01/29/96	Lodging	\$ 414.76	EAR #5790	Holiday Inn	Manchester, NH	American Express
01/29/96	Lodging	\$ 132.78	EAR #5790	Sheraton	Omaha, NE	American Express
01/29/96	Lodging	\$ 82.47	EAR #5790	Holiday Inn	Dubuque, IA	American Express
01/29/96	Lodging	\$ 137.64	EAR #5790	Holiday Inn	Seattle, WA	American Express
01/29/96	Lodging	\$ 290.30	EAR #5790	Village Resort	Spirit Lake, IA	American Express
01/29/96	Lodging	\$ 100.73	EAR #5790	Holiday Inn	Monroe, LA	American Express
01/29/96	Lodging	\$ 134.00	EAR #5790	Bedford Village Inn	Bedford, NH	American Express
01/29/96	Lodging	\$ 58.00	EAR #5790	Sanstone Inn	Fort Dodge, IA	American Express
01/29/96	Lodging	\$ 301.36	EAR #5790	Sheraton	Cedar Rapids, IA	American Express
01/29/96	Lodging	\$ 194.40	EAR #5790	The Highlander Inn	Manchester, NH	American Express
01/29/96	Lodging	\$ 95.68	EAR #5790	Hilton	Baton Rouge	American Express
01/29/96	Lodging	\$ 741.52	EAR #5790	Ritz-Carlton	New York	American Express
01/29/96	Lodging	\$ 31.39	EAR #5790	Ritz-Carlton	New York	American Express
01/29/96	Lodging	\$ 104.56	EAR #5790	Adam's Mark	Columbia, SC	American Express
01/29/96	Lodging	\$ 71.69	EAR #5790	Adam's Mark	Columbia, SC	American Express

ATTACHMENT  
Page 19 of 82



Date	Expense Type	Amount	Reference	Merchant	City	Payment Method
01/29/96	Lodging	\$ 318.04	EAR #5790	Adam's Mark	Columbia, SC	American Express
01/29/96	Lodging	\$ 465.75	EAR #5790	Adam's Mark	Columbia, SC	American Express
01/29/96	Lodging	\$ 143.38	EAR #5790	Adam's Mark	Columbia, SC	American Express
01/29/96	Lodging	\$ 200.00	EAR #5790	Hilton	Baton Rouge	American Express
01/29/96	Lodging	\$ 24.16	EAR #5790	Hilton	Baton Rouge	American Express
01/29/96	Lodging	\$ 53.06	EAR #5790	Omni	New Orleans, LA	American Express
01/29/96	Lodging	\$ 497.40	EAR #5790	Holiday Inn	Manchester, NH	American Express
01/29/96	Lodging	\$ 202.01	EAR #5790	Hilton	New Orleans, LA	American Express
01/29/96	Lodging	\$ 162.01	EAR #5790	Hilton	Chicago	American Express
01/29/96	Lodging	\$ 74.52	EAR #5790	The Highlander Inn	Manchester, NH	American Express
01/29/96	Lodging	\$ 292.82	EAR #5790	Hilton	Sioux City, IA	American Express
01/29/96	Lodging	\$ 52.58	EAR #5790	Holiday Inn	Manchester, NH	American Express
01/29/96	Lodging	\$ 701.78	EAR #5790	Marriott	Des Moines	American Express
01/29/96	Lodging	\$ 719.80	EAR #5790	Marriott	Des Moines	American Express
01/29/96	Meals	\$ 201.00	EAR #5790	Steak & Chop	Des Moines	American Express
01/29/96	Meals	\$ 93.25	EAR #5790	Cafe Pavone	Manchester, NH	American Express
01/29/96	Meals	\$ 140.00	EAR #5790	Copeland's	Baton Rouge	American Express
01/29/96	Meals	\$ 115.00	EAR #5790	The First Edition	Sioux City, IA	American Express
01/29/96	Meals	\$ 48.75	EAR #5790	Pour La France Cafe	Denver	American Express
01/29/96	Meals	\$ 67.33	EAR #5790	TGI Friday's	Cedar Rapids, IA	American Express
01/29/96	Meals	\$ 72.59	EAR #5790	Austins	Omaha, NE	American Express
01/29/96	Meals	\$ 439.00	EAR #5790	Brennans Restaurant	New Orleans, LA	American Express
01/29/96	Meals	\$ 99.00	EAR #5790	Chen Yang Li	Bedford, NH	American Express
01/29/96	Miscellaneous	\$ 175.97	EAR #5790	Timberland Factory	North Conway, NH	American Express
01/29/96	Miscellaneous	\$ 5.99	EAR #5790	Timberland Factory	North Conway, NH	American Express
01/29/96	Supplies	\$ 58.90	EAR #5790	Benjamin Books	Denver	American Express
01/29/96	Telephone	\$ 42.81	EAR #5790	GTE Airfone	Oak Brook, IL	American Express
01/29/96	Telephone	\$ 45.68	EAR #5790	GTE Airfone	Oak Brook, IL	American Express
02/29/96	Airfare	\$ 403.00	EAR #5790	United Airlines	Chicago	American Express
02/29/96	Airfare	\$ 403.00	EAR #5790	United Airlines	Chicago	American Express
02/29/96	Lodging	\$ 254.85	EAR #5790	Marriott	Boston	American Express
02/29/96	Lodging	\$ 94.41	EAR #5790	Holiday Inn	Manchester, NH	American Express
02/29/96	Lodging	\$ 60.00	EAR #5790	Collins Plaza	Cedar Rapids, IA	American Express
02/29/96	Lodging	\$ 212.31	EAR #5790	Holiday Inn	Davenport, IA	American Express
02/29/96	Lodging	\$ 68.25	EAR #5790	Holiday Inn	Cedar Rapids, IA	American Express
02/29/96	Lodging	\$ 1,024.31	EAR #5790	Marriott	Des Moines	American Express
02/29/96	Lodging	\$ 683.25	EAR #5790	Hyatt	New Orleans, LA	American Express
02/29/96	Lodging	\$ 142.26	EAR #5790	Holiday Inn	Lake Charles, LA	American Express

ATTACHMENT  
 Page 20

Date	Expense Type	Amount	Reference	Merchant	City	Payment Method
02/29/96	Lodging	\$ 98.12	EAR #5790	Holiday Inn	Lake Charles, LA	American Express
02/29/96	Lodging	\$ 173.13	EAR #5790	Holiday Inn	Monroe, LA	American Express
02/29/96	Lodging	\$ 188.79	EAR #5790	Holiday Inn	Lake Charles, LA	American Express
02/29/96	Lodging	\$ 240.89	EAR #5790	Holiday Inn	Mason City, IA	American Express
02/29/96	Lodging	\$ 782.59	EAR #5790	Marriott	Des Moines	American Express
02/29/96	Meals	\$ 78.00	EAR #5790	The First Edition	Sioux City, IA	American Express
02/29/96	Meals	\$ 180.00	EAR #5790	Puritan Back Rm Restr	Manchester, NH	American Express
02/29/96	Meals	\$ 210.00	EAR #5790	Chen Yang Li	Bedford, NH	American Express
02/29/96	Meals	\$ 120.01	EAR #5790	Cafe Pavone	Manchester, NH	American Express
02/29/96	Meals	\$ 176.00	EAR #5790	Puritan Back Rm Restr	Manchester, NH	American Express
02/29/96	Miscellaneous	\$ 299.98	EAR #5790	McCade, Inc.	Manchester, NH	American Express
02/29/96	Meals	\$ 116.00	EAR #5790	Black Angus	Phoenix, AZ	American Express
02/29/96	Meals	\$ 102.00	EAR #5790	Pier D'Orleans	Mesa, AZ	American Express
02/29/96	Meals	\$ 152.47	EAR #5790	California Dreaming	Greenville, SC	American Express
02/29/96	Miscellaneous	\$ 6,362.13	EAR #5790	BFP Expenses	McLean	Undoc/Duplicate
	Subtotal	<u>\$ 52,106.84</u>				
12/22/95	F/R Event	\$ 977.07	Memo 951222	Classic Tents	McLean	Checking
03/19/95	F/R Event	\$ 1,549.41	Memo 951222	MacArthur Beverage	McLean	Checking
10/06/95	F/R Event	\$ 688.96	Memo 951222	MacArthur Beverage	McLean	Checking
12/08/95	F/R Event	\$ 1,624.85	Memo 951222	MacArthur Beverage	McLean	Checking
	Subtotal	<u>\$ 4,840.29</u>				
05/10/95	Gas	\$ 18.07	Memo 960401	Chevron	Del Ray Beach, FL	VISA
05/10/95	Gas	\$ 23.15	Memo 960401	Mobil	Newcumber, PA	VISA
05/10/95	Lodging	\$ 156.29	Memo 960401	Comfort Inn	York, PA	VISA
05/10/95	Taxi	\$ 45.00	Memo 960401	Yellow Cab	Denver	VISA
05/10/95	Telephone	\$ 46.35	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
05/10/95	Telephone	\$ 18.03	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
05/10/95	Telephone	\$ 38.63	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
05/10/95	Telephone	\$ 5.15	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
05/10/95	Telephone	\$ 25.75	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
05/10/95	Telephone	\$ 30.90	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
05/10/95	Telephone	\$ 51.50	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
05/10/95	Telephone	\$ 33.48	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
05/10/95	Telephone	\$ 7.73	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
05/10/95	Telephone	\$ 5.15	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
05/10/95	Telephone	\$ 7.73	Memo 960401	GTE Airfone	Oak Brook, IL	VISA

ATTACHMENT  
 Page 21 of 52

Date	Expense Type	Amount	Reference	Merchant	City	Payment Method
05/10/95	Telephone	\$ 10.30	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
05/10/95	Telephone	\$ 10.30	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
05/10/95	Telephone	\$ 7.73	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
05/10/95	Telephone	\$ 33.48	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
05/10/95	Telephone	\$ 23.18	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
05/10/95	Telephone	\$ 12.88	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
08/10/95	Lodging	\$ 213.92	Memo 960401	Park Plaza	Boston	VISA
08/10/95	Lodging	\$ 175.19	Memo 960401	Marriott	Kansas City, MO	VISA
08/10/95	Lodging	\$ 555.05	Memo 960401	Embassy Suites	Coraopolis, PA	VISA
08/10/95	Lodging	\$ 304.94	Memo 960401	Theos	Lawton, IA	VISA
08/10/95	Meals	\$ 29.04	Memo 960401	WH Smith	Boston	VISA
08/10/95	Meals	\$ 300.00	Memo 960401	Legal Sea Foods	Boston	VISA
08/10/95	Meals	\$ 132.00	Memo 960401	Hannah Java Tavern	Merrimack, NH	VISA
08/10/95	Meals	\$ 207.00	Memo 960401	Greenhouse Cafe	Amherst, NH	VISA
08/10/95	Meals	\$ 60.71	Memo 960401	Nouvelle	Omaha, NE	VISA
08/10/95	Meals	\$ 97.00	Memo 960401	Wild Bills	Red Bluff, CA	VISA
08/10/95	Meals	\$ 56.42	Memo 960401	Ritz Carlton	San Francisco	VISA
08/10/95	Telephone	\$ 30.90	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
08/10/95	Telephone	\$ 5.15	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
08/10/95	Telephone	\$ 30.40	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
09/10/95	Lodging	\$ 134.40	Memo 960401	Kenmore Inn	Fredricksburg, VA	VISA
10/10/95	Meals	\$ 17.00	Memo 960401	Host International	San Francisco	VISA
10/10/95	Miscellaneous	\$ 49.99	Memo 960401	EMS	Manchester, NH	VISA
10/10/95	Miscellaneous	\$ 152.50	Memo 960401	Wallachs	Manchester, NH	VISA
11/10/95	Lodging	\$ 37.51	Memo 960401	Town Clock Inn	Dubuque, IA	VISA
11/10/95	Miscellaneous	\$ 110.00	Memo 960401	The Costume Gallery	Derry, NH	VISA
11/10/95	Telephone	\$ 22.69	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
11/10/95	Telephone	\$ 57.18	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
11/10/95	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
11/10/95	Telephone	\$ 8.32	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
11/10/95	Telephone	\$ 11.20	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
11/10/95	Telephone	\$ 11.20	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
11/10/95	Telephone	\$ 16.94	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
11/10/95	Telephone	\$ 39.93	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
12/10/95	Meals	\$ 51.20	Memo 960401	Edward	Palm Beach, FL	VISA
12/10/95	Telephone	\$ 11.20	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
12/10/95	Telephone	\$ 34.19	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
12/10/95	Telephone	\$ 38.62	Memo 960401	GTE Airfone	Oak Brook, IL	VISA

ATTACHMENT  
Page 22 of 92

Date	Expense Type	Amount	Reference	Merchant	City	Payment Method
01/10/96	Lodging	\$ 17.15	Memo 960401	Hilton	Baton Rouge	VISA
01/10/96	Lodging	\$ 127.19	Memo 960401	Younkers	Sioux City, IA	VISA
01/10/96	Lodging	\$ 35.78	Memo 960401	Younkers	Sioux City, IA	VISA
01/10/96	Lodging	\$ 29.66	Memo 960401	Younkers	Sioux City, IA	VISA
01/10/96	Lodging	\$ 23.85	Memo 960401	Younkers	Sioux City, IA	VISA
01/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 8.32	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 8.32	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 14.07	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 14.07	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 5.56	Memo 960401	AT&T AirOne	Jacksonville, FL	VISA
01/10/96	Telephone	\$ 8.35	Memo 960401	AT&T AirOne	Jacksonville, FL	VISA
01/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 7.73	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 7.73	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 7.73	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 15.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
01/10/96	Telephone	\$ 15.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
01/10/96	Telephone	\$ 15.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
01/10/96	Telephone	\$ 15.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
01/10/96	Telephone	\$ 15.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Meals	\$ 269.98	Memo 960401	The Cutting Co	Des Moines	VISA
02/10/96	Meals	\$ 72.60	Memo 960401	Monroe's Rest & Bar	Mason City, IA	VISA
02/10/96	Meals	\$ 72.75	Memo 960401	The Cutting Co	Des Moines	VISA
02/10/96	Supplies	\$ 101.18	Memo 960401	Walgreen	Des Moines	VISA
02/10/96	Supplies	\$ 159.87	Memo 960401	Walgreen	Des Moines	VISA

ATTACHMENT  
Page 23 of 82

Date	Expense Type	Amount	Reference	Merchant	City	Payment Method
02/10/96	Telephone	\$ 14.07	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 16.29	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 15.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 15.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 1.55	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 1.55	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 8.32	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 11.20	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 48.55	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 11.06	Memo 960401	AT&T AirOne	Jacksonville, FL	VISA
02/10/96	Telephone	\$ 106.87	Memo 960401	AT&T AirOne	Jacksonville, FL	VISA
02/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 62.92	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 74.42	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 8.32	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 31.31	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 74.42	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 8.32	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 68.67	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 15.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 15.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
	Subtotal	<u>\$ 5,447.60</u>				
01/25/95	Telephone	\$ 147.42	Memo 960401a	Bell Atlantic	McLean	Checking
02/25/95	Telephone	\$ 190.00	Memo 960401a	Bell Atlantic	McLean	Checking
03/15/95	Telephone	\$ 211.24	Memo 960401a	Bell Atlantic	McLean	Checking
03/15/95	Telephone	\$ 182.00	Memo 960401a	Motorola	McLean	Checking
03/20/95	Telephone	\$ 120.00	Memo 960401a	Motorola	McLean	Checking
04/14/95	Telephone	\$ 142.37	Memo 960401a	Bell Atlantic	McLean	Checking

A.T.T. CHAMBERLAIN  
 Page 24 of 82

Date	Expense Type	Amount	Reference	Merchant	City	Payment Method
05/20/95	Telephone	\$ 25.11	Memo 960401a	Motorola	McLean	Checking
06/01/95	Telephone	\$ 537.00	Memo 960401a	Bell Atlantic	McLean	Checking
06/15/95	Telephone	\$ 235.16	Memo 960401a	Bell Atlantic	McLean	Checking
06/15/95	Telephone	\$ 22.00	Memo 960401a	Motorola	McLean	Checking
07/26/95	Telephone	\$ 193.05	Memo 960401a	Bell Atlantic	McLean	Checking
07/26/95	Telephone	\$ 257.21	Memo 960401a	Motorola	McLean	Checking
08/11/95	Telephone	\$ 22.00	Memo 960401a	Motorola	McLean	Checking
08/22/95	Telephone	\$ 203.76	Memo 960401a	Bell Atlantic	McLean	Checking
09/15/95	Telephone	\$ 28.00	Memo 960401a	Motorola	McLean	Checking
10/10/95	Telephone	\$ 301.00	Memo 960401a	Bell Atlantic	McLean	Checking
11/11/95	Telephone	\$ 600.00	Memo 960401a	Bell Atlantic	McLean	Checking
11/21/95	Telephone	\$ 581.30	Memo 960401a	Bell Atlantic	McLean	Checking
11/24/95	Telephone	\$ 413.00	Memo 960401a	Motorola	McLean	Checking
11/25/95	Telephone	\$ 40.00	Memo 960401a	Motorola	McLean	Checking
12/20/95	Telephone	\$ 106.00	Memo 960401a	Motorola	McLean	Checking
	Subtotal	<u>\$ 4,557.62</u>				
03/30/96	Meals	\$ 410.00	Memo 960509	Hampton Street	Columbia, SC	American Express
03/30/96	Meals	\$ 97.00	Memo 960509	Boston Steak House	Greenville, SC	American Express
03/30/96	Meals	\$ 95.00	Memo 960509	Outback Steakhouse	Columbus, GA	American Express
03/30/96	Meals	\$ 280.00	Memo 960509	Ruth's Chris Steak House	Memphis, TN	American Express
03/30/96	Meals	\$ 170.00	Memo 960509	Old San Fran Steak House	Dallas	American Express
03/30/96	Meals	\$ 192.09	Memo 960509	Brennans Restaurant	Houston, TX	American Express
03/30/96	Meals	\$ 92.00	Memo 960509	Marriott	Chicago	American Express
03/30/96	Meals	\$ 112.03	Memo 960509	BeechTree	Flint, MI	American Express
03/30/96	Meals	\$ 54.00	Memo 960509	Marriott	Chicago	American Express
03/30/96	Meals	\$ 275.00	Memo 960509	Chicago Road Steak House	Dearborn, MI	American Express
03/30/96	Meals	\$ 88.00	Memo 960509	Hunan Lion	Vienna, VA	American Express
03/30/96	Meals	\$ 89.65	Memo 960509	Hunan Lion	Vienna, VA	American Express
03/30/96	Meals	\$ 272.00	Memo 960509	Ritz Carlton	McLean	American Express
	Subtotal	<u>\$ 2,226.77</u>				
03/29/96	F/R Event	\$ 688.00	Memo 960708	Miguel Yanos	McLean	Checking
03/28/96	F/R Event	\$ 645.06	Memo 960708	MacArthur Beverage	McLean	Checking
04/10/96	F/R Event	\$ 1,675.00	Memo 960708	Chevy Chase Caterers	McLean	Checking
05/10/96	F/R Event	\$ 697.00	Memo 960708	Alexandria Florist	McLean	Checking
	Subtotal	<u>\$ 3,705.06</u>				

ATTACHMENT  
 Page 25 of 82

Date	Expense Type	Amount	Reference	Merchant	City	Payment Method
05/30/96	Lodging	\$ 125.83	Memo 960708a	Sheraton	Charlotte, NC	American Express
05/30/96	Lodging	\$ 99.68	Memo 960708a	Hilton	Sioux City, IA	American Express
05/30/96	Lodging	\$ 96.10	Memo 960708a	Red Lion Hotels & Inns	Boise, ID	American Express
05/30/96	Lodging	\$ 106.93	Memo 960708a	Red Lion Hotels & Inns	Boise, ID	American Express
05/30/96	Lodging	\$ 227.40	Memo 960708a	The Westbank Inn	Idaho Falls, ID	American Express
05/30/96	Lodging	\$ 37.45	Memo 960708a	Best Western	Pocatello, ID	American Express
05/30/96	Lodging	\$ 228.97	Memo 960708a	Radisson	Raleigh, NC	American Express
05/30/96	Meals	\$ 127.70	Memo 960708a	Irregardless	Raleigh, NC	American Express
05/30/96	Meals	\$ 93.79	Memo 960708a	Carvers	Charlotte, NC	American Express
05/30/96	Meals	\$ 148.00	Memo 960708a	The Chart House	Boise, ID	American Express
05/30/96	Meals	\$ 118.00	Memo 960708a	Jakes	Idaho Falls, ID	American Express
06/29/96	Lodging	\$ 238.37	Memo 960708a	Marriott	San Antonio, TX	American Express
06/29/96	Lodging	\$ 69.07	Memo 960708a	Best Western	Bozeman, MT	American Express
06/29/96	Lodging	\$ 191.09	Memo 960708a	Crown Sterling	Birmingham, AL	American Express
06/29/96	Lodging	\$ 117.72	Memo 960708a	Crown Sterling	Birmingham, AL	American Express
06/29/96	Lodging	\$ 97.70	Memo 960708a	Sheraton	Billings, MT	American Express
06/29/96	Lodging	\$ 108.90	Memo 960708a	Embassy Suites	Montgomery, AL	American Express
06/29/96	Lodging	\$ 434.11	Memo 960708a	Red Lion Hotels & Inns	Seattle, WA	American Express
06/29/96	Lodging	\$ 439.81	Memo 960708a	Red Lion Hotels & Inns	Seattle, WA	American Express
06/29/96	Lodging	\$ 164.59	Memo 960708a	Adam's Mark	Mobile, AL	American Express
06/29/96	Lodging	\$ 130.89	Memo 960708a	Adam's Mark	Mobile, AL	American Express
06/29/96	Meals	\$ 83.14	Memo 960708a	Anthony's	Des Moines	American Express
06/29/96	Meals	\$ 323.00	Memo 960708a	Ruth's Chris Steak House	Mobile, AL	American Express
06/29/96	Meals	\$ 235.00	Memo 960708a	Etta's Seafood	Seattle, WA	American Express
06/29/96	Meals	\$ 153.20	Memo 960708a	Hunan Lion	Vienna, VA	American Express
06/29/96	Meals	\$ 232.00	Memo 960708a	Morton's	San Antonio, TX	American Express
06/29/96	Meals	\$ 125.00	Memo 960708a	Juliano's	Billings, MT	American Express
	Subtotal	<u>\$ 4,553.44</u>				
06/10/96	Meals	\$ 140.00	Memo 960708b	O'Brian's	Bozeman, MT	VISA
09/07/96	Limo	\$ 92.00	Memo 960916	A-1 Limo	McLean	Checking
05/10/96	Telephone	\$ 116.00	Memo 961114	Bell Atlantic	McLean	Checking
01/31/95	Per Diem	\$ 45.00	Memo 961995	03 days @ \$15/day	McLean	Cash
02/28/95	Per Diem	\$ 135.00	Memo 961995	09 days @ \$15/day	McLean	Cash

ATTACHMENT  
 Page 216 of 82

Date	Expense Type	Amount	Reference	Merchant	City	Payment Method
03/31/95	Per Diem	\$ 450.00	Memo 961995	30 days @ \$15/day	McLean	Cash
04/30/95	Per Diem	\$ 360.00	Memo 961995	24 days @ \$15/day	McLean	Cash
05/31/95	Per Diem	\$ 405.00	Memo 961995	27 days @ \$15/day	McLean	Cash
06/30/95	Per Diem	\$ 435.00	Memo 961995	29 days @ \$15/day	McLean	Cash
07/31/95	Per Diem	\$ 390.00	Memo 961995	26 days @ \$15/day	McLean	Cash
08/31/95	Per Diem	\$ 255.00	Memo 961995	17 days @ \$15/day	McLean	Cash
09/30/95	Per Diem	\$ 315.00	Memo 961995	21 days @ \$15/day	McLean	Cash
10/31/95	Per Diem	\$ 360.00	Memo 961995	24 days @ \$15/day	McLean	Cash
11/30/95	Per Diem	\$ 390.00	Memo 961995	26 days @ \$15/day	McLean	Cash
12/31/95	Per Diem	\$ 405.00	Memo 961995	27 days @ \$15/day	McLean	Cash
01/31/96	Per Diem	\$ 435.00	Memo 961995	29 days @ \$15/day	McLean	Cash
02/29/96	Per Diem	\$ 435.00	Memo 961995	29 days @ \$15/day	McLean	Cash
03/31/96	Per Diem	\$ 405.00	Memo 961995	27 days @ \$15/day	McLean	Cash
04/30/96	Per Diem	\$ 60.00	Memo 961995	04 days @ \$15/day	McLean	Cash
05/31/96	Per Diem	\$ 165.00	Memo 961995	11 days @ \$15/day	McLean	Cash
06/30/96	Per Diem	\$ 90.00	Memo 961995	06 days @ \$15/day	McLean	Cash
	Subtotal	<u>\$ 5,535.00</u>				

ATTACHMENT  
 Page 77 of 82



## Patrick J. &amp; Shelley S. Buchanan

## Expenses Submitted for Reimbursement

Date	Expense Type	Amount	Reference	Merchant	City	Payment Method
01/12/95	Miscellaneous	\$ 321.96	EAR #0112	BFP Expenses	McLean	American Express
01/25/95	Telephone	\$ 147.42	Memo 960401a	Bell Atlantic	McLean	Checking
01/31/95	Per Diem	\$ 45.00	Memo 961995	03 days @ \$15/day	McLean	Cash
01/31/95	Lodging	\$ 272.28	EAR #5790	Holiday Inn	Manchester, NH	American Express
01/31/95	Lodging	\$ 59.00	EAR #5790	Radisson	Baton Rouge	American Express
01/31/95	Airfare	\$ 1,871.00	EAR #5790	United Airlines	McLean	American Express
01/31/95	Airfare	\$ 1,871.00	EAR #5790	United Airlines	McLean	American Express
01/31/95	Airfare	\$ 614.00	EAR #5790	USAir	McLean	American Express
01/31/95	Airfare	\$ 614.00	EAR #5790	USAir	McLean	American Express
01/31/95	Airfare	\$ 764.00	EAR #5790	USAir	McLean	American Express
01/31/95	Airfare	\$ 764.00	EAR #5790	USAir	McLean	American Express
02/13/95	Miscellaneous	\$ 71.00	EAR #1060	BFP Expenses	McLean	American Express
02/25/95	Telephone	\$ 190.00	Memo 960401a	Bell Atlantic	McLean	Checking
02/28/95	Per Diem	\$ 135.00	Memo 961995	09 days @ \$15/day	McLean	Cash
02/28/95	Lodging	\$ 206.91	EAR #3704	Hilton	Boston	American Express
02/28/95	Miscellaneous	\$ 10.75	EAR #3704	Holiday Inn	Manchester, NH	American Express
02/28/95	Lodging	\$ 545.13	EAR #3704	Holiday Inn	Manchester, NH	American Express
02/28/95	Lodging	\$ 682.94	EAR #3704	Holiday Inn	Phoenix, AZ	American Express
02/28/95	Lodging	\$ 46.81	EAR #5790	Marriott	Scottsdale, AZ	American Express
02/28/95	Meals	\$ 44.00	EAR #3704	Quigley's	Washington D.C.	American Express
02/28/95	Airfare	\$ 1,894.00	EAR #5790	United Airlines	McLean	American Express
02/28/95	Airfare	\$ 1,894.00	EAR #5790	United Airlines	McLean	American Express
02/28/95	Airfare	\$ 2,010.50	EAR #3704	USAir	McLean	American Express
02/28/95	Airfare	\$ 2,010.50	EAR #3704	USAir	McLean	American Express
03/10/95	Lodging	\$ 378.42	EAR #1244	Adam's Mark	McLean	VISA
03/15/95	Telephone	\$ 211.24	Memo 960401a	Bell Atlantic	McLean	Checking
03/15/95	Telephone	\$ 182.00	Memo 960401a	Motorola	McLean	Checking
03/19/95	F/R Event	\$ 1,549.41	Memo 951222	MacArthur Beverage	McLean	Checking
03/20/95	Telephone	\$ 120.00	Memo 960401a	Motorola	McLean	Checking
03/28/95	Lodging	\$ 81.80	EAR #5790	Loew's Anatole	Dallas	American Express
03/29/95	Airfare	\$ 799.00	EAR #5790	American Airlines	McLean	American Express
03/29/95	Airfare	\$ 799.00	EAR #5790	American Airlines	McLean	American Express
03/29/95	Lodging	\$ 136.00	EAR #5790	Loew's Anatole	Dallas	American Express

Date	Expense Type	Amount	Reference	Merchant	City	Payment Method
03/30/95	Lodging	\$ 84.90	EAR #3704	Black Hawk Hoyel	Davenport, IA	American Express
03/30/95	Lodging	\$ 37.17	EAR #1244	Breakers Hotel	Palm Beach, FL	American Express
03/30/95	Lodging	\$ (37.17)	EAR #3704	Breakers Hotel	Palm Beach, FL	American Express
03/30/95	Lodging	\$ 37.17	EAR #3704	Breakers Hotel	Palm Beach, FL	American Express
03/30/95	Airfare	\$ 95.00	EAR #3704	Delta Airlines	Columbia, SC	American Express
03/30/95	Airfare	\$ 95.00	EAR #3704	Delta Airlines	Columbia, SC	American Express
03/30/95	Airfare	\$ 599.00	EAR #3704	Delta Airlines	Palm Beach, FL	American Express
03/30/95	Airfare	\$ 599.00	EAR #3704	Delta Airlines	Palm Beach, FL	American Express
03/30/95	Lodging	\$ 140.55	EAR #3704	Dobson Ranch Inn	Mesa, AZ	American Express
03/30/95	Lodging	\$ 144.33	EAR #3704	Embassy Suites	Des Moines	American Express
03/30/95	Car Rental	\$ 566.94	EAR #1244	Hertz	Palm Beach, FL	American Express
03/30/95	Lodging	\$ 102.31	EAR #3704	Holiday Inn	Manchester, NH	American Express
03/30/95	Lodging	\$ 135.00	EAR #3704	Marriott	San Diego	American Express
03/30/95	Lodging	\$ 264.59	EAR #3704	Marriott	Bloomington, MN	American Express
03/30/95	Airfare	\$ 2,108.00	EAR #3704	Northwest Airlines	Detroit, MI	American Express
03/30/95	Lodging	\$ 467.80	EAR #1244	Ritz-Carlton	McLean	American Express
03/30/95	Lodging	\$ 530.49	EAR #3704	Ritz-Carlton	Naples, FL	American Express
03/30/95	Lodging	\$ 93.50	EAR #3704	Sheraton	Charleston, SC	American Express
03/30/95	Lodging	\$ 154.25	EAR #3704	Town & Country Hotel	San Diego	American Express
03/30/95	Lodging	\$ 216.69	EAR #3704	Town & Country Hotel	San Diego	American Express
03/31/95	Per Diem	\$ 450.00	Memo 961995	30 days @ \$15/day	McLean	Cash
03/31/95	Meals	\$ 138.00	EAR #5790	La Colline	Washington D.C.	American Express
03/31/95	Meals	\$ 183.00	EAR #5790	The Palm	Washington D.C.	American Express
04/14/95	Telephone	\$ 142.37	Memo 960401a	Bell Atlantic	McLean	Checking
04/28/95	Lodging	\$ 160.13	EAR #5790	Best Western	Rosemont, IL	American Express
04/28/95	Lodging	\$ 18.89	EAR #5790	Dobson Ranch Inn	Mesa, AZ	American Express
04/28/95	Lodging	\$ 88.48	EAR #5790	Hilton	Sioux City, IA	American Express
04/28/95	Lodging	\$ 217.41	EAR #5790	Wyndham Hotel	Atlanta	American Express
04/28/95	Lodging	\$ 262.75	EAR #5790	Wyndham Hotel	Atlanta	American Express
04/30/95	Per Diem	\$ 360.00	Memo 961995	24 days @ \$15/day	McLean	Cash
04/30/95	Airfare	\$ 60.00	EAR #5790	America West	Tempe, AZ	American Express
04/30/95	Airfare	\$ 60.00	EAR #5790	America West	Tempe, AZ	American Express
04/30/95	Airfare	\$ 60.00	EAR #5790	America West	Tempe, AZ	American Express
04/30/95	Meals	\$ 218.11	EAR #5790	Bedford Village Inn	Bedford, NH	American Express
04/30/95	Meals	\$ 151.00	EAR #5790	Chen Yang Li	Bedford, NH	American Express
04/30/95	Airfare	\$ 157.00	EAR #5790	Delta Airlines	Huntsville, AL	American Express
04/30/95	Airfare	\$ 157.00	EAR #5790	Delta Airlines	Huntsville, AL	American Express
04/30/95	Telephone	\$ 33.48	EAR #5790	GTE Airfone	Oak Brook, IL	American Express

ATTACHEMENT  
 Page 2 of 82

Date	Expense Type	Amount	Reference	Merchant	City	Payment Method
04/30/95	Telephone	\$ 38.63	EAR #5790	GTE Airfone	Oak Brook, IL	American Express
04/30/95	Lodging	\$ 69.13	EAR #5790	Hampton Inn	Omaha, NE	American Express
04/30/95	Lodging	\$ 189.13	EAR #5790	Holiday Inn	Manchester, NH	American Express
04/30/95	Lodging	\$ 620.45	EAR #5790	Holiday Inn	Manchester, NH	American Express
04/30/95	Lodging	\$ 263.05	EAR #5790	Hotel Fort Des Moines	Des Moines	American Express
04/30/95	Meals	\$ 25.84	EAR #5790	Hyatt	Dallas	American Express
04/30/95	Lodging	\$ 84.00	EAR #5790	Hyatt	Dallas	American Express
04/30/95	Lodging	\$ 36.13	EAR #5790	Marriott	Denver	American Express
04/30/95	Lodging	\$ 143.39	EAR #5790	Marriott	Denver	American Express
04/30/95	Lodging	\$ 216.44	EAR #5790	Marriott	Huntsville, AL	American Express
04/30/95	Airfare	\$ (428.00)	EAR #5790	Northwest Airlines	Minneapolis	American Express
04/30/95	Meals	\$ 104.00	EAR #5790	Puritan Back Rm Restr	Manchester, NH	American Express
04/30/95	Meals	\$ 105.10	EAR #5790	Puritan Back Rm Restr	Manchester, NH	American Express
04/30/95	Meals	\$ 95.01	EAR #5790	The Garden Cafe	Omaha, NE	American Express
04/30/95	Airfare	\$ 292.00	EAR #5790	USAir	Manchester, NH	American Express
04/30/95	Airfare	\$ 292.00	EAR #5790	USAir	Manchester, NH	American Express
04/30/95	Lodging	\$ 162.72	EAR #5790	Wyndham Hotel	Phoenix, AZ	American Express
05/10/95	Gas	\$ 18.07	Memo 960401	Chevron	Del Ray Beach, FL	VISA
05/10/95	Lodging	\$ 156.29	Memo 960401	Comfort Inn	York, PA	VISA
05/10/95	Telephone	\$ 5.15	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
05/10/95	Telephone	\$ 5.15	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
05/10/95	Telephone	\$ 7.73	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
05/10/95	Telephone	\$ 7.73	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
05/10/95	Telephone	\$ 7.73	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
05/10/95	Telephone	\$ 10.30	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
05/10/95	Telephone	\$ 10.30	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
05/10/95	Telephone	\$ 12.88	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
05/10/95	Telephone	\$ 18.03	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
05/10/95	Telephone	\$ 23.18	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
05/10/95	Telephone	\$ 25.75	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
05/10/95	Telephone	\$ 30.90	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
05/10/95	Telephone	\$ 33.48	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
05/10/95	Telephone	\$ 33.48	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
05/10/95	Telephone	\$ 38.63	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
05/10/95	Telephone	\$ 46.35	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
05/10/95	Telephone	\$ 51.50	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
05/10/95	Gas	\$ 23.15	Memo 960401	Mobil	Newcumber, PA	VISA
05/10/95	Taxi	\$ 45.00	Memo 960401	Yellow Cab	Denver	VISA

ATTACHEMENT  
 Page 30 of 92

Date	Expense Type	Amount	Reference	Merchant	City	Payment Method
05/20/95	Telephone	\$ 25.11	Memo 960401a	Motorola	McLean	Checking
05/31/95	Per Diem	\$ 405.00	Memo 961995	27 days @ \$15/day	McLean	Cash
05/31/95	Lodging	\$ 34.10	EAR #5790	Broadwalk Plaza	Rehoboth, DE	American Express
05/31/95	Airfare	\$ 306.00	EAR #5790	Delta Airlines	Cincinnati	American Express
05/31/95	Lodging	\$ 167.00	EAR #5790	Harbor Court Hotel	Baltimore, MD	American Express
05/31/95	Lodging	\$ 541.71	EAR #5790	Harbor Court Hotel	Baltimore, MD	American Express
05/31/95	Lodging	\$ 102.60	EAR #5790	Henlopen Hotel	Rehoboth, DE	American Express
05/31/95	Lodging	\$ 133.69	EAR #5790	Hilton	LaFayette, LA	American Express
05/31/95	Lodging	\$ 4.25	EAR #5790	Holiday Inn	Manchester, NH	American Express
05/31/95	Lodging	\$ 135.10	EAR #5790	Holiday Inn	Manchester, NH	American Express
05/31/95	Lodging	\$ 53.80	EAR #5790	Hyatt	Orlando, FL	American Express
05/31/95	Lodging	\$ 131.64	EAR #5790	Hyatt	Orlando, FL	American Express
05/31/95	Meals	\$ 27.00	EAR #5790	Murphy's State House	Concord, NH	American Express
05/31/95	Lodging	\$ 257.89	EAR #5790	Radisson	Florence, KY	American Express
05/31/95	Lodging	\$ 47.50	EAR #5790	Ramada Inn	Metairie, LA	American Express
05/31/95	Meals	\$ 80.00	EAR #5790	Rusty Rudder	Dewey Beach, DE	American Express
05/31/95	Lodging	\$ 33.18	EAR #5790	Sheraton	Tampa, FL	American Express
05/31/95	Lodging	\$ 107.04	EAR #5790	Sheraton	Tampa, FL	American Express
05/31/95	Lodging	\$ 436.46	EAR #5790	Sheraton	Metairie, LA	American Express
06/01/95	Telephone	\$ 537.00	Memo 960401a	Bell Atlantic	McLean	Checking
06/15/95	Telephone	\$ 235.16	Memo 960401a	Bell Atlantic	McLean	Checking
06/15/95	Telephone	\$ 22.00	Memo 960401a	Motorola	McLean	Checking
06/29/95	Lodging	\$ 221.51	EAR #5790	Hilton	Sioux City, IA	American Express
06/29/95	Lodging	\$ 462.06	EAR #5790	Hotel Fort Des Moines	Des Moines	American Express
06/29/95	Lodging	\$ 220.67	EAR #5790	Hotel Somerset	Somerset, NJ	American Express
06/29/95	Lodging	\$ 23.27	EAR #5790	L'Auberge	Del Mar, CA	American Express
06/29/95	Lodging	\$ 301.85	EAR #5790	L'Auberge	Del Mar, CA	American Express
06/30/95	Per Diem	\$ 435.00	Memo 961995	29 days @ \$15/day	McLean	Cash
06/30/95	Meals	\$ 61.00	EAR #5790	Amalgamated Spirit	Cedar Rapids, IA	American Express
06/30/95	Lodging	\$ 112.94	EAR #5790	Best Western	Lavale, MD	American Express
06/30/95	Miscellaneous	\$ (150.17)	EAR #5790	Counts Western Wear	Washington D.C.	American Express
06/30/95	Miscellaneous	\$ 796.30	EAR #5790	Counts Western Wear	Washington D.C.	American Express
06/30/95	Telephone	\$ 2.58	EAR #5790	GTE Airfone	Oak Brook, IL	American Express
06/30/95	Lodging	\$ 191.75	EAR #5790	Hyatt	Greenville, SC	American Express
06/30/95	Lodging	\$ 404.58	EAR #5790	Hyatt	Greenville, SC	American Express
06/30/95	Meals	\$ 116.00	EAR #5790	Ruth's Chris Steak House	Arlington, VA	American Express
06/30/95	Lodging	\$ 245.44	EAR #5790	Sheraton	Cedar Rapids, IA	American Express
07/26/95	Telephone	\$ 193.05	Memo 960401a	Bell Atlantic	McLean	Checking

ATTACHMENT  
Page 01  
of 88

Date	Expense Type	Amount	Reference	Merchant	City	Payment Method
07/26/95	Telephone	\$ 257.21	Memo 960401a	Motorola	McLean	Checking
07/29/95	Meals	\$ 80.25	EAR #4272	Brady's	San Diego	American Express
07/29/95	Lodging	\$ 88.34	EAR #4272	Courtyard	Phoenix, AZ	American Express
07/29/95	Lodging	\$ 109.21	EAR #4272	Courtyard	Phoenix, AZ	American Express
07/29/95	Lodging	\$ 131.61	EAR #4272	Embassy Suites	Des Moines	American Express
07/29/95	Lodging	\$ 197.08	EAR #4272	Embassy Suites	Des Moines	American Express
07/29/95	Lodging	\$ 59.43	EAR #4272	Holiday Inn	Phoenix, AZ	American Express
07/29/95	Lodging	\$ 75.04	EAR #4272	Holiday Inn	Dubuque, IA	American Express
07/29/95	Meals	\$ 78.00	EAR #4272	Host International	Detroit, MI	American Express
07/29/95	Lodging	\$ 31.80	EAR #4272	Hyatt	San Diego	American Express
07/29/95	Lodging	\$ 49.44	EAR #4272	Hyatt	San Diego	American Express
07/29/95	Lodging	\$ 197.88	EAR #4272	Hyatt	Sacramento, CA	American Express
07/29/95	Meals	\$ 76.00	EAR #4272	Imperial House	Des Moines	American Express
07/29/95	Lodging	\$ 185.50	EAR #4272	Marriott	Detroit, MI	American Express
07/29/95	Lodging	\$ 193.23	EAR #4272	Marriott	St. Louis, MO	American Express
07/29/95	Meals	\$ 67.13	EAR #4272	Noah's Restaurant	Des Moines	American Express
07/29/95	Meals	\$ 93.93	EAR #4272	Puritan Back Rm Restr	Manchester, NH	American Express
07/29/95	Lodging	\$ 131.73	EAR #4272	Radisson	Omaha, NE	American Express
07/29/95	Lodging	\$ 166.89	EAR #4272	Radisson	Omaha, NE	American Express
07/29/95	Lodging	\$ 11.37	EAR #4272	Red Lion Hotels & Inns	Glendale, CA	American Express
07/29/95	Lodging	\$ 183.14	EAR #4272	Red Lion Hotels & Inns	Glendale, CA	American Express
07/29/95	Lodging	\$ 5.41	EAR #4272	Ritz-Carlton	Pasadena, CA	American Express
07/29/95	Lodging	\$ 13.75	EAR #4272	Ritz-Carlton	Luguna, CA	American Express
07/29/95	Lodging	\$ 56.29	EAR #4272	Ritz-Carlton	Marina Del Ray	American Express
07/29/95	Lodging	\$ 154.97	EAR #4272	Ritz-Carlton	Pasadena, CA	American Express
07/29/95	Lodging	\$ 327.61	EAR #4272	Ritz-Carlton	Luguna, CA	American Express
07/29/95	Lodging	\$ 554.10	EAR #4272	Ritz-Carlton	San Francisco	American Express
07/29/95	Lodging	\$ 664.82	EAR #4272	Ritz-Carlton	Marina Del Ray	American Express
07/29/95	Lodging	\$ 14.82	EAR #4272	Stouffer	Denver	American Express
07/29/95	Lodging	\$ 162.11	EAR #4272	Stouffer	Denver	American Express
07/29/95	Meals	\$ 113.00	EAR #4272	The Drover	Omaha, NE	American Express
07/29/95	Airfare	\$ 100.00	EAR #4272	TranWorld Air	St. Louis, MO	American Express
07/29/95	Airfare	\$ 75.00	EAR #4272	USAir	New York	American Express
07/29/95	Airfare	\$ 75.00	EAR #4272	USAir	New York	American Express
07/29/95	Lodging	\$ 55.74	EAR #4272	Villa Hotel	San Mateo, CA	American Express
07/29/95	Lodging	\$ 270.78	EAR #4272	Wyndham Franklin Plaza	Philadelphia	American Express
07/31/95	Per Diem	\$ 390.00	Memo 961995	26 days @ \$15/day	McLean	Cash
08/10/95	Limo	\$ 186.00	EAR #4272	A-1 Limo	McLean	Checking

APPENDMENT  
 Page 32 of 82

Date	Expense Type	Amount	Reference	Merchant	City	Payment Method
08/10/95	Lodging	\$ 555.05	Memo 960401	Embassy Suites	Coraopolis, PA	VISA
08/10/95	Meals	\$ 207.00	Memo 960401	Greenhouse Cafe	Amherst, NH	VISA
08/10/95	Telephone	\$ 5.15	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
08/10/95	Telephone	\$ 30.40	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
08/10/95	Telephone	\$ 30.90	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
08/10/95	Meals	\$ 132.00	Memo 960401	Hannah Java Tavern	Merrimack, NH	VISA
08/10/95	Meals	\$ 300.00	Memo 960401	Legal Sea Foods	Boston	VISA
08/10/95	Lodging	\$ 175.19	Memo 960401	Marriott	Kansas City, MO	VISA
08/10/95	Meals	\$ 60.71	Memo 960401	Nouvelle	Omaha, NE	VISA
08/10/95	Lodging	\$ 213.92	Memo 960401	Park Plaza	Boston	VISA
08/10/95	Meals	\$ 56.42	Memo 960401	Ritz Carlton	San Francisco	VISA
08/10/95	Lodging	\$ 304.94	Memo 960401	Theos	Lawton, IA	VISA
08/10/95	Meals	\$ 29.04	Memo 960401	WH Smith	Boston	VISA
08/10/95	Meals	\$ 97.00	Memo 960401	Wild Bills	Red Bluff, CA	VISA
08/11/95	Telephone	\$ 22.00	Memo 960401a	Motorola	McLean	Checking
08/22/95	Telephone	\$ 203.76	Memo 960401a	Bell Atlantic	McLean	Checking
08/29/95	Telephone	\$ 5.45	EAR #1438	AT&T AirOne	Jacksonville, FL	American Express
08/29/95	Lodging	\$ 271.61	EAR #1438	Bedford Village Inn	Bedford, NH	American Express
08/29/95	Lodging	\$ 65.49	EAR #1438	Best Western	Council Blfs, IA	American Express
08/29/95	Lodging	\$ 209.81	EAR #1438	Best Western	Des Moines	American Express
08/29/95	Lodging	\$ 65.25	EAR #1438	Black Hawk Hoyel	Davenport, IA	American Express
08/29/95	Lodging	\$ 323.05	EAR #1438	Collins Plaza	Cedar Rapids, IA	American Express
08/29/95	Lodging	\$ 140.44	EAR #1438	Days Inn	Ottumwa, IA	American Express
08/29/95	Lodging	\$ 233.38	EAR #1438	Embassy Suites	Charlotte, NC	American Express
08/29/95	Lodging	\$ 1,466.02	EAR #1438	Embassy Suites	Des Moines	American Express
08/29/95	Meals	\$ 119.00	EAR #1438	Fisherman's Bay	Boston	American Express
08/29/95	Meals	\$ 158.28	EAR #1438	Fisherman's Bay	Ottumwa, IA	American Express
08/29/95	Meals	\$ 28.27	EAR #1438	Garden Cafe	Council Blfs, IA	American Express
08/29/95	Telephone	\$ 5.15	EAR #1438	GTE Airfone	Oak Brook, IL	American Express
08/29/95	Telephone	\$ 7.73	EAR #1438	GTE Airfone	Oak Brook, IL	American Express
08/29/95	Telephone	\$ 10.30	EAR #1438	GTE Airfone	Oak Brook, IL	American Express
08/29/95	Telephone	\$ 30.90	EAR #1438	GTE Airfone	Oak Brook, IL	American Express
08/29/95	Lodging	\$ 77.28	EAR #1438	Hilton	Sioux City, IA	American Express
08/29/95	Lodging	\$ 116.48	EAR #1438	Hilton	Sioux City, IA	American Express
08/29/95	Lodging	\$ 68.67	EAR #1438	Holiday Inn	Waterloo, IA	American Express
08/29/95	Lodging	\$ 107.63	EAR #1438	Holiday Inn	Independence, OH	American Express
08/29/95	Lodging	\$ 114.35	EAR #1438	Holiday Inn	Concord, NH	American Express
08/29/95	Lodging	\$ 171.09	EAR #1438	Holiday Inn	Mason City, IA	American Express

ATTACHMENT  
Page 33  
87

Date	Expense Type	Amount	Reference	Merchant	City	Payment Method
08/29/95	Lodging	\$ 18.94	EAR #1438	Hyatt	Dallas	American Express
08/29/95	Lodging	\$ 286.75	EAR #1438	Hyatt	Dallas	American Express
08/29/95	Lodging	\$ 637.47	EAR #1438	Hyatt	Dallas	American Express
08/29/95	Meals	\$ 36.00	EAR #1438	King Sea Chinese Rest	Souix City, IA	American Express
08/29/95	Lodging	\$ 339.82	EAR #1438	Meridian	Boston	American Express
08/29/95	Meals	\$ 152.02	EAR #1438	M's Restaurant	Omaha, NE	American Express
08/29/95	Meals	\$ 65.00	EAR #1438	Noah's Restaurant	Des Moines	American Express
08/29/95	Meals	\$ 89.00	EAR #1438	Outback Steakhouse	Cedar Rapids, IA	American Express
08/29/95	Meals	\$ 267.00	EAR #1438	Steak & Chop	Des Moines	American Express
08/29/95	Meals	\$ 284.25	EAR #1438	Steak & Chop	Des Moines	American Express
08/31/95	Per Diem	\$ 255.00	Memo 961995	17 days @ \$15/day	McLean	Cash
08/31/95	Meals	\$ 271.61	EAR #5790	Bedford Village Inn	Bedford, NH	American Express
08/31/95	Meals	\$ 95.00	EAR #5790	Hunan Lion	Vienna, VA	American Express
09/02/95	Telephone	\$ 202.18	EAR #3704	Bell Atlantic	McLean	Checking
09/10/95	Lodging	\$ 134.40	Memo 960401	Kenmore Inn	Fredricksburg, VA	VISA
09/14/95	Telephone	\$ 50.00	EAR #3704	Motorola	Chicago	Checking
09/15/95	Telephone	\$ 28.00	Memo 960401a	Motorola	McLean	Checking
09/29/95	Lodging	\$ 128.08	EAR #1438	Adam's Mark	Columbia, SC	American Express
09/29/95	Telephone	\$ 29.72	EAR #1438	AT&T AirOne	Jacksonville, FL	American Express
09/29/95	Lodging	\$ (216.96)	EAR #1438	Balsams Grand Hotel	Dixville Nch, NH	American Express
09/29/95	Meals	\$ 85.64	EAR #1438	Cafe Pavone	Manchester, NH	American Express
09/29/95	Meals	\$ 48.00	EAR #1438	Don AleJandros	Las Vegas	American Express
09/29/95	Lodging	\$ 110.00	EAR #1438	Eastgate Motor Inn	Littleton, NH	American Express
09/29/95	Miscellaneous	\$ 74.49	EAR #1438	EMS	Manchester, NH	American Express
09/29/95	Telephone	\$ 5.15	EAR #1438	GTE Airfone	Oak Brook, IL	American Express
09/29/95	Telephone	\$ 5.15	EAR #1438	GTE Airfone	Oak Brook, IL	American Express
09/29/95	Telephone	\$ 41.20	EAR #1438	GTE Airfone	Oak Brook, IL	American Express
09/29/95	Telephone	\$ 43.78	EAR #1438	GTE Airfone	Oak Brook, IL	American Express
09/29/95	Telephone	\$ 59.23	EAR #1438	GTE Airfone	Oak Brook, IL	American Express
09/29/95	Meals	\$ 200.00	EAR #1438	Hennessy's	Columbia, SC	American Express
09/29/95	Lodging	\$ 113.40	EAR #1438	Hilton	Las Vegas	American Express
09/29/95	Lodging	\$ 227.69	EAR #1438	Hilton	Pittsburgh, PA	American Express
09/29/95	Lodging	\$ 307.14	EAR #1438	Hilton	Ocala, FL	American Express
09/29/95	Lodging	\$ 562.43	EAR #1438	Holiday Inn	Manchester, NH	American Express
09/29/95	Lodging	\$ 122.67	EAR #1438	Hotel Fort Des Moines	Des Moines	American Express
09/29/95	Lodging	\$ 179.53	EAR #1438	Hyatt	Greenville, SC	American Express
09/29/95	Lodging	\$ 32.54	EAR #1438	Laughlin Nev	Las Vegas	American Express
09/29/95	Meals	\$ 108.51	EAR #1438	Puritan Back Rm Restr	Manchester, NH	American Express

APPROPRIATE  
 PART 27  
 OF 82

Date	Expense Type	Amount	Reference	Merchant	City	Payment Method
09/29/95	Meals	\$ 175.00	EAR #1438	Puritan Back Rm Restr	Manchester, NH	American Express
09/29/95	Lodging	\$ 18.18	EAR #1438	Radisson	Orlando, FL	American Express
09/29/95	Lodging	\$ 104.34	EAR #1438	Radisson	Orlando, FL	American Express
09/29/95	Lodging	\$ 83.84	EAR #1438	Residence Inn	Gainesville, FL	American Express
09/29/95	Meals	\$ 99.00	EAR #1438	Steak & Ale	Gainesville, FL	American Express
09/29/95	Lodging	\$ 194.40	EAR #1438	The Highlander Inn	Manchester, NH	American Express
09/29/95	Lodging	\$ 96.30	EAR #1438	The Wilcox Inn	Aiken, SC	American Express
09/29/95	Lodging	\$ 41.04	EAR #1438	Traveler Motel	Berlin, NH	American Express
09/30/95	Per Diem	\$ 315.00	Memo 961995	21 days @ \$15/day	McLean	Cash
09/30/95	Miscellaneous	\$ 104.50	EAR #5790	Macy's	McLean	American Express
09/30/95	Meals	\$ 97.00	EAR #5790	Ritz Carlton	McLean	American Express
10/02/95	Telephone	\$ 214.38	EAR #3704	Bell Atlantic	McLean	Checking
10/06/95	F/R Event	\$ 688.96	Memo 951222	MacArthur Beverage	McLean	Checking
10/07/95	Telephone	\$ 412.31	EAR #3704	Motorola	Chicago	Checking
10/08/95	Taxi	\$ 184.00	EAR #3704	A-1 Limo	McLean	Checking
10/10/95	Telephone	\$ 301.00	Memo 960401a	Bell Atlantic	McLean	Checking
10/10/95	Supplies	\$ 25.00	EAR #3704	EMS	Manchester, NH	VISA
10/10/95	Miscellaneous	\$ 49.99	Memo 960401	EMS	Manchester, NH	VISA
10/10/95	Meals	\$ 17.00	EAR #3704	Host International	San Francisco	VISA
10/10/95	Meals	\$ (17.00)	Memo 960401	Host International	San Francisco	VISA
10/10/95	Meals	\$ 17.00	Memo 960401	Host International	San Francisco	VISA
10/10/95	Miscellaneous	\$ 152.50	Memo 960401	Wallachs	Manchester, NH	VISA
10/29/95	Meals	\$ 105.00	EAR #1438	Austins	Omaha, NE	American Express
10/29/95	Lodging	\$ 70.53	EAR #1438	Best Western	Clinton, IA	American Express
10/29/95	Lodging	\$ 218.86	EAR #1438	Best Western	Fort Dodge, IA	American Express
10/29/95	Lodging	\$ 84.80	EAR #1438	Breakers Hotel	Spring Lake, NJ	American Express
10/29/95	Meals	\$ 150.00	EAR #1438	Cafe Paradiso	Tampa, FL	American Express
10/29/95	Meals	\$ 128.00	EAR #1438	Chen Yang Li	Bedford, NH	American Express
10/29/95	Lodging	\$ 88.63	EAR #1438	Comfort Inn	Yokenportsmth,NH	American Express
10/29/95	Lodging	\$ 345.36	EAR #1438	Embassy Suites	Tampa, FL	American Express
10/29/95	Meals	\$ 31.08	EAR #1438	Garden Cafe	Council Blfs, IA	American Express
10/29/95	Lodging	\$ 249.10	EAR #1438	Hilton	Mesa, AZ	American Express
10/29/95	Lodging	\$ 275.48	EAR #1438	Hilton	Sioux City, IA	American Express
10/29/95	Lodging	\$ 207.67	EAR #1438	Holiday Inn	Manchester, NH	American Express
10/29/95	Lodging	\$ 396.73	EAR #1438	Holiday Inn	Manchester, NH	American Express
10/29/95	Lodging	\$ 330.63	EAR #1438	Hotel Fort Des Moines	Des Moines	American Express
10/29/95	Lodging	\$ 132.00	EAR #1438	Marriott	Orlando, FL	American Express
10/29/95	Lodging	\$ 163.04	EAR #1438	Marriott	Orlando, FL	American Express

ATTACHMENT  
 PAGE 25 of 92



Date	Expense Type	Amount	Reference	Merchant	City	Payment Method
10/29/95	Lodging	\$ 181.87	EAR #1438	Marriott	Newark, NJ	American Express
10/29/95	Lodging	\$ 213.64	EAR #1438	Marriott	Newark, NJ	American Express
10/29/95	Lodging	\$ 307.79	EAR #1438	Marriott	Omaha, NE	American Express
10/29/95	Lodging	\$ 439.03	EAR #1438	Marriott	Greenville, SC	American Express
10/29/95	Lodging	\$ 271.50	EAR #1438	Monteleone Hotel	New Orleans, LA	American Express
10/29/95	Miscellaneous	\$ 34.29	EAR #1438	Presidents Rvr Clb	Davenport, IA	American Express
10/29/95	Meals	\$ 105.40	EAR #1438	Puritan Back Rm Restr	Manchester, NH	American Express
10/29/95	Lodging	\$ 218.53	EAR #1438	Sheraton	Cedar Rapids, IA	American Express
10/29/95	Lodging	\$ 261.00	EAR #1438	Sheraton	Cedar Rapids, IA	American Express
10/29/95	Meals	\$ 68.02	EAR #1438	The First Edition	Sioux City, IA	American Express
10/31/95	Per Diem	\$ 360.00	Memo 961995	24 days @ \$15/day	McLean	Cash
11/10/95	Telephone	\$ 5.45	EAR #3704	GTE Airfone	Oak Brook, IL	VISA
11/10/95	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
11/10/95	Telephone	\$ 8.32	EAR #3704	GTE Airfone	Oak Brook, IL	VISA
11/10/95	Telephone	\$ 8.32	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
11/10/95	Telephone	\$ 11.20	EAR #3704	GTE Airfone	Oak Brook, IL	VISA
11/10/95	Telephone	\$ 11.20	EAR #3704	GTE Airfone	Oak Brook, IL	VISA
11/10/95	Telephone	\$ 11.20	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
11/10/95	Telephone	\$ 11.20	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
11/10/95	Telephone	\$ 16.94	EAR #3704	GTE Airfone	Oak Brook, IL	VISA
11/10/95	Telephone	\$ 16.94	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
11/10/95	Telephone	\$ 22.69	EAR #3704	GTE Airfone	Oak Brook, IL	VISA
11/10/95	Telephone	\$ 22.69	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
11/10/95	Telephone	\$ 39.93	EAR #3704	GTE Airfone	Oak Brook, IL	VISA
11/10/95	Telephone	\$ 39.93	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
11/10/95	Telephone	\$ 57.18	EAR #3704	GTE Airfone	Oak Brook, IL	VISA
11/10/95	Telephone	\$ 57.18	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
11/10/95	Miscellaneous	\$ 110.00	EAR #3704	The Costume Gallery	Manchester, NH	VISA
11/10/95	Miscellaneous	\$ (110.00)	Memo 960401	The Costume Gallery	Derry, NH	VISA
11/10/95	Miscellaneous	\$ 110.00	Memo 960401	The Costume Gallery	Derry, NH	VISA
11/10/95	Meals	\$ 37.51	EAR #3704	Town Clock Inn	Dubuque, IA	VISA
11/10/95	Lodging	\$ 37.51	Memo 960401	Town Clock Inn	Dubuque, IA	VISA
11/11/95	Telephone	\$ 600.00	Memo 960401a	Bell Atlantic	McLean	Checking
11/21/95	Telephone	\$ 581.30	Memo 960401a	Bell Atlantic	McLean	Checking
11/24/95	Bar Tab	\$ 426.65	EAR #3704	MacArthur Beverage	McLean	Checking
11/24/95	Telephone	\$ 40.02	EAR #3704	Motorola	Chicago	Checking
11/24/95	Telephone	\$ 413.00	Memo 960401a	Motorola	McLean	Checking
11/25/95	Telephone	\$ 200.84	EAR #3704	Bell Atlantic	McLean	Checking

ATTACHMENT  
 Page 310 of 82

Date	Expense Type	Amount	Reference	Merchant	City	Payment Method
11/25/95	Telephone	\$ 40.00	Memo 960401a	Motorola	McLean	Checking
11/28/95	Meals	\$ 140.00	EAR #1438	Angus Steak Ranch	Pensacola, FL	American Express
11/28/95	Telephone	\$ 7.92	EAR #1438	AT&T AirOne	Jacksonville, FL	American Express
11/28/95	Lodging	\$ 309.62	EAR #1438	Best Western	Sedona, AZ	American Express
11/28/95	Lodging	\$ 1,599.61	EAR #1438	Breakers Hotel	Palm Beach, FL	American Express
11/28/95	Lodging	\$ 169.57	EAR #1438	Captain Cook Hotel	Anchorage, AK	American Express
11/28/95	Meals	\$ 160.00	EAR #1438	Charlie's Crab	Palm Beach, FL	American Express
11/28/95	Meals	\$ 211.00	EAR #1438	Cole's Restaurant	Buffalo, NY	American Express
11/28/95	Airfare	\$ 1,224.00	EAR #1438	Delta Airlines	Fairbanks, AK	American Express
11/28/95	Airfare	\$ 1,224.00	EAR #1438	Delta Airlines	Fairbanks, AK	American Express
11/28/95	Lodging	\$ 199.42	EAR #1438	Fairbanks Princess	Fairbanks, AK	American Express
11/28/95	Telephone	\$ 5.45	EAR #1438	GTE Airfone	Oak Brook, IL	American Express
11/28/95	Telephone	\$ 5.45	EAR #1438	GTE Airfone	Oak Brook, IL	American Express
11/28/95	Telephone	\$ 11.20	EAR #1438	GTE Airfone	Oak Brook, IL	American Express
11/28/95	Telephone	\$ 74.42	EAR #1438	GTE Airfone	Oak Brook, IL	American Express
11/28/95	Telephone	\$ 77.29	EAR #1438	GTE Airfone	Oak Brook, IL	American Express
11/28/95	Lodging	\$ 171.93	EAR #1438	Hanover Inn	Hanover, NH	American Express
11/28/95	Lodging	\$ 141.60	EAR #1438	Hilton	Phoenix, AZ	American Express
11/28/95	Lodging	\$ 348.31	EAR #1438	Hilton	Chicago	American Express
11/28/95	Lodging	\$ 256.51	EAR #1438	Holiday Inn	Manchester, NH	American Express
11/28/95	Lodging	\$ 33.00	EAR #1438	Hospitality Inn	Pensacola, FL	American Express
11/28/95	Miscellaneous	\$ 69.99	EAR #1438	Host International	Anchorage, AK	American Express
11/28/95	Lodging	\$ 182.18	EAR #1438	Huntington Hotel	Melville, NY	American Express
11/28/95	Lodging	\$ 168.37	EAR #1438	Hyatt	Buffalo, NY	American Express
11/28/95	Lodging	\$ 131.72	EAR #1438	Marriott	Denver	American Express
11/28/95	Lodging	\$ 199.32	EAR #1438	Marriott	Cleveland	American Express
11/28/95	Lodging	\$ 250.00	EAR #1438	Marriott	Orlando, FL	American Express
11/28/95	Meals	\$ 102.00	EAR #1438	Puritan Back Rm Restr	Manchester, NH	American Express
11/28/95	Lodging	\$ 33.34	EAR #1438	Red Lion Hotels & Inns	Glendale, CA	American Express
11/28/95	Lodging	\$ 305.10	EAR #1438	Red Lion Hotels & Inns	Glendale, CA	American Express
11/28/95	Lodging	\$ 109.89	EAR #1438	Residence Inn	Latham, NY	American Express
11/28/95	Lodging	\$ 116.11	EAR #1438	Residence Inn	Latham, NY	American Express
11/28/95	Lodging	\$ 12.99	EAR #1438	Ritz-Carlton	New York	American Express
11/28/95	Lodging	\$ 484.37	EAR #1438	Ritz-Carlton	New York	American Express
11/28/95	Lodging	\$ 110.50	EAR #1438	Sheraton	Windsor Locks, CT	American Express
11/28/95	Lodging	\$ 159.32	EAR #1438	Sheraton	Windsor Locks, CT	American Express
11/28/95	Lodging	\$ 13.21	EAR #1438	Shilo Portland	Portland, OR	American Express
11/28/95	Meals	\$ 186.40	EAR #1438	Steak & Chop	Des Moines	American Express

ATTACHMENT  
37 of 82

Date	Expense Type	Amount	Reference	Merchant	City	Payment Method
11/28/95	Lodging	\$ 220.27	EAR #1438	The Clift Hotel	San Francisco	American Express
11/28/95	Airfare	\$ 641.00	EAR #1438	United Airlines	McLean	American Express
11/28/95	Lodging	\$ 87.69	EAR #1438	Westmark Baranof	Juneau, AK	American Express
11/28/95	Lodging	\$ 169.45	EAR #1438	Westmark Baranof	Juneau, AK	American Express
11/28/95	Lodging	\$ 219.69	EAR #1438	Westmark Baranof	Juneau, AK	American Express
11/28/95	Lodging	\$ 305.45	EAR #1438	Woodlands Plaza Hotel	Flagstaff, AZ	American Express
11/30/95	Per Diem	\$ 390.00	Memo 961995	26 days @ \$15/day	McLean	Cash
12/02/95	Telephone	\$ 308.38	EAR #3704	Bell Atlantic	McLean	Checking
12/08/95	F/R Event	\$ 1,624.85	Memo 951222	MacArthur Beverage	McLean	Checking
12/10/95	Meals	\$ 51.20	Memo 960401	Edward	Palm Beach, FL	VISA
12/10/95	Telephone	\$ 11.20	EAR #3704	GTE Airfone	Oak Brook, IL	VISA
12/10/95	Telephone	\$ 11.20	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
12/10/95	Telephone	\$ 34.19	EAR #3704	GTE Airfone	Oak Brook, IL	VISA
12/10/95	Telephone	\$ 34.19	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
12/10/95	Telephone	\$ 38.62	EAR #3704	GTE Airfone	Oak Brook, IL	VISA
12/10/95	Telephone	\$ 38.62	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
12/20/95	Telephone	\$ 105.16	EAR #3704	Motorola	Chicago	Checking
12/20/95	Telephone	\$ 106.00	Memo 960401a	Motorola	McLean	Checking
12/22/95	Miscellaneous	\$ 538.18	EAR #3704	Alexandria Florist	Alexandria, VA	Checking
12/22/95	Miscellaneous	\$ 977.07	EAR #3704	Classic Tents	Alexandria, VA	Checking
12/22/95	F/R Event	\$ 977.07	Memo 951222	Classic Tents	McLean	Checking
12/31/95	Per Diem	\$ 405.00	Memo 961995	27 days @ \$15/day	McLean	Cash
12/31/95	Airfare	\$ 539.00	EAR #5790	American Airlines	Shreveport, LA	American Express
12/31/95	Airfare	\$ 539.00	EAR #5790	American Airlines	Shreveport, LA	American Express
12/31/95	Airfare	\$ 539.00	EAR #5790	American Airlines	Shreveport, LA	American Express
12/31/95	Lodging	\$ 62.95	EAR #5790	Best Western	Fort Dodge, IA	American Express
12/31/95	Lodging	\$ 124.88	EAR #5790	Best Western	Burlington, IA	American Express
12/31/95	Miscellaneous	\$ 389.80	EAR #3704	BFP Expenses	McLean	Undoc/Duplicate
12/31/95	Miscellaneous	\$ (389.80)	EAR #3704	BFP Expenses	McLean	Undoc/Duplicate
12/31/95	Lodging	\$ 84.22	EAR #5790	Black Hawk Hoyel	Davenport, IA	American Express
12/31/95	Meals	\$ 104.00	EAR #5790	Cafe Pavone	Manchester, NH	American Express
12/31/95	Airfare	\$ 20.00	EAR #5790	Delta Airlines	Atlanta	American Express
12/31/95	Lodging	\$ (126.61)	EAR #5790	El Conquistador Resort	Tucson, AZ	American Express
12/31/95	Lodging	\$ 126.61	EAR #5790	El Conquistador Resort	Tucson, AZ	American Express
12/31/95	Lodging	\$ 126.61	EAR #5790	El Conquistador Resort	Tucson, AZ	American Express
12/31/95	Lodging	\$ 56.53	EAR #5790	Fairfield Inn	Ottumwa, IA	American Express
12/31/95	Meals	\$ 52.74	EAR #5790	Fisherman's Bay	Ottumwa, IA	American Express
12/31/95	Telephone	\$ 5.45	EAR #5790	GTE Airfone	Oak Brook, IL	American Express

ATTACHED  
 EXPENSE  
 58  
 OF  
 82

Date	Expense Type	Amount	Reference	Merchant	City	Payment Method
12/31/95	Telephone	\$ 25.56	EAR #5790	GTE Airfone	Oak Brook, IL	American Express
12/31/95	Lodging	\$ 88.80	EAR #5790	Hilton	Baton Rouge	American Express
12/31/95	Lodging	\$ 110.50	EAR #5790	Hilton	LaFayette, LA	American Express
12/31/95	Lodging	\$ 75.57	EAR #5790	Holiday Inn	Mason City, IA	American Express
12/31/95	Lodging	\$ 107.11	EAR #5790	Holiday Inn	Cedar Rapids, IA	American Express
12/31/95	Lodging	\$ 117.11	EAR #5790	Holiday Inn	Roswell, GA	American Express
12/31/95	Lodging	\$ 120.20	EAR #5790	Holiday Inn	Roswell, GA	American Express
12/31/95	Lodging	\$ 152.63	EAR #5790	Holiday Inn	Manchester, NH	American Express
12/31/95	Lodging	\$ 284.85	EAR #5790	Holiday Inn	Roswell, GA	American Express
12/31/95	Lodging	\$ 284.98	EAR #5790	Holiday Inn	Dubuque, IA	American Express
12/31/95	Lodging	\$ 1,233.19	EAR #5790	Holiday Inn	Manchester, NH	American Express
12/31/95	Lodging	\$ 115.37	EAR #5790	Marriott	Des Moines	American Express
12/31/95	Lodging	\$ 218.40	EAR #5790	Marriott	Des Moines	American Express
12/31/95	Lodging	\$ 219.38	EAR #5790	Marriott	Des Moines	American Express
12/31/95	Meals	\$ 54.00	EAR #5790	Outback Steakhouse	Cedar Rapids, IA	American Express
12/31/95	Meals	\$ 136.00	EAR #5790	Puritan Back Rm Restr	Manchester, NH	American Express
12/31/95	Meals	\$ 135.59	EAR #5790	Ralph & Kacoo's	Bossier City, LA	American Express
12/31/95	Meals	\$ 109.20	EAR #5790	Red Lobster	Roswell, GA	American Express
12/31/95	Meals	\$ 390.00	EAR #5790	Ritz Carlton	McLean	American Express
12/31/95	Lodging	\$ 508.55	EAR #5790	Ritz-Carlton	Phoenix, AZ	American Express
12/31/95	Airfare	\$ 52.50	EAR #5790	USAir	McLean	American Express
12/31/95	Airfare	\$ 52.50	EAR #5790	USAir	McLean	American Express
01/10/96	Telephone	\$ 5.56	Memo 960401	AT&T AirOne	Jacksonville, FL	VISA
01/10/96	Telephone	\$ 8.35	Memo 960401	AT&T AirOne	Jacksonville, FL	VISA
01/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Palm Beach, FL	VISA

ATTACHED  
 Page 59 of 82

Date	Expense Type	Amount	Reference	Merchant	City	Payment Method
01/10/96	Telephone	\$ 7.73	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 7.73	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 7.73	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 8.32	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 8.32	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 14.07	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 14.07	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 15.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
01/10/96	Telephone	\$ 15.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
01/10/96	Telephone	\$ 15.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
01/10/96	Telephone	\$ 15.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
01/10/96	Telephone	\$ 15.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
01/10/96	Telephone	\$ 15.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
01/10/96	Lodging	\$ 17.15	Memo 960401	Hilton	Baton Rouge	VISA
01/10/96	Lodging	\$ 23.85	Memo 960401	Younkers	Sioux City, IA	VISA
01/10/96	Lodging	\$ 29.66	Memo 960401	Younkers	Sioux City, IA	VISA
01/10/96	Lodging	\$ 35.78	Memo 960401	Younkers	Sioux City, IA	VISA
01/10/96	Lodging	\$ 127.19	Memo 960401	Younkers	Sioux City, IA	VISA
01/29/96	Lodging	\$ 71.69	EAR #5790	Adam's Mark	Columbia, SC	American Express
01/29/96	Lodging	\$ 104.56	EAR #5790	Adam's Mark	Columbia, SC	American Express
01/29/96	Lodging	\$ 143.38	EAR #5790	Adam's Mark	Columbia, SC	American Express
01/29/96	Lodging	\$ 318.04	EAR #5790	Adam's Mark	Columbia, SC	American Express
01/29/96	Lodging	\$ 465.75	EAR #5790	Adam's Mark	Columbia, SC	American Express
01/29/96	Meals	\$ 72.59	EAR #5790	Austins	Omaha, NE	American Express
01/29/96	Lodging	\$ 134.00	EAR #5790	Bedford Village Inn	Bedford, NH	American Express
01/29/96	Supplies	\$ 58.90	EAR #5790	Benjamin Books	Denver	American Express
01/29/96	Meals	\$ 439.00	EAR #5790	Brennans Restaurant	New Orleans, LA	American Express
01/29/96	Meals	\$ 93.25	EAR #5790	Cafe Pavone	Manchester, NH	American Express
01/29/96	Meals	\$ 99.00	EAR #5790	Chen Yang Li	Bedford, NH	American Express
01/29/96	Lodging	\$ 80.82	EAR #5790	Comfort Inn	Memphis, TN	American Express
01/29/96	Meals	\$ 140.00	EAR #5790	Copeland's	Baton Rouge	American Express
01/29/96	Airfare	\$ 185.27	EAR #5790	Delta Airlines	Boston	American Express
01/29/96	Airfare	\$ 185.27	EAR #5790	Delta Airlines	Boston	American Express
01/29/96	Airfare	\$ 185.27	EAR #5790	Delta Airlines	Boston	American Express
01/29/96	Airfare	\$ 185.27	EAR #5790	Delta Airlines	Boston	American Express
01/29/96	Telephone	\$ 42.81	EAR #5790	GTE Airfone	Oak Brook, IL	American Express
01/29/96	Telephone	\$ 45.68	EAR #5790	GTE Airfone	Oak Brook, IL	American Express
01/29/96	Lodging	\$ 24.16	EAR #5790	Hilton	Baton Rouge	American Express
01/29/96	Lodging	\$ 95.68	EAR #5790	Hilton	Baton Rouge	American Express

ATTACHMENT  
Page 40 of 82

Date	Expense Type	Amount	Reference	Merchant	City	Payment Method
01/29/96	Lodging	\$ 146.10	EAR #5790	Hilton	Anchorage, AK	American Express
01/29/96	Lodging	\$ 159.00	EAR #5790	Hilton	Sioux City, IA	American Express
01/29/96	Lodging	\$ 162.01	EAR #5790	Hilton	Chicago	American Express
01/29/96	Lodging	\$ 200.00	EAR #5790	Hilton	Baton Rouge	American Express
01/29/96	Lodging	\$ 202.01	EAR #5790	Hilton	New Orleans, LA	American Express
01/29/96	Lodging	\$ 292.82	EAR #5790	Hilton	Sioux City, IA	American Express
01/29/96	Lodging	\$ 52.58	EAR #5790	Holiday Inn	Manchester, NH	American Express
01/29/96	Lodging	\$ 82.47	EAR #5790	Holiday Inn	Dubuque, IA	American Express
01/29/96	Lodging	\$ 100.73	EAR #5790	Holiday Inn	Monroe, LA	American Express
01/29/96	Lodging	\$ 137.64	EAR #5790	Holiday Inn	Seattle, WA	American Express
01/29/96	Lodging	\$ 414.76	EAR #5790	Holiday Inn	Manchester, NH	American Express
01/29/96	Lodging	\$ 497.40	EAR #5790	Holiday Inn	Manchester, NH	American Express
01/29/96	Lodging	\$ 701.78	EAR #5790	Marriott	Des Moines	American Express
01/29/96	Lodging	\$ 719.80	EAR #5790	Marriott	Des Moines	American Express
01/29/96	Lodging	\$ 53.06	EAR #5790	Omni	New Orleans, LA	American Express
01/29/96	Meals	\$ 48.75	EAR #5790	Pour La France Cafe	Denver	American Express
01/29/96	Lodging	\$ 79.86	EAR #5790	Ramada Inn	Shreveport, LA	American Express
01/29/96	Lodging	\$ 31.39	EAR #5790	Ritz-Carlton	New York	American Express
01/29/96	Lodging	\$ 741.52	EAR #5790	Ritz-Carlton	New York	American Express
01/29/96	Lodging	\$ 58.00	EAR #5790	Sanstone Inn	Fort Dodge, IA	American Express
01/29/96	Lodging	\$ 92.99	EAR #5790	Sheraton	Cedar Rapids, IA	American Express
01/29/96	Lodging	\$ 132.78	EAR #5790	Sheraton	Omaha, NE	American Express
01/29/96	Lodging	\$ 301.36	EAR #5790	Sheraton	Cedar Rapids, IA	American Express
01/29/96	Meals	\$ 201.00	EAR #5790	Steak & Chop	Des Moines	American Express
01/29/96	Meals	\$ 67.33	EAR #5790	TGI Friday's	Cedar Rapids, IA	American Express
01/29/96	Meals	\$ 115.00	EAR #5790	The First Edition	Sioux City, IA	American Express
01/29/96	Lodging	\$ 74.52	EAR #5790	The Highlander Inn	Manchester, NH	American Express
01/29/96	Lodging	\$ 194.40	EAR #5790	The Highlander Inn	Manchester, NH	American Express
01/29/96	Miscellaneous	\$ 5.99	EAR #5790	Timberland Factory	North Conway, NH	American Express
01/29/96	Miscellaneous	\$ 175.97	EAR #5790	Timberland Factory	North Conway, NH	American Express
01/29/96	Lodging	\$ 290.30	EAR #5790	Village Resort	Spirit Lake, IA	American Express
01/31/96	Per Diem	\$ 435.00	Memo 961995	29 days @ \$15/day	McLean	Cash
02/10/96	Telephone	\$ 31.06	Memo 960401	AT&T AirOne	Jacksonville, FL	VISA
02/10/96	Telephone	\$ 106.87	Memo 960401	AT&T AirOne	Jacksonville, FL	VISA
02/10/96	Telephone	\$ 1.55	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 1.55	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA

ATTACHMENT  
Page 82 of 82

Date	Expense Type	Amount	Reference	Merchant	City	Payment Method
02/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 8.32	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 8.32	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 8.32	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 11.20	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 14.07	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 15.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 15.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 15.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 15.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 16.29	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 31.31	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 48.55	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 62.92	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 68.67	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 74.42	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 74.42	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Meals	\$ 72.60	Memo 960401	Monroe's Rest & Bar	Mason City, IA	VISA
02/10/96	Meals	\$ 72.75	Memo 960401	The Cutting Co	Des Moines	VISA
02/10/96	Meals	\$ 269.98	Memo 960401	The Cutting Co	Des Moines	VISA
02/10/96	Supplies	\$ 101.18	Memo 960401	Walgreen	Des Moines	VISA
02/10/96	Supplies	\$ 159.87	Memo 960401	Walgreen	Des Moines	VISA
02/29/96	Per Diem	\$ 435.00	Memo 961995	29 days @ \$15/day	McLean	Cash
02/29/96	Miscellaneous	\$ (6,362.13)	EAR #5790	BFP Expenses	McLean	Undoc/Duplicate
02/29/96	Miscellaneous	\$ 6,362.13	EAR #5790	BFP Expenses	McLean	Undoc/Duplicate
02/29/96	Meals	\$ 116.00	EAR #5790	Black Angus	Phoenix, AZ	American Express
02/29/96	Meals	\$ 120.01	EAR #5790	Cafe Pavone	Manchester, NH	American Express
02/29/96	Meals	\$ 152.47	EAR #5790	California Dreaming	Greenville, SC	American Express
02/29/96	Meals	\$ 210.00	EAR #5790	Chen Yang Li	Bedford, NH	American Express
02/29/96	Lodging	\$ 60.00	EAR #5790	Collins Plaza	Cedar Rapids, IA	American Express
02/29/96	Lodging	\$ 68.25	EAR #5790	Holiday Inn	Cedar Rapids, IA	American Express

ATTACHMENT  
Page 42 of 82

Date	Expense Type	Amount	Reference	Merchant	City	Payment Method
02/29/96	Lodging	\$ 94.41	EAR #5790	Holiday Inn	Manchester, NH	American Express
02/29/96	Lodging	\$ 98.12	EAR #5790	Holiday Inn	Lake Charles, LA	American Express
02/29/96	Lodging	\$ 142.26	EAR #5790	Holiday Inn	Lake Charles, LA	American Express
02/29/96	Lodging	\$ 173.13	EAR #5790	Holiday Inn	Monroe, LA	American Express
02/29/96	Lodging	\$ 188.79	EAR #5790	Holiday Inn	Lake Charles, LA	American Express
02/29/96	Lodging	\$ 212.31	EAR #5790	Holiday Inn	Davenport, IA	American Express
02/29/96	Lodging	\$ 240.89	EAR #5790	Holiday Inn	Mason City, IA	American Express
02/29/96	Lodging	\$ 683.25	EAR #5790	Hyatt	New Orleans, LA	American Express
02/29/96	Lodging	\$ 254.85	EAR #5790	Marriott	Boston	American Express
02/29/96	Lodging	\$ 782.59	EAR #5790	Marriott	Des Moines	American Express
02/29/96	Lodging	\$ 1,024.31	EAR #5790	Marriott	Des Moines	American Express
02/29/96	Miscellaneous	\$ 299.98	EAR #5790	McCade, Inc.	Manchester, NH	American Express
02/29/96	Meals	\$ 102.00	EAR #5790	Pier D'Orleans	Mesa, AZ	American Express
02/29/96	Meals	\$ 176.00	EAR #5790	Puritan Back Rm Restr	Manchester, NH	American Express
02/29/96	Meals	\$ 180.00	EAR #5790	Puritan Back Rm Restr	Manchester, NH	American Express
02/29/96	Meals	\$ 78.00	EAR #5790	The First Edition	Sioux City, IA	American Express
02/29/96	Airfare	\$ 403.00	EAR #5790	United Airlines	Chicago	American Express
02/29/96	Airfare	\$ 403.00	EAR #5790	United Airlines	Chicago	American Express
03/28/96	F/R Event	\$ 645.06	Memo 960708	MacArthur Beverage	McLean	Checking
03/29/96	F/R Event	\$ 688.00	Memo 960708	Miguel Yanos	McLean	Checking
03/30/96	Meals	\$ 112.03	Memo 960509	BeechTree	Flint, MI	American Express
03/30/96	Meals	\$ 97.00	Memo 960509	Boston Steak House	Greenville, SC	American Express
03/30/96	Meals	\$ 192.09	Memo 960509	Brennans Restaurant	Houston, TX	American Express
03/30/96	Meals	\$ 275.00	Memo 960509	Chicago Road Steak House	Dearborn, MI	American Express
03/30/96	Meals	\$ 410.00	Memo 960509	Hampton Street	Columbia, SC	American Express
03/30/96	Meals	\$ 88.00	Memo 960509	Hunan Lion	Vienna, VA	American Express
03/30/96	Meals	\$ 89.65	Memo 960509	Hunan Lion	Vienna, VA	American Express
03/30/96	Meals	\$ 54.00	Memo 960509	Marriott	Chicago	American Express
03/30/96	Meals	\$ 92.00	Memo 960509	Marriott	Chicago	American Express
03/30/96	Meals	\$ 170.00	Memo 960509	Old San Fran Steak House	Dallas	American Express
03/30/96	Meals	\$ 95.00	Memo 960509	Outback Steakhouse	Columbus, GA	American Express
03/30/96	Meals	\$ 272.00	Memo 960509	Ritz Carlton	McLean	American Express
03/30/96	Meals	\$ 280.00	Memo 960509	Ruth's Chris Steak House	Memphis, TN	American Express
03/31/96	Per Diem	\$ 405.00	Memo 961995	27 days @ \$15/day	McLean	Cash
04/10/96	F/R Event	\$ 1,675.00	Memo 960708	Chevy Chase Caterers	McLean	Checking
04/30/96	Per Diem	\$ 60.00	Memo 961995	04 days @ \$15/day	McLean	Cash
05/10/96	F/R Event	\$ 697.00	Memo 960708	Alexandria Florist	McLean	Checking
05/10/96	Telephone	\$ 116.00	Memo 961114	Bell Atlantic	McLean	Checking

ATTACHMENT  
Page 43 of 82



Date	Expense Type	Amount	Reference	Merchant	City	Payment Method
05/30/96	Lodging	\$ 37.45	Memo 960708a	Best Western	Pocatello, ID	American Express
05/30/96	Meals	\$ 93.79	Memo 960708a	Carvers	Charlotte, NC	American Express
05/30/96	Lodging	\$ 99.68	Memo 960708a	Hilton	Sioux City, IA	American Express
05/30/96	Meals	\$ 127.70	Memo 960708a	Irregardless	Raleigh, NC	American Express
05/30/96	Meals	\$ 118.00	Memo 960708a	Jakes	Idaho Falls, ID	American Express
05/30/96	Lodging	\$ 228.97	Memo 960708a	Radisson	Raleigh, NC	American Express
05/30/96	Lodging	\$ 96.10	Memo 960708a	Red Lion Hotels & Inns	Boise, ID	American Express
05/30/96	Lodging	\$ 106.93	Memo 960708a	Red Lion Hotels & Inns	Boise, ID	American Express
05/30/96	Lodging	\$ 125.83	Memo 960708a	Sheraton	Charlotte, NC	American Express
05/30/96	Meals	\$ 148.00	Memo 960708a	The Chart House	Boise, ID	American Express
05/30/96	Lodging	\$ 227.40	Memo 960708a	The Westbank Inn	Idaho Falls, ID	American Express
05/31/96	Per Diem	\$ 165.00	Memo 961995	11 days @ \$15/day	McLean	Cash
06/10/96	Meals	\$ 140.00	Memo 960708b	O'Brian's	Bozeman, MT	VISA
06/29/96	Lodging	\$ 130.89	Memo 960708a	Adam's Mark	Mobile, AL	American Express
06/29/96	Lodging	\$ 164.59	Memo 960708a	Adam's Mark	Mobile, AL	American Express
06/29/96	Meals	\$ 83.14	Memo 960708a	Anthony's	Des Moines	American Express
06/29/96	Lodging	\$ 69.07	Memo 960708a	Best Western	Bozeman, MT	American Express
06/29/96	Lodging	\$ 117.72	Memo 960708a	Crown Sterling	Birmingham, AL	American Express
06/29/96	Lodging	\$ 191.09	Memo 960708a	Crown Sterling	Birmingham, AL	American Express
06/29/96	Lodging	\$ 108.90	Memo 960708a	Embassy Suites	Montgomery, AL	American Express
06/29/96	Meals	\$ 235.00	Memo 960708a	Etta's Seafood	Seattle, WA	American Express
06/29/96	Meals	\$ 153.20	Memo 960708a	Hunan Lion	Vienna, VA	American Express
06/29/96	Meals	\$ 125.00	Memo 960708a	Juliano's	Billings, MT	American Express
06/29/96	Lodging	\$ 238.37	Memo 960708a	Marriott	San Antonio, TX	American Express
06/29/96	Meals	\$ 232.00	Memo 960708a	Morton's	San Antonio, TX	American Express
06/29/96	Lodging	\$ 434.11	Memo 960708a	Red Lion Hotels & Inns	Seattle, WA	American Express
06/29/96	Lodging	\$ 439.81	Memo 960708a	Red Lion Hotels & Inns	Seattle, WA	American Express
06/29/96	Meals	\$ 323.00	Memo 960708a	Ruth's Chris Steak House	Mobile, AL	American Express
06/29/96	Lodging	\$ 97.70	Memo 960708a	Sheraton	Billings, MT	American Express
06/30/96	Per Diem	\$ 90.00	Memo 961995	06 days @ \$15/day	McLean	Cash
09/07/96	Limo	\$ 92.00	Memo 960916	A-1 Limo	McLean	Checking
	Total	<u>\$ 123,468.13</u>				

ATTACHMENT  
Page 14 of 82

# Patrick J. & Shelley S. Buchanan

## American Express Expenses

Date	Expense Type	Amount	Reference	Merchant	City	Payment Method
01/12/95	Miscellaneous	\$ 321.96	EAR #0112	BFP Expenses	McLean	American Express
01/31/95	Lodging	\$ 272.28	EAR #5790	Holiday Inn	Manchester, NH	American Express
01/31/95	Lodging	\$ 59.00	EAR #5790	Radisson	Baton Rouge	American Express
01/31/95	Airfare	\$ 1,871.00	EAR #5790	United Airlines	McLean	American Express
01/31/95	Airfare	\$ 1,871.00	EAR #5790	United Airlines	McLean	American Express
01/31/95	Airfare	\$ 614.00	EAR #5790	USAir	McLean	American Express
01/31/95	Airfare	\$ 614.00	EAR #5790	USAir	McLean	American Express
01/31/95	Airfare	\$ 764.00	EAR #5790	USAir	McLean	American Express
01/31/95	Airfare	\$ 764.00	EAR #5790	USAir	McLean	American Express
02/13/95	Miscellaneous	\$ 71.00	EAR #1060	BFP Expenses	McLean	American Express
02/28/95	Lodging	\$ 206.91	EAR #3704	Hilton	Boston	American Express
02/28/95	Miscellaneous	\$ 10.75	EAR #3704	Holiday Inn	Manchester, NH	American Express
02/28/95	Lodging	\$ 545.13	EAR #3704	Holiday Inn	Manchester, NH	American Express
02/28/95	Lodging	\$ 682.94	EAR #3704	Holiday Inn	Phoenix, AZ	American Express
02/28/95	Lodging	\$ 46.81	EAR #5790	Marriott	Scottsdale, AZ	American Express
02/28/95	Meals	\$ 44.00	EAR #3704	Quigley's	Washington D.C.	American Express
02/28/95	Airfare	\$ 1,894.00	EAR #5790	United Airlines	McLean	American Express
02/28/95	Airfare	\$ 1,894.00	EAR #5790	United Airlines	McLean	American Express
02/28/95	Airfare	\$ 2,010.50	EAR #3704	USAir	McLean	American Express
02/28/95	Airfare	\$ 2,010.50	EAR #3704	USAir	McLean	American Express
03/28/95	Lodging	\$ 81.80	EAR #5790	Loew's Anatole	Dallas	American Express
03/29/95	Airfare	\$ 799.00	EAR #5790	American Airlines	McLean	American Express
03/29/95	Airfare	\$ 799.00	EAR #5790	American Airlines	McLean	American Express
03/29/95	Lodging	\$ 136.00	EAR #5790	Loew's Anatole	Dallas	American Express
03/30/95	Lodging	\$ 84.90	EAR #3704	Black Hawk Hoyal	Davenport, IA	American Express
03/30/95	Lodging	\$ 37.17	EAR #1244	Breakers Hotel	Palm Beach, FL	American Express
03/30/95	Lodging	\$ (37.17)	EAR #3704	Breakers Hotel	Palm Beach, FL	American Express
03/30/95	Lodging	\$ 37.17	EAR #3704	Breakers Hotel	Palm Beach, FL	American Express
03/30/95	Airfare	\$ 95.00	EAR #3704	Delta Airlines	Columbia, SC	American Express
03/30/95	Airfare	\$ 95.00	EAR #3704	Delta Airlines	Columbia, SC	American Express
03/30/95	Airfare	\$ 599.00	EAR #3704	Delta Airlines	Palm Beach, FL	American Express
03/30/95	Airfare	\$ 599.00	EAR #3704	Delta Airlines	Palm Beach, FL	American Express
03/30/95	Lodging	\$ 140.55	EAR #3704	Dobson Ranch Inn	Mesa, AZ	American Express

ATTACHMENT  
 Page 05 of 92

Date	Expense Type	Amount	Reference	Merchant	City	Payment Method
03/30/95	Lodging	\$ 144.33	EAR #3704	Embassy Suites	Des Moines	American Express
03/30/95	Car Rental	\$ 566.94	EAR #1244	Hertz	Palm Beach, FL	American Express
03/30/95	Lodging	\$ 102.31	EAR #3704	Holiday Inn	Manchester, NH	American Express
03/30/95	Lodging	\$ 135.00	EAR #3704	Marriott	San Diego	American Express
03/30/95	Lodging	\$ 264.59	EAR #3704	Marriott	Bloomington, MN	American Express
03/30/95	Airfare	\$ 2,108.00	EAR #3704	Northwest Airlines	Detroit, MI	American Express
03/30/95	Lodging	\$ 467.80	EAR #1244	Ritz-Carlton	McLean	American Express
03/30/95	Lodging	\$ 530.49	EAR #3704	Ritz-Carlton	Naples, FL	American Express
03/30/95	Lodging	\$ 93.50	EAR #3704	Sheraton	Charleston, SC	American Express
03/30/95	Lodging	\$ 154.25	EAR #3704	Town & Country Hotel	San Diego	American Express
03/30/95	Lodging	\$ 216.69	EAR #3704	Town & Country Hotel	San Diego	American Express
03/31/95	Meals	\$ 138.00	EAR #5790	La Colline	Washington D.C.	American Express
03/31/95	Meals	\$ 183.00	EAR #5790	The Palm	Washington D.C.	American Express
04/28/95	Lodging	\$ 160.13	EAR #5790	Best Western	Rosemont, IL	American Express
04/28/95	Lodging	\$ 18.89	EAR #5790	Dobson Ranch Inn	Mesa, AZ	American Express
04/28/95	Lodging	\$ 88.48	EAR #5790	Hilton	Sioux City, IA	American Express
04/28/95	Lodging	\$ 217.41	EAR #5790	Wyndham Hotel	Atlanta	American Express
04/28/95	Lodging	\$ 262.75	EAR #5790	Wyndham Hotel	Atlanta	American Express
04/30/95	Airfare	\$ 60.00	EAR #5790	America West	Tempe, AZ	American Express
04/30/95	Airfare	\$ 60.00	EAR #5790	America West	Tempe, AZ	American Express
04/30/95	Airfare	\$ 60.00	EAR #5790	America West	Tempe, AZ	American Express
04/30/95	Meals	\$ 218.11	EAR #5790	Bedford Village Inn	Bedford, NH	American Express
04/30/95	Meals	\$ 151.00	EAR #5790	Chen Yang Li	Bedford, NH	American Express
04/30/95	Airfare	\$ 157.00	EAR #5790	Delta Airlines	Huntsville, AL	American Express
04/30/95	Airfare	\$ 157.00	EAR #5790	Delta Airlines	Huntsville, AL	American Express
04/30/95	Telephone	\$ 33.48	EAR #5790	GTE Airfone	Oak Brook, IL	American Express
04/30/95	Telephone	\$ 38.63	EAR #5790	GTE Airfone	Oak Brook, IL	American Express
04/30/95	Lodging	\$ 69.13	EAR #5790	Hampton Inn	Omaha, NE	American Express
04/30/95	Lodging	\$ 189.13	EAR #5790	Holiday Inn	Manchester, NH	American Express
04/30/95	Lodging	\$ 620.45	EAR #5790	Holiday Inn	Manchester, NH	American Express
04/30/95	Lodging	\$ 263.05	EAR #5790	Hotel Fort Des Moines	Des Moines	American Express
04/30/95	Meals	\$ 25.84	EAR #5790	Hyatt	Dallas	American Express
04/30/95	Lodging	\$ 84.00	EAR #5790	Hyatt	Dallas	American Express
04/30/95	Lodging	\$ 36.13	EAR #5790	Marriott	Denver	American Express
04/30/95	Lodging	\$ 143.39	EAR #5790	Marriott	Denver	American Express
04/30/95	Lodging	\$ 216.44	EAR #5790	Marriott	Huntsville, AL	American Express
04/30/95	Airfare	\$ (428.00)	EAR #5790	Northwest Airlines	Minneapolis	American Express
04/30/95	Meals	\$ 104.00	EAR #5790	Puritan Back Rm Restr	Manchester, NH	American Express

ATTACHMENT  
 Page 40 of 82

Date	Expense Type	Amount	Reference	Merchant	City	Payment Method
04/30/95	Meals	\$ 105.10	EAR #5790	Puritan Back Rm Restr	Manchester, NH	American Express
04/30/95	Meals	\$ 95.01	EAR #5790	The Garden Cafe	Omaha, NE	American Express
04/30/95	Airfare	\$ 292.00	EAR #5790	USAir	Manchester, NH	American Express
04/30/95	Airfare	\$ 292.00	EAR #5790	USAir	Manchester, NH	American Express
04/30/95	Lodging	\$ 162.72	EAR #5790	Wyndham Hotel	Phoenix, AZ	American Express
05/31/95	Lodging	\$ 34.10	EAR #5790	Broadwalk Plaza	Rehoboth, DE	American Express
05/31/95	Airfare	\$ 306.00	EAR #5790	Delta Airlines	Cincinnati	American Express
05/31/95	Lodging	\$ 167.00	EAR #5790	Harbor Court Hotel	Baltimore, MD	American Express
05/31/95	Lodging	\$ 541.71	EAR #5790	Harbor Court Hotel	Baltimore, MD	American Express
05/31/95	Lodging	\$ 102.60	EAR #5790	Henlopen Hotel	Rehoboth, DE	American Express
05/31/95	Lodging	\$ 133.69	EAR #5790	Hilton	LaFayette, LA	American Express
05/31/95	Lodging	\$ 4.25	EAR #5790	Holiday Inn	Manchester, NH	American Express
05/31/95	Lodging	\$ 135.10	EAR #5790	Holiday Inn	Manchester, NH	American Express
05/31/95	Lodging	\$ 53.80	EAR #5790	Hyatt	Orlando, FL	American Express
05/31/95	Lodging	\$ 131.64	EAR #5790	Hyatt	Orlando, FL	American Express
05/31/95	Meals	\$ 27.00	EAR #5790	Murphy's State House	Concord, NH	American Express
05/31/95	Lodging	\$ 257.89	EAR #5790	Radisson	Florence, KY	American Express
05/31/95	Lodging	\$ 47.50	EAR #5790	Ramada Inn	Metairie, LA	American Express
05/31/95	Meals	\$ 80.00	EAR #5790	Rusty Rudder	Dewey Beach, DE	American Express
05/31/95	Lodging	\$ 33.18	EAR #5790	Sheraton	Tampa, FL	American Express
05/31/95	Lodging	\$ 107.04	EAR #5790	Sheraton	Tampa, FL	American Express
05/31/95	Lodging	\$ 436.46	EAR #5790	Sheraton	Metairie, LA	American Express
06/29/95	Lodging	\$ 221.51	EAR #5790	Hilton	Sioux City, IA	American Express
06/29/95	Lodging	\$ 462.06	EAR #5790	Hotel Fort Des Moines	Des Moines	American Express
06/29/95	Lodging	\$ 220.67	EAR #5790	Hotel Somerset	Somerset, NJ	American Express
06/29/95	Lodging	\$ 23.27	EAR #5790	L'Auberge	Del Mar, CA	American Express
06/29/95	Lodging	\$ 301.85	EAR #5790	L'Auberge	Del Mar, CA	American Express
06/30/95	Meals	\$ 61.00	EAR #5790	Amalgamated Spirit	Cedar Rapids, IA	American Express
06/30/95	Lodging	\$ 112.94	EAR #5790	Best Western	Lavale, MD	American Express
06/30/95	Miscellaneous	\$ (150.17)	EAR #5790	Counts Western Wear	Washington D.C.	American Express
06/30/95	Miscellaneous	\$ 796.30	EAR #5790	Counts Western Wear	Washington D.C.	American Express
06/30/95	Telephone	\$ 2.58	EAR #5790	GTE Airfone	Oak Brook, IL	American Express
06/30/95	Lodging	\$ 191.75	EAR #5790	Hyatt	Greenville, SC	American Express
06/30/95	Lodging	\$ 404.58	EAR #5790	Hyatt	Greenville, SC	American Express
06/30/95	Meals	\$ 116.00	EAR #5790	Ruth's Chris Steak House	Arlington, VA	American Express
06/30/95	Lodging	\$ 245.44	EAR #5790	Sheraton	Cedar Rapids, IA	American Express
07/29/95	Meals	\$ 80.25	EAR #4272	Brady's	San Diego	American Express
07/29/95	Lodging	\$ 88.34	EAR #4272	Courtyard	Phoenix, AZ	American Express

ATTACHMENT  
Page 87 of 82

Date	Expense Type	Amount	Reference	Merchant	City	Payment Method
07/29/95	Lodging	\$ 109.21	EAR #4272	Courtyard	Phoenix, AZ	American Express
07/29/95	Lodging	\$ 131.61	EAR #4272	Embassy Suites	Des Moines	American Express
07/29/95	Lodging	\$ 197.08	EAR #4272	Embassy Suites	Des Moines	American Express
07/29/95	Lodging	\$ 59.43	EAR #4272	Holiday Inn	Phoenix, AZ	American Express
07/29/95	Lodging	\$ 75.04	EAR #4272	Holiday Inn	Dubuque, IA	American Express
07/29/95	Meals	\$ 78.00	EAR #4272	Host International	Detroit, MI	American Express
07/29/95	Lodging	\$ 31.80	EAR #4272	Hyatt	San Diego	American Express
07/29/95	Lodging	\$ 49.44	EAR #4272	Hyatt	San Diego	American Express
07/29/95	Lodging	\$ 197.88	EAR #4272	Hyatt	Sacramento, CA	American Express
07/29/95	Meals	\$ 76.00	EAR #4272	Imperial House	Des Moines	American Express
07/29/95	Lodging	\$ 185.50	EAR #4272	Marriott	Detroit, MI	American Express
07/29/95	Lodging	\$ 193.23	EAR #4272	Marriott	St. Louis, MO	American Express
07/29/95	Meals	\$ 67.13	EAR #4272	Noah's Restaurant	Des Moines	American Express
07/29/95	Meals	\$ 93.93	EAR #4272	Puritan Back Rm Restr	Manchester, NH	American Express
07/29/95	Lodging	\$ 131.73	EAR #4272	Radisson	Omaha, NE	American Express
07/29/95	Lodging	\$ 166.89	EAR #4272	Radisson	Omaha, NE	American Express
07/29/95	Lodging	\$ 11.37	EAR #4272	Red Lion Hotels & Inns	Glendale, CA	American Express
07/29/95	Lodging	\$ 183.14	EAR #4272	Red Lion Hotels & Inns	Glendale, CA	American Express
07/29/95	Lodging	\$ 5.41	EAR #4272	Ritz-Carlton	Pasadena, CA	American Express
07/29/95	Lodging	\$ 13.75	EAR #4272	Ritz-Carlton	Luguna, CA	American Express
07/29/95	Lodging	\$ 56.29	EAR #4272	Ritz-Carlton	Marina Del Ray	American Express
07/29/95	Lodging	\$ 154.97	EAR #4272	Ritz-Carlton	Pasadena, CA	American Express
07/29/95	Lodging	\$ 327.61	EAR #4272	Ritz-Carlton	Luguna, CA	American Express
07/29/95	Lodging	\$ 554.10	EAR #4272	Ritz-Carlton	San Francisco	American Express
07/29/95	Lodging	\$ 664.82	EAR #4272	Ritz-Carlton	Marina Del Ray	American Express
07/29/95	Lodging	\$ 14.82	EAR #4272	Stouffer	Denver	American Express
07/29/95	Lodging	\$ 162.11	EAR #4272	Stouffer	Denver	American Express
07/29/95	Meals	\$ 113.00	EAR #4272	The Drover	Omaha, NE	American Express
07/29/95	Airfare	\$ 100.00	EAR #4272	TranWorld Air	St. Louis, MO	American Express
07/29/95	Airfare	\$ 75.00	EAR #4272	USAir	New York	American Express
07/29/95	Airfare	\$ 75.00	EAR #4272	USAir	New York	American Express
07/29/95	Lodging	\$ 55.74	EAR #4272	Villa Hotel	San Mateo, CA	American Express
07/29/95	Lodging	\$ 270.78	EAR #4272	Wyndham Franklin Plaza	Philadelphia	American Express
08/29/95	Telephone	\$ 5.45	EAR #1438	AT&T AirOne	Jacksonville, FL	American Express
08/29/95	Lodging	\$ 271.61	EAR #1438	Bedford Village Inn	Bedford, NH	American Express
08/29/95	Lodging	\$ 65.49	EAR #1438	Best Western	Council Blfs, IA	American Express
08/29/95	Lodging	\$ 209.81	EAR #1438	Best Western	Des Moines	American Express
08/29/95	Lodging	\$ 65.25	EAR #1438	Black Hawk Hoyal	Davenport, IA	American Express

ATTACHMENT  
 Page 48 of 82

Date	Expense Type	Amount	Reference	Merchant	City	Payment Method
08/29/95	Lodging	\$ 323.05	EAR #1438	Collins Plaza	Cedar Rapids, IA	American Express
08/29/95	Lodging	\$ 140.44	EAR #1438	Days Inn	Ottumwa, IA	American Express
08/29/95	Lodging	\$ 233.38	EAR #1438	Embassy Suites	Charlotte, NC	American Express
08/29/95	Lodging	\$ 1,466.02	EAR #1438	Embassy Suites	Des Moines	American Express
08/29/95	Meals	\$ 119.00	EAR #1438	Fisherman's Bay	Boston	American Express
08/29/95	Meals	\$ 158.28	EAR #1438	Fisherman's Bay	Ottumwa, IA	American Express
08/29/95	Meals	\$ 28.27	EAR #1438	Garden Cafe	Council Blfs, IA	American Express
08/29/95	Telephone	\$ 5.15	EAR #1438	GTE Airfone	Oak Brook, IL	American Express
08/29/95	Telephone	\$ 7.73	EAR #1438	GTE Airfone	Oak Brook, IL	American Express
08/29/95	Telephone	\$ 10.30	EAR #1438	GTE Airfone	Oak Brook, IL	American Express
08/29/95	Telephone	\$ 30.90	EAR #1438	GTE Airfone	Oak Brook, IL	American Express
08/29/95	Lodging	\$ 77.28	EAR #1438	Hilton	Sioux City, IA	American Express
08/29/95	Lodging	\$ 116.48	EAR #1438	Hilton	Sioux City, IA	American Express
08/29/95	Lodging	\$ 68.67	EAR #1438	Holiday Inn	Waterloo, IA	American Express
08/29/95	Lodging	\$ 107.63	EAR #1438	Holiday Inn	Independence, OH	American Express
08/29/95	Lodging	\$ 114.35	EAR #1438	Holiday Inn	Concord, NH	American Express
08/29/95	Lodging	\$ 171.09	EAR #1438	Holiday Inn	Mason City, IA	American Express
08/29/95	Lodging	\$ 18.94	EAR #1438	Hyatt	Dallas	American Express
08/29/95	Lodging	\$ 286.75	EAR #1438	Hyatt	Dallas	American Express
08/29/95	Lodging	\$ 637.47	EAR #1438	Hyatt	Dallas	American Express
08/29/95	Meals	\$ 36.00	EAR #1438	King Sea Chinese Rest	Souix City, IA	American Express
08/29/95	Lodging	\$ 339.82	EAR #1438	Meridian	Boston	American Express
08/29/95	Meals	\$ 152.02	EAR #1438	M's Restaurant	Omaha, NE	American Express
08/29/95	Meals	\$ 65.00	EAR #1438	Noah's Restaurant	Des Moines	American Express
08/29/95	Meals	\$ 89.00	EAR #1438	Outback Steakhouse	Cedar Rapids, IA	American Express
08/29/95	Meals	\$ 267.00	EAR #1438	Steak & Chop	Des Moines	American Express
08/29/95	Meals	\$ 284.25	EAR #1438	Steak & Chop	Des Moines	American Express
08/31/95	Meals	\$ 271.61	EAR #5790	Bedford Village Inn	Bedford, NH	American Express
08/31/95	Meals	\$ 95.00	EAR #5790	Hunan Lion	Vienna, VA	American Express
09/29/95	Lodging	\$ 128.08	EAR #1438	Adam's Mark	Columbia, SC	American Express
09/29/95	Telephone	\$ 29.72	EAR #1438	AT&T AirOne	Jacksonville, FL	American Express
09/29/95	Lodging	\$ (216.96)	EAR #1438	Balsams Grand Hotel	Dixville Nch, NH	American Express
09/29/95	Meals	\$ 85.64	EAR #1438	Cafe Pavone	Manchester, NH	American Express
09/29/95	Meals	\$ 48.00	EAR #1438	Don AleJandros	Las Vegas	American Express
09/29/95	Lodging	\$ 110.00	EAR #1438	Eastgate Motor Inn	Littleton, NH	American Express
09/29/95	Miscellaneous	\$ 74.49	EAR #1438	EMS	Manchester, NH	American Express
09/29/95	Telephone	\$ 5.15	EAR #1438	GTE Airfone	Oak Brook, IL	American Express
09/29/95	Telephone	\$ 5.15	EAR #1438	GTE Airfone	Oak Brook, IL	American Express

APPROVED  
 DATE 1/9  
 OF 822

Date	Expense Type	Amount	Reference	Merchant	City	Payment Method
09/29/95	Telephone	\$ 41.20	EAR #1438	GTE Airfone	Oak Brook, IL	American Express
09/29/95	Telephone	\$ 43.78	EAR #1438	GTE Airfone	Oak Brook, IL	American Express
09/29/95	Telephone	\$ 59.23	EAR #1438	GTE Airfone	Oak Brook, IL	American Express
09/29/95	Meals	\$ 200.00	EAR #1438	Hennessy's	Columbia, SC	American Express
09/29/95	Lodging	\$ 113.40	EAR #1438	Hilton	Las Vegas	American Express
09/29/95	Lodging	\$ 227.69	EAR #1438	Hilton	Pittsburgh, PA	American Express
09/29/95	Lodging	\$ 307.14	EAR #1438	Hilton	Ocala, FL	American Express
09/29/95	Lodging	\$ 562.43	EAR #1438	Holiday Inn	Manchester, NH	American Express
09/29/95	Lodging	\$ 122.67	EAR #1438	Hotel Fort Des Moines	Des Moines	American Express
09/29/95	Lodging	\$ 179.53	EAR #1438	Hyatt	Greenville, SC	American Express
09/29/95	Lodging	\$ 32.54	EAR #1438	Laughlin Nev	Las Vegas	American Express
09/29/95	Meals	\$ 108.51	EAR #1438	Puritan Back Rm Restr	Manchester, NH	American Express
09/29/95	Meals	\$ 175.00	EAR #1438	Puritan Back Rm Restr	Manchester, NH	American Express
09/29/95	Lodging	\$ 18.18	EAR #1438	Radisson	Orlando, FL	American Express
09/29/95	Lodging	\$ 104.34	EAR #1438	Radisson	Orlando, FL	American Express
09/29/95	Lodging	\$ 83.84	EAR #1438	Residence Inn	Gainesville, FL	American Express
09/29/95	Meals	\$ 99.00	EAR #1438	Steak & Ale	Gainesville, FL	American Express
09/29/95	Lodging	\$ 194.40	EAR #1438	The Highlander Inn	Manchester, NH	American Express
09/29/95	Lodging	\$ 96.30	EAR #1438	The Wilcox Inn	Aiken, SC	American Express
09/29/95	Lodging	\$ 41.04	EAR #1438	Traveler Motel	Berlin, NH	American Express
09/30/95	Miscellaneous	\$ 104.50	EAR #5790	Macy's	McLean	American Express
09/30/95	Meals	\$ 97.00	EAR #5790	Ritz Carlton	McLean	American Express
10/29/95	Meals	\$ 105.00	EAR #1438	Austins	Omaha, NE	American Express
10/29/95	Lodging	\$ 70.53	EAR #1438	Best Western	Clinton, IA	American Express
10/29/95	Lodging	\$ 218.86	EAR #1438	Best Western	Fort Dodge, IA	American Express
10/29/95	Lodging	\$ 84.80	EAR #1438	Breakers Hotel	Spring Lake, NJ	American Express
10/29/95	Meals	\$ 150.00	EAR #1438	Cafe Paradiso	Tampa, FL	American Express
10/29/95	Meals	\$ 128.00	EAR #1438	Chen Yang Li	Bedford, NH	American Express
10/29/95	Lodging	\$ 88.63	EAR #1438	Comfort Inn	Yokenportsmth, NH	American Express
10/29/95	Lodging	\$ 345.36	EAR #1438	Embassy Suites	Tampa, FL	American Express
10/29/95	Meals	\$ 31.08	EAR #1438	Garden Cafe	Council Blfs, IA	American Express
10/29/95	Lodging	\$ 249.10	EAR #1438	Hilton	Mesa, AZ	American Express
10/29/95	Lodging	\$ 275.48	EAR #1438	Hilton	Sioux City, IA	American Express
10/29/95	Lodging	\$ 207.67	EAR #1438	Holiday Inn	Manchester, NH	American Express
10/29/95	Lodging	\$ 396.73	EAR #1438	Holiday Inn	Manchester, NH	American Express
10/29/95	Lodging	\$ 330.63	EAR #1438	Hotel Fort Des Moines	Des Moines	American Express
10/29/95	Lodging	\$ 132.00	EAR #1438	Marriott	Orlando, FL	American Express
10/29/95	Lodging	\$ 163.04	EAR #1438	Marriott	Orlando, FL	American Express

ATTACHMENT  
Page 50 of 82

Date	Expense Type	Amount	Reference	Merchant	City	Payment Method
10/29/95	Lodging	\$ 181.87	EAR #1438	Marriott	Newark, NJ	American Express
10/29/95	Lodging	\$ 213.64	EAR #1438	Marriott	Newark, NJ	American Express
10/29/95	Lodging	\$ 307.79	EAR #1438	Marriott	Omaha, NE	American Express
10/29/95	Lodging	\$ 439.03	EAR #1438	Marriott	Greenville, SC	American Express
10/29/95	Lodging	\$ 271.50	EAR #1438	Monteleone Hotel	New Orleans, LA	American Express
10/29/95	Miscellaneous	\$ 34.29	EAR #1438	Presidents Rvr Clb	Davenport, IA	American Express
10/29/95	Meals	\$ 105.40	EAR #1438	Puritan Back Rm Restr	Manchester, NH	American Express
10/29/95	Lodging	\$ 218.53	EAR #1438	Sheraton	Cedar Rapids, IA	American Express
10/29/95	Lodging	\$ 261.00	EAR #1438	Shcraton	Cedar Rapids, IA	American Express
10/29/95	Meals	\$ 68.02	EAR #1438	The First Edition	Sioux City, IA	American Express
11/28/95	Meals	\$ 140.00	EAR #1438	Angus Steak Ranch	Pensacola, FL	American Express
11/28/95	Telephone	\$ 7.92	EAR #1438	AT&T AirOne	Jacksonville, FL	American Express
11/28/95	Lodging	\$ 309.62	EAR #1438	Best Western	Sedona, AZ	American Express
11/28/95	Lodging	\$ 1,599.61	EAR #1438	Breakers Hotel	Palm Beach, FL	American Express
11/28/95	Lodging	\$ 169.57	EAR #1438	Captain Cook Hotel	Anchorage, AK	American Express
11/28/95	Meals	\$ 160.00	EAR #1438	Charlie's Crab	Palm Beach, FL	American Express
11/28/95	Meals	\$ 211.00	EAR #1438	Cole's Restaurant	Buffalo, NY	American Express
11/28/95	Airfare	\$ 1,224.00	EAR #1438	Delta Airlines	Fairbanks, AK	American Express
11/28/95	Airfare	\$ 1,224.00	EAR #1438	Delta Airlines	Fairbanks, AK	American Express
11/28/95	Lodging	\$ 199.42	EAR #1438	Fairbanks Princess	Fairbanks, AK	American Express
11/28/95	Telephone	\$ 5.45	EAR #1438	GTE Airfone	Oak Brook, IL	American Express
11/28/95	Telephone	\$ 5.45	EAR #1438	GTE Airfone	Oak Brook, IL	American Express
11/28/95	Telephone	\$ 11.20	EAR #1438	GTE Airfone	Oak Brook, IL	American Express
11/28/95	Telephone	\$ 74.42	EAR #1438	GTE Airfone	Oak Brook, IL	American Express
11/28/95	Telephone	\$ 77.29	EAR #1438	GTE Airfone	Oak Brook, IL	American Express
11/28/95	Lodging	\$ 171.93	EAR #1438	Hanover Inn	Hanover, NH	American Express
11/28/95	Lodging	\$ 141.60	EAR #1438	Hilton	Phoenix, AZ	American Express
11/28/95	Lodging	\$ 348.31	EAR #1438	Hilton	Chicago	American Express
11/28/95	Lodging	\$ 256.51	EAR #1438	Holiday Inn	Manchester, NH	American Express
11/28/95	Lodging	\$ 33.00	EAR #1438	Hospitality Inn	Pensacola, FL	American Express
11/28/95	Miscellaneous	\$ 69.99	EAR #1438	Host International	Anchorage, AK	American Express
11/28/95	Lodging	\$ 182.18	EAR #1438	Huntington Hotel	Melville, NY	American Express
11/28/95	Lodging	\$ 168.37	EAR #1438	Hyatt	Buffalo, NY	American Express
11/28/95	Lodging	\$ 131.72	EAR #1438	Marriott	Denver	American Express
11/28/95	Lodging	\$ 199.32	EAR #1438	Marriott	Cleveland	American Express
11/28/95	Lodging	\$ 250.00	EAR #1438	Marriott	Orlando, FL	American Express
11/28/95	Meals	\$ 102.00	EAR #1438	Puritan Back Rm Restr	Manchester, NH	American Express
11/28/95	Lodging	\$ 33.34	EAR #1438	Red Lion Hotels & Inns	Glendale, CA	American Express

ATTACHMENT  
 Page 01 of 82



Date	Expense Type	Amount	Reference	Merchant	City	Payment Method
11/28/95	Lodging	\$ 305.10	EAR #1438	Red Lion Hotels & Inns	Glendale, CA	American Express
11/28/95	Lodging	\$ 109.89	EAR #1438	Residence Inn	Latham, NY	American Express
11/28/95	Lodging	\$ 116.11	EAR #1438	Residence Inn	Latham, NY	American Express
11/28/95	Lodging	\$ 12.99	EAR #1438	Ritz-Carlton	New York	American Express
11/28/95	Lodging	\$ 484.37	EAR #1438	Ritz-Carlton	New York	American Express
11/28/95	Lodging	\$ 110.50	EAR #1438	Sheraton	Windsor Locks, CT	American Express
11/28/95	Lodging	\$ 159.32	EAR #1438	Sheraton	Windsor Locks, CT	American Express
11/28/95	Lodging	\$ 13.21	EAR #1438	Shilo Portland	Portland, OR	American Express
11/28/95	Meals	\$ 186.40	EAR #1438	Steak & Chop	Des Moines	American Express
11/28/95	Lodging	\$ 220.27	EAR #1438	The Clift Hotel	San Francisco	American Express
11/28/95	Airfare	\$ 641.00	EAR #1438	United Airlines	McLean	American Express
11/28/95	Lodging	\$ 87.69	EAR #1438	Westmark Baranof	Juneau, AK	American Express
11/28/95	Lodging	\$ 169.45	EAR #1438	Westmark Baranof	Juneau, AK	American Express
11/28/95	Lodging	\$ 219.69	EAR #1438	Westmark Baranof	Juneau, AK	American Express
11/28/95	Lodging	\$ 305.45	EAR #1438	Woodlands Plaza Hotel	Flagstaff, AZ	American Express
12/31/95	Airfare	\$ 539.00	EAR #5790	American Airlines	Shreveport, LA	American Express
12/31/95	Airfare	\$ 539.00	EAR #5790	American Airlines	Shreveport, LA	American Express
12/31/95	Airfare	\$ 539.00	EAR #5790	American Airlines	Shreveport, LA	American Express
12/31/95	Lodging	\$ 62.95	EAR #5790	Best Western	Fort Dodge, IA	American Express
12/31/95	Lodging	\$ 124.88	EAR #5790	Best Western	Burlington, IA	American Express
12/31/95	Lodging	\$ 84.22	EAR #5790	Black Hawk Hoyel	Davenport, IA	American Express
12/31/95	Meals	\$ 104.00	EAR #5790	Cafe Pavone	Manchester, NH	American Express
12/31/95	Airfare	\$ 20.00	EAR #5790	Delta Airlines	Atlanta	American Express
12/31/95	Lodging	\$ (126.61)	EAR #5790	El Conquistador Resort	Tucson, AZ	American Express
12/31/95	Lodging	\$ 126.61	EAR #5790	El Conquistador Resort	Tucson, AZ	American Express
12/31/95	Lodging	\$ 126.61	EAR #5790	El Conquistador Resort	Tucson, AZ	American Express
12/31/95	Lodging	\$ 56.53	EAR #5790	Fairfield Inn	Ottumwa, IA	American Express
12/31/95	Meals	\$ 52.74	EAR #5790	Fisherman's Bay	Ottumwa, IA	American Express
12/31/95	Telephone	\$ 5.45	EAR #5790	GTE Airfone	Oak Brook, IL	American Express
12/31/95	Telephone	\$ 25.56	EAR #5790	GTE Airfone	Oak Brook, IL	American Express
12/31/95	Lodging	\$ 88.80	EAR #5790	Hilton	Baton Rouge	American Express
12/31/95	Lodging	\$ 110.50	EAR #5790	Hilton	LaFayette, LA	American Express
12/31/95	Lodging	\$ 75.57	EAR #5790	Holiday Inn	Mason City, IA	American Express
12/31/95	Lodging	\$ 107.11	EAR #5790	Holiday Inn	Cedar Rapids, IA	American Express
12/31/95	Lodging	\$ 117.11	EAR #5790	Holiday Inn	Roswell, GA	American Express
12/31/95	Lodging	\$ 120.20	EAR #5790	Holiday Inn	Roswell, GA	American Express
12/31/95	Lodging	\$ 152.63	EAR #5790	Holiday Inn	Manchester, NH	American Express
12/31/95	Lodging	\$ 284.85	EAR #5790	Holiday Inn	Roswell, GA	American Express

ATTACHMENT  
 Page 52 of 82

Date	Expense Type	Amount	Reference	Merchant	City	Payment Method
12/31/95	Lodging	\$ 284.98	EAR #5790	Holiday Inn	Dubuque, IA	American Express
12/31/95	Lodging	\$ 1,233.19	EAR #5790	Holiday Inn	Manchester, NH	American Express
12/31/95	Lodging	\$ 115.37	EAR #5790	Marriott	Des Moines	American Express
12/31/95	Lodging	\$ 218.40	EAR #5790	Marriott	Des Moines	American Express
12/31/95	Lodging	\$ 219.38	EAR #5790	Marriott	Des Moines	American Express
12/31/95	Meals	\$ 54.00	EAR #5790	Outback Steakhouse	Cedar Rapids, IA	American Express
12/31/95	Meals	\$ 136.00	EAR #5790	Puritan Back Rm Restr	Manchester, NH	American Express
12/31/95	Meals	\$ 135.59	EAR #5790	Ralph & Kacoo's	Bossier City, LA	American Express
12/31/95	Meals	\$ 109.20	EAR #5790	Red Lobster	Roswell, GA	American Express
12/31/95	Meals	\$ 390.00	EAR #5790	Ritz Carlton	McLean	American Express
12/31/95	Lodging	\$ 508.55	EAR #5790	Ritz-Carlton	Phoenix, AZ	American Express
12/31/95	Airfare	\$ 52.50	EAR #5790	USAir	McLean	American Express
12/31/95	Airfare	\$ 52.50	EAR #5790	USAir	McLean	American Express
01/29/96	Lodging	\$ 71.69	EAR #5790	Adam's Mark	Columbia, SC	American Express
01/29/96	Lodging	\$ 104.56	EAR #5790	Adam's Mark	Columbia, SC	American Express
01/29/96	Lodging	\$ 143.38	EAR #5790	Adam's Mark	Columbia, SC	American Express
01/29/96	Lodging	\$ 318.04	EAR #5790	Adam's Mark	Columbia, SC	American Express
01/29/96	Lodging	\$ 465.75	EAR #5790	Adam's Mark	Columbia, SC	American Express
01/29/96	Meals	\$ 72.59	EAR #5790	Austins	Omaha, NE	American Express
01/29/96	Lodging	\$ 134.00	EAR #5790	Bedford Village Inn	Bedford, NH	American Express
01/29/96	Supplies	\$ 58.90	EAR #5790	Benjamin Books	Denver	American Express
01/29/96	Meals	\$ 439.00	EAR #5790	Brennans Restaurant	New Orleans, LA	American Express
01/29/96	Meals	\$ 93.25	EAR #5790	Cafe Pavone	Manchester, NH	American Express
01/29/96	Meals	\$ 99.00	EAR #5790	Chen Yang Li	Bedford, NH	American Express
01/29/96	Lodging	\$ 80.82	EAR #5790	Comfort Inn	Memphis, TN	American Express
01/29/96	Meals	\$ 140.00	EAR #5790	Copeland's	Baton Rouge	American Express
01/29/96	Airfare	\$ 185.27	EAR #5790	Delta Airlines	Boston	American Express
01/29/96	Airfare	\$ 185.27	EAR #5790	Delta Airlines	Boston	American Express
01/29/96	Airfare	\$ 185.27	EAR #5790	Delta Airlines	Boston	American Express
01/29/96	Airfare	\$ 185.27	EAR #5790	Delta Airlines	Boston	American Express
01/29/96	Telephone	\$ 42.81	EAR #5790	GTE Airfone	Oak Brook, IL	American Express
01/29/96	Telephone	\$ 45.68	EAR #5790	GTE Airfone	Oak Brook, IL	American Express
01/29/96	Lodging	\$ 24.16	EAR #5790	Hilton	Baton Rouge	American Express
01/29/96	Lodging	\$ 95.68	EAR #5790	Hilton	Baton Rouge	American Express
01/29/96	Lodging	\$ 146.10	EAR #5790	Hilton	Anchorage, AK	American Express
01/29/96	Lodging	\$ 159.00	EAR #5790	Hilton	Sioux City, IA	American Express
01/29/96	Lodging	\$ 162.01	EAR #5790	Hilton	Chicago	American Express
01/29/96	Lodging	\$ 200.00	EAR #5790	Hilton	Baton Rouge	American Express

ATTACHMENT  
Page 53 of 82

Date	Expense Type	Amount	Reference	Merchant	City	Payment Method
01/29/96	Lodging	\$ 202.01	EAR #5790	Hilton	New Orleans, LA	American Express
01/29/96	Lodging	\$ 292.82	EAR #5790	Hilton	Sioux City, IA	American Express
01/29/96	Lodging	\$ 52.58	EAR #5790	Holiday Inn	Manchester, NH	American Express
01/29/96	Lodging	\$ 82.47	EAR #5790	Holiday Inn	Dubuque, IA	American Express
01/29/96	Lodging	\$ 100.73	EAR #5790	Holiday Inn	Monroe, LA	American Express
01/29/96	Lodging	\$ 137.64	EAR #5790	Holiday Inn	Seattle, WA	American Express
01/29/96	Lodging	\$ 414.76	EAR #5790	Holiday Inn	Manchester, NH	American Express
01/29/96	Lodging	\$ 497.40	EAR #5790	Holiday Inn	Manchester, NH	American Express
01/29/96	Lodging	\$ 701.78	EAR #5790	Marriott	Des Moines	American Express
01/29/96	Lodging	\$ 719.80	EAR #5790	Marriott	Des Moines	American Express
01/29/96	Lodging	\$ 53.06	EAR #5790	Omni	New Orleans, LA	American Express
01/29/96	Meals	\$ 48.75	EAR #5790	Pour La France Cafe	Denver	American Express
01/29/96	Lodging	\$ 79.86	EAR #5790	Ramada Inn	Shreveport, LA	American Express
01/29/96	Lodging	\$ 31.39	EAR #5790	Ritz-Carlton	New York	American Express
01/29/96	Lodging	\$ 741.52	EAR #5790	Ritz-Carlton	New York	American Express
01/29/96	Lodging	\$ 58.00	EAR #5790	Sanstone Inn	Fort Dodge, IA	American Express
01/29/96	Lodging	\$ 92.99	EAR #5790	Sheraton	Cedar Rapids, IA	American Express
01/29/96	Lodging	\$ 132.78	EAR #5790	Sheraton	Omaha, NE	American Express
01/29/96	Lodging	\$ 301.36	EAR #5790	Sheraton	Cedar Rapids, IA	American Express
01/29/96	Meals	\$ 201.00	EAR #5790	Steak & Chop	Des Moines	American Express
01/29/96	Meals	\$ 67.33	EAR #5790	TGI Friday's	Cedar Rapids, IA	American Express
01/29/96	Meals	\$ 115.00	EAR #5790	The First Edition	Sioux City, IA	American Express
01/29/96	Lodging	\$ 74.52	EAR #5790	The Highlander Inn	Manchester, NH	American Express
01/29/96	Lodging	\$ 194.40	EAR #5790	The Highlander Inn	Manchester, NH	American Express
01/29/96	Miscellaneous	\$ 5.99	EAR #5790	Timberland Factory	North Conway, NH	American Express
01/29/96	Miscellaneous	\$ 175.97	EAR #5790	Timberland Factory	North Conway, NH	American Express
01/29/96	Lodging	\$ 290.30	EAR #5790	Village Resort	Spirit Lake, IA	American Express
02/29/96	Meals	\$ 116.00	EAR #5790	Black Angus	Phoenix, AZ	American Express
02/29/96	Meals	\$ 120.01	EAR #5790	Cafe Pavone	Manchester, NH	American Express
02/29/96	Meals	\$ 152.47	EAR #5790	California Dreaming	Greenville, SC	American Express
02/29/96	Meals	\$ 210.00	EAR #5790	Chen Yang Li	Bedford, NH	American Express
02/29/96	Lodging	\$ 60.00	EAR #5790	Collins Plaza	Cedar Rapids, IA	American Express
02/29/96	Lodging	\$ 68.25	EAR #5790	Holiday Inn	Cedar Rapids, IA	American Express
02/29/96	Lodging	\$ 94.41	EAR #5790	Holiday Inn	Manchester, NH	American Express
02/29/96	Lodging	\$ 98.12	EAR #5790	Holiday Inn	Lake Charles, LA	American Express
02/29/96	Lodging	\$ 142.26	EAR #5790	Holiday Inn	Lake Charles, LA	American Express
02/29/96	Lodging	\$ 173.13	EAR #5790	Holiday Inn	Monroe, LA	American Express
02/29/96	Lodging	\$ 188.79	EAR #5790	Holiday Inn	Lake Charles, LA	American Express

ATTACHMENT  
 Page 54 of 92

Date	Expense Type	Amount	Reference	Merchant	City	Payment Method
02/29/96	Lodging	\$ 212.31	EAR #5790	Holiday Inn	Davenport, IA	American Express
02/29/96	Lodging	\$ 240.89	EAR #5790	Holiday Inn	Mason City, IA	American Express
02/29/96	Lodging	\$ 683.25	EAR #5790	Hyatt	New Orleans, LA	American Express
02/29/96	Lodging	\$ 254.85	EAR #5790	Marriott	Boston	American Express
02/29/96	Lodging	\$ 782.59	EAR #5790	Marriott	Des Moines	American Express
02/29/96	Lodging	\$ 1,024.31	EAR #5790	Marriott	Des Moines	American Express
02/29/96	Miscellaneous	\$ 299.98	EAR #5790	McCade, Inc.	Manchester, NH	American Express
02/29/96	Meals	\$ 102.00	EAR #5790	Pier D'Orleans	Mesa, AZ	American Express
02/29/96	Meals	\$ 176.00	EAR #5790	Puritan Back Rm Restr	Manchester, NH	American Express
02/29/96	Meals	\$ 180.00	EAR #5790	Puritan Back Rm Restr	Manchester, NH	American Express
02/29/96	Meals	\$ 78.00	EAR #5790	The First Edition	Sioux City, IA	American Express
02/29/96	Airfare	\$ 403.00	EAR #5790	United Airlines	Chicago	American Express
02/29/96	Airfare	\$ 403.00	EAR #5790	United Airlines	Chicago	American Express
03/30/96	Meals	\$ 112.03	Memo 960509	BeechTree	Flint, MI	American Express
03/30/96	Meals	\$ 97.00	Memo 960509	Boston Steak House	Greenville, SC	American Express
03/30/96	Meals	\$ 192.09	Memo 960509	Brennans Restaurant	Houston, TX	American Express
03/30/96	Meals	\$ 275.00	Memo 960509	Chicago Road Steak House	Dearborn, MI	American Express
03/30/96	Meals	\$ 410.00	Memo 960509	Hampton Street	Columbia, SC	American Express
03/30/96	Meals	\$ 88.00	Memo 960509	Hunan Lion	Vienna, VA	American Express
03/30/96	Meals	\$ 89.65	Memo 960509	Hunan Lion	Vienna, VA	American Express
03/30/96	Meals	\$ 54.00	Memo 960509	Marriott	Chicago	American Express
03/30/96	Meals	\$ 92.00	Memo 960509	Marriott	Chicago	American Express
03/30/96	Meals	\$ 170.00	Memo 960509	Old San Fran Steak House	Dallas	American Express
03/30/96	Meals	\$ 95.00	Memo 960509	Outback Steakhouse	Columbus, GA	American Express
03/30/96	Meals	\$ 272.00	Memo 960509	Ritz Carlton	McLean	American Express
03/30/96	Meals	\$ 280.00	Memo 960509	Ruth's Chris Steak House	Memphis, TN	American Express
05/30/96	Lodging	\$ 37.45	Memo 960708a	Best Western	Pocatello, ID	American Express
05/30/96	Meals	\$ 93.79	Memo 960708a	Carvers	Charlotte, NC	American Express
05/30/96	Lodging	\$ 99.68	Memo 960708a	Hilton	Sioux City, IA	American Express
05/30/96	Meals	\$ 127.70	Memo 960708a	Irregardless	Raleigh, NC	American Express
05/30/96	Meals	\$ 118.00	Memo 960708a	Jakes	Idaho Falls, ID	American Express
05/30/96	Lodging	\$ 228.97	Memo 960708a	Radisson	Raleigh, NC	American Express
05/30/96	Lodging	\$ 96.10	Memo 960708a	Red Lion Hotels & Inns	Boise, ID	American Express
05/30/96	Lodging	\$ 106.93	Memo 960708a	Red Lion Hotels & Inns	Boise, ID	American Express
05/30/96	Lodging	\$ 125.83	Memo 960708a	Sheraton	Charlotte, NC	American Express
05/30/96	Meals	\$ 148.00	Memo 960708a	The Chart House	Boise, ID	American Express
05/30/96	Lodging	\$ 227.40	Memo 960708a	The Westbank Inn	Idaho Falls, ID	American Express
06/29/96	Lodging	\$ 130.89	Memo 960708a	Adam's Mark	Mobile, AL	American Express

ATTACHMENT  
 Page 55 of 82

Date	Expense Type	Amount	Reference	Merchant	City	Payment Method
06/29/96	Lodging	\$ 164.59	Memo 960708a	Adam's Mark	Mobile, AL	American Express
06/29/96	Meals	\$ 83.14	Memo 960708a	Anthony's	Des Moines	American Express
06/29/96	Lodging	\$ 69.07	Memo 960708a	Best Western	Bozeman, MT	American Express
06/29/96	Lodging	\$ 117.72	Memo 960708a	Crown Sterling	Birmingham, AL	American Express
06/29/96	Lodging	\$ 191.09	Memo 960708a	Crown Sterling	Birmingham, AL	American Express
06/29/96	Lodging	\$ 108.90	Memo 960708a	Embassy Suites	Montgomery, AL	American Express
06/29/96	Meals	\$ 235.00	Memo 960708a	Etta's Seafood	Seattle, WA	American Express
06/29/96	Meals	\$ 153.20	Memo 960708a	Hunan Lion	Vienna, VA	American Express
06/29/96	Meals	\$ 125.00	Memo 960708a	Juliano's	Billings, MT	American Express
06/29/96	Lodging	\$ 238.37	Memo 960708a	Marriott	San Antonio, TX	American Express
06/29/96	Meals	\$ 232.00	Memo 960708a	Morton's	San Antonio, TX	American Express
06/29/96	Lodging	\$ 434.11	Memo 960708a	Red Lion Hotels & Inns	Seattle, WA	American Express
06/29/96	Lodging	\$ 439.81	Memo 960708a	Red Lion Hotels & Inns	Seattle, WA	American Express
06/29/96	Meals	\$ 323.00	Memo 960708a	Ruth's Chris Steak House	Mobile, AL	American Express
06/29/96	Lodging	\$ 97.70	Memo 960708a	Sheraton	Billings, MT	American Express
	Total	<u>\$ 94,491.54</u>				

ATTACHMENT  
 Page 06 of 82

# Patrick J. & Shelley S. Buchanan

Expenses Paid by Cash, Checking, Visa, etc.

Date	Expense Type	Amount	Reference	Merchant	City	Payment Method
01/25/95	Telephone	\$ 147.42	Memo 960401a	Bell Atlantic	McLean	Checking
01/31/95	Per Diem	\$ 45.00	Memo 961995	03 days @ \$15/day	McLean	Cash
02/25/95	Telephone	\$ 190.00	Memo 960401a	Bell Atlantic	McLean	Checking
02/28/95	Per Diem	\$ 135.00	Memo 961995	09 days @ \$15/day	McLean	Cash
03/10/95	Lodging	\$ 378.42	EAR #1244	Adam's Mark	McLean	VISA
03/15/95	Telephone	\$ 211.24	Memo 960401a	Bell Atlantic	McLean	Checking
03/15/95	Telephone	\$ 182.00	Memo 960401a	Motorola	McLean	Checking
03/19/95	F/R Event	\$ 1,549.41	Memo 951222	MacArthur Beverage	McLean	Checking
03/20/95	Telephone	\$ 120.00	Memo 960401a	Motorola	McLean	Checking
03/31/95	Per Diem	\$ 450.00	Memo 961995	30 days @ \$15/day	McLean	Cash
04/14/95	Telephone	\$ 142.37	Memo 960401a	Bell Atlantic	McLean	Checking
04/30/95	Per Diem	\$ 360.00	Memo 961995	24 days @ \$15/day	McLean	Cash
05/10/95	Gas	\$ 18.07	Memo 960401	Chevron	Del Ray Beach, FL	VISA
05/10/95	Lodging	\$ 156.29	Memo 960401	Comfort Inn	York, PA	VISA
05/10/95	Telephone	\$ 5.15	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
05/10/95	Telephone	\$ 5.15	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
05/10/95	Telephone	\$ 7.73	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
05/10/95	Telephone	\$ 7.73	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
05/10/95	Telephone	\$ 7.73	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
05/10/95	Telephone	\$ 10.30	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
05/10/95	Telephone	\$ 10.30	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
05/10/95	Telephone	\$ 12.88	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
05/10/95	Telephone	\$ 18.03	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
05/10/95	Telephone	\$ 23.18	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
05/10/95	Telephone	\$ 25.75	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
05/10/95	Telephone	\$ 30.90	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
05/10/95	Telephone	\$ 33.48	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
05/10/95	Telephone	\$ 33.48	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
05/10/95	Telephone	\$ 38.63	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
05/10/95	Telephone	\$ 46.35	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
05/10/95	Telephone	\$ 51.50	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
05/10/95	Gas	\$ 23.15	Memo 960401	Mobil	Newcumber, PA	VISA
05/10/95	Taxi	\$ 45.00	Memo 960401	Yellow Cab	Denver	VISA

ATTACHMENT  
Page 5 of 82

Date	Expense Type	Amount	Reference	Merchant	City	Payment Method
05/20/95	Telephone	\$ 25.11	Memo 960401a	Motorola	McLean	Checking
05/31/95	Per Diem	\$ 405.00	Memo 961995	27 days @ \$15/day	McLean	Cash
06/01/95	Telephone	\$ 537.00	Memo 960401a	Bell Atlantic	McLean	Checking
06/15/95	Telephone	\$ 235.16	Memo 960401a	Bell Atlantic	McLean	Checking
06/15/95	Telephone	\$ 22.00	Memo 960401a	Motorola	McLean	Checking
06/30/95	Per Diem	\$ 435.00	Memo 961995	29 days @ \$15/day	McLean	Cash
07/26/95	Telephone	\$ 193.05	Memo 960401a	Bell Atlantic	McLean	Checking
07/26/95	Telephone	\$ 257.21	Memo 960401a	Motorola	McLean	Checking
07/31/95	Per Diem	\$ 390.00	Memo 961995	26 days @ \$15/day	McLean	Cash
08/10/95	Limo	\$ 186.00	EAR #4272	A-1 Limo	McLean	Checking
08/10/95	Lodging	\$ 555.05	Memo 960401	Embassy Suites	Coraopolis, PA	VISA
08/10/95	Meals	\$ 207.00	Memo 960401	Greenhouse Cafe	Amherst, NH	VISA
08/10/95	Telephone	\$ 5.15	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
08/10/95	Telephone	\$ 30.40	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
08/10/95	Telephone	\$ 70.90	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
08/10/95	Meals	\$ 132.00	Memo 960401	Hannah Java Tavern	Merrimack, NH	VISA
08/10/95	Meals	\$ 300.00	Memo 960401	Legal Sea Foods	Boston	VISA
08/10/95	Lodging	\$ 175.19	Memo 960401	Marriott	Kansas City, MO	VISA
08/10/95	Meals	\$ 60.71	Memo 960401	Nouvelle	Omaha, NE	VISA
08/10/95	Lodging	\$ 213.92	Memo 960401	Park Plaza	Boston	VISA
08/10/95	Meals	\$ 56.42	Memo 960401	Ritz Carlton	San Francisco	VISA
08/10/95	Lodging	\$ 304.94	Memo 960401	Theos	Lawton, IA	VISA
08/10/95	Meals	\$ 29.04	Memo 960401	WH Smith	Boston	VISA
08/10/95	Meals	\$ 97.00	Memo 960401	Wild Bills	Red Bluff, CA	VISA
08/11/95	Telephone	\$ 22.00	Memo 960401a	Motorola	McLean	Checking
08/22/95	Telephone	\$ 203.76	Memo 960401a	Bell Atlantic	McLean	Checking
08/31/95	Per Diem	\$ 255.00	Memo 961995	17 days @ \$15/day	McLean	Cash
09/02/95	Telephone	\$ 202.18	EAR #3704	Bell Atlantic	McLean	Checking
09/10/95	Lodging	\$ 134.40	Memo 960401	Kenmore Inn	Fredricksburg, VA	VISA
09/14/95	Telephone	\$ 50.00	EAR #3704	Motorola	Chicago	Checking
09/15/95	Telephone	\$ 28.00	Memo 960401a	Motorola	McLean	Checking
09/30/95	Per Diem	\$ 315.00	Memo 961995	21 days @ \$15/day	McLean	Cash
10/02/95	Telephone	\$ 214.38	EAR #3704	Bell Atlantic	McLean	Checking
10/06/95	F/R Event	\$ 688.96	Memo 951222	MacArthur Beverage	McLean	Checking
10/07/95	Telephone	\$ 412.31	EAR #3704	Motorola	Chicago	Checking
10/08/95	Taxi	\$ 184.00	EAR #3704	A-1 Limo	McLean	Checking
10/10/95	Telephone	\$ 301.00	Memo 960401a	Bell Atlantic	McLean	Checking
10/10/95	Supplies	\$ 25.00	EAR #3704	EMS	Manchester, NH	VISA

ATTACHED  
Page 58 of 82

Date	Expense Type	Amount	Reference	Merchant	City	Payment Method
10/10/95	Miscellaneous	\$ 49.99	Memo 960401	EMS	Manchester, NH	VISA
10/10/95	Meals	\$ 17.00	EAR #3704	Host International	San Francisco	VISA
10/10/95	Meals	\$ (17.00)	Memo 960401	Host International	San Francisco	VISA
10/10/95	Meals	\$ 17.00	Memo 960401	Host International	San Francisco	VISA
10/10/95	Miscellaneous	\$ 152.50	Memo 960401	Wallachs	Manchester, NH	VISA
10/31/95	Per Diem	\$ 360.00	Memo 961995	24 days @ \$15/day	McLean	Cash
11/10/95	Telephone	\$ 5.45	EAR #3704	GTE Airfone	Oak Brook, IL	VISA
11/10/95	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
11/10/95	Telephone	\$ 8.32	EAR #3704	GTE Airfone	Oak Brook, IL	VISA
11/10/95	Telephone	\$ 8.32	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
11/10/95	Telephone	\$ 11.20	EAR #3704	GTE Airfone	Oak Brook, IL	VISA
11/10/95	Telephone	\$ 11.20	EAR #3704	GTE Airfone	Oak Brook, IL	VISA
11/10/95	Telephone	\$ 11.20	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
11/10/95	Telephone	\$ 11.20	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
11/10/95	Telephone	\$ 16.94	EAR #3704	GTE Airfone	Oak Brook, IL	VISA
11/10/95	Telephone	\$ 16.94	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
11/10/95	Telephone	\$ 22.69	EAR #3704	GTE Airfone	Oak Brook, IL	VISA
11/10/95	Telephone	\$ 22.69	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
11/10/95	Telephone	\$ 39.93	EAR #3704	GTE Airfone	Oak Brook, IL	VISA
11/10/95	Telephone	\$ 39.93	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
11/10/95	Telephone	\$ 57.18	EAR #3704	GTE Airfone	Oak Brook, IL	VISA
11/10/95	Telephone	\$ 57.18	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
11/10/95	Miscellaneous	\$ 110.00	EAR #3704	The Costume Gallery	Manchester, NH	VISA
11/10/95	Miscellaneous	\$ (110.00)	Memo 960401	The Costume Gallery	Derry, NH	VISA
11/10/95	Miscellaneous	\$ 110.00	Memo 960401	The Costume Gallery	Derry, NH	VISA
11/10/95	Meals	\$ 37.51	EAR #3704	Town Clock Inn	Dubuque, IA	VISA
11/10/95	Lodging	\$ 37.51	Memo 960401	Town Clock Inn	Dubuque, IA	VISA
11/11/95	Telephone	\$ 600.00	Memo 960401a	Bell Atlantic	McLean	Checking
11/21/95	Telephone	\$ 581.30	Memo 960401a	Bell Atlantic	McLean	Checking
11/24/95	Bar Tab	\$ 426.65	EAR #3704	MacArthur Beverage	McLean	Checking
11/24/95	Telephone	\$ 40.02	EAR #3704	Motorola	Chicago	Checking
11/24/95	Telephone	\$ 413.00	Memo 960401a	Motorola	McLean	Checking
11/25/95	Telephone	\$ 200.84	EAR #3704	Bell Atlantic	McLean	Checking
11/25/95	Telephone	\$ 40.00	Memo 960401a	Motorola	McLean	Checking
11/30/95	Per Diem	\$ 390.00	Memo 961995	26 days @ \$15/day	McLean	Cash
12/02/95	Telephone	\$ 308.38	EAR #3704	Bell Atlantic	McLean	Checking
12/08/95	F/R Event	\$ 1,624.85	Memo 951222	MacArthur Beverage	McLean	Checking
12/10/95	Meals	\$ 51.20	Memo 960401	Edward	Palm Beach, FL	VISA

ATTACHMENT  
Page 59 of 82



Date	Expense Type	Amount	Reference	Merchant	City	Payment Method
12/10/95	Telephone	\$ 11.20	EAR #3704	GTE Airfone	Oak Brook, IL	VISA
12/10/95	Telephone	\$ 11.20	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
12/10/95	Telephone	\$ 34.19	EAR #3704	GTE Airfone	Oak Brook, IL	VISA
12/10/95	Telephone	\$ 34.19	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
12/10/95	Telephone	\$ 38.62	EAR #3704	GTE Airfone	Oak Brook, IL	VISA
12/10/95	Telephone	\$ 38.62	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
12/20/95	Telephone	\$ 105.16	EAR #3704	Motorola	Chicago	Checking
12/20/95	Telephone	\$ 106.00	Memo 960401a	Motorola	McLean	Checking
12/22/95	Miscellaneous	\$ 538.18	EAR #3704	Alexandria Florist	Alexandria, VA	Checking
12/22/95	Miscellaneous	\$ 977.07	EAR #3704	Classic Tents	Alexandria, VA	Checking
12/22/95	F/R Event	\$ 977.07	Memo 951222	Classic Tents	McLean	Checking
12/31/95	Per Diem	\$ 405.00	Memo 961995	27 days @ \$15/day	McLean	Cash
12/31/95	Miscellaneous	\$ 389.80	EAR #3704	BFP Expenses	McLean	Undoc/Duplicate
12/31/95	Miscellaneous	\$ (389.80)	EAR #3704	BFP Expenses	McLean	Undoc/Duplicate
01/10/96	Telephone	\$ 5.56	Memo 960401	AT&T AirOne	Jacksonville, FL	VISA
01/10/96	Telephone	\$ 8.35	Memo 960401	AT&T AirOne	Jacksonville, FL	VISA
01/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 7.73	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 7.73	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 7.73	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 8.32	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 8.32	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 14.07	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 14.07	Memo 960401	GTE Airfone	Palm Beach, FL	VISA
01/10/96	Telephone	\$ 15.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA

ATTACHMENT  
Page 60 of 82

Date	Expense Type	Amount	Reference	Merchant	City	Payment Method
01/10/96	Telephone	\$ 15.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
01/10/96	Telephone	\$ 15.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
01/10/96	Telephone	\$ 15.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
01/10/96	Telephone	\$ 15.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
01/10/96	Lodging	\$ 17.15	Memo 960401	Hilton	Baton Rouge	VISA
01/10/96	Lodging	\$ 23.85	Memo 960401	Younkers	Sioux City, IA	VISA
01/10/96	Lodging	\$ 29.66	Memo 960401	Younkers	Sioux City, IA	VISA
01/10/96	Lodging	\$ 35.78	Memo 960401	Younkers	Sioux City, IA	VISA
01/10/96	Lodging	\$ 127.19	Memo 960401	Younkers	Sioux City, IA	VISA
01/31/96	Per Diem	\$ 435.00	Memo 961995	29 days @ \$15/day	McLean	Cash
02/10/96	Telephone	\$ 31.06	Memo 960401	AT&T AirOne	Jacksonville, FL	VISA
02/10/96	Telephone	\$ 106.87	Memo 960401	AT&T AirOne	Jacksonville, FL	VISA
02/10/96	Telephone	\$ 1.55	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 1.55	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 5.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 8.32	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 8.32	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 8.32	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 8.32	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 11.20	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 14.07	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 15.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 15.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 15.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 15.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 15.45	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 16.29	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 31.31	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 48.55	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 62.92	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 68.67	Memo 960401	GTE Airfone	Oak Brook, IL	VISA

ATTACHMENT  
 Page 61 of 82

Date	Expense Type	Amount	Reference	Merchant	City	Payment Method
02/10/96	Telephone	\$ 74.42	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Telephone	\$ 74.42	Memo 960401	GTE Airfone	Oak Brook, IL	VISA
02/10/96	Meals	\$ 72.60	Memo 960401	Monroe's Rest & Bar	Mason City, IA	VISA
02/10/96	Meals	\$ 72.75	Memo 960401	The Cutting Co	Des Moines	VISA
02/10/96	Meals	\$ 269.98	Memo 960401	The Cutting Co	Des Moines	VISA
02/10/96	Supplies	\$ 101.18	Memo 960401	Walgreen	Des Moines	VISA
02/10/96	Supplies	\$ 159.87	Memo 960401	Walgreen	Des Moines	VISA
02/29/96	Per Diem	\$ 435.00	Memo 961995	29 days @ \$15/day	McLean	Cash
02/29/96	Miscellaneous	\$ (6,362.13)	EAR #5790	BFP Expenses	McLean	Undoc/Duplicate
02/29/96	Miscellaneous	\$ 6,362.13	EAR #5790	BFP Expenses	McLean	Undoc/Duplicate
03/28/96	F/R Event	\$ 645.06	Memo 960708	MacArthur Beverage	McLean	Checking
03/29/96	F/R Event	\$ 688.00	Memo 960708	Miguel Yanos	McLean	Checking
03/31/96	Per Diem	\$ 405.00	Memo 961995	27 days @ \$15/day	McLean	Cash
04/10/96	F/R Event	\$ 1,675.00	Memo 960708	Chevy Chase Caterers	McLean	Checking
04/30/96	Per Diem	\$ 60.00	Memo 961995	04 days @ \$15/day	McLean	Cash
05/10/96	F/R Event	\$ 697.00	Memo 960708	Alexandria Florist	McLean	Checking
05/10/96	Telephone	\$ 116.00	Memo 961114	Bell Atlantic	McLean	Checking
05/31/96	Per Diem	\$ 165.00	Memo 961995	11 days @ \$15/day	McLean	Cash
06/10/96	Meals	\$ 140.00	Memo 960708b	O'Brian's	Bozeman, MT	VISA
06/30/96	Per Diem	\$ 90.00	Memo 961995	06 days @ \$15/day	McLean	Cash
09/07/96	Limo	\$ 92.00	Memo 960916	A-1 Limo	McLean	Checking
	Total	<u>\$ 28,976.59</u>				

ATTACHMENT  
Page 62 of 82

# Bay Buchanan

## Buchanan for President

### Reimbursed Expenses - Overpayment

---

	Original Amounts	FEC Audit Amounts	Cmte Adjusted Amounts
<b><u>EAR's Submitted:</u></b>			
Angela "Bay" Buchanan	\$ 17,996.62 (I-a1)	\$ 17,973.66 (I-a2)	\$ 22,066.78 (I-a3)
First Deposit	14,578.01 (I-b1)	8,746.06 (I-b2)	10,353.70 (I-b3)
Colonial	11,796.23 (I-c1)	8,211.07 (I-c2)	8,305.46 (I-c3)
Subtotals	\$ 44,370.86 (I-d1)	\$ 34,930.79 (I-d2)	\$ 40,725.94 (I-d3)
<b><u>Checks Paid:</u></b>			
Angela "Bay" Buchanan		\$ 19,651.89 (II-a1)	
First Deposit		10,459.57 (II-a2)	
Colonial		11,796.23 (II-a3)	
Total Payments			<u>(41,907.69) (II-a4)</u>
 <b>Over-Payment</b>			 <u><u>\$ (1,181.75)</u></u>
<b><u>Summary:</u></b>			
Duplicate Payments		\$ 1,151.31 (III-a1)	
Undocumented Expenses		30.44	
 <b>Amount Due to Committee</b>			 <u><u>\$ 1,181.75</u></u>

## Bay Buchanan

### Schedule of Reimbursed Expenses - Adjusted

EAR	Amt Submitted	NQCE's	Dupes	Audit Amt	Add'l Doc's	Adjusted Totals
Bay 0110	\$ 1,484.68	\$ 1,484.68	\$ -	\$ -	\$ -	\$ -
Bay 0111	167.00	-	-	167.00	-	167.00
Bay 1025	23.85	-	-	23.85	-	23.85
Bay 1459	1,503.06	-	-	1,503.06	-	1,503.06
Bay 1461	325.32	-	-	325.32	-	325.32
Bay 1803	236.99	-	-	236.99	-	236.99
Bay 1877	22.99	-	-	22.99	-	22.99
Bay 1885	97.02	-	-	97.02	-	97.02
Bay 1944	389.00	-	-	389.00	-	389.00
Bay 2072	812.57	-	812.57	-	-	-
Bay 2073	69.20	-	-	69.20	-	69.20
Bay 2220	300.32	-	-	300.32	-	300.32
Bay 2251	454.61	-	-	454.61	-	454.61
Bay 2562	283.68	-	-	283.68	-	283.68
Bay 2705	408.65	-	-	408.65	-	408.65
Bay 2914	1,335.10	1,015.17	-	319.93	797.27	1,117.20
Bay 2950	174.09	-	-	174.09	-	174.09
Bay 3075	1,280.95	1,280.95	-	-	766.74	766.74
Bay 3095	-	-	-	-	-	-
Bay 3096	86.27	86.27	-	-	18.01	18.01
Bay 3767	2,196.54	-	-	2,196.54	-	2,196.54
Bay 6216	374.10	374.10	-	-	102.10	102.10
Bay 6217	843.83	843.83	-	-	843.83	843.83
Bay 6218	765.25	765.25	-	-	765.25	765.25
Bay 6219	737.56	737.56	-	-	737.56	737.56
Bay 6220	1,134.12	-	-	1,134.12	-	1,134.12
Bay 6221	788.79	-	-	788.79	-	788.79
Bay 6222	1,331.44	-	-	1,331.44	-	1,331.44
Bay 6225	345.28	-	-	345.28	-	345.28
Bay 6226	24.36	24.36	-	-	62.36	62.36
Subtotal	\$ 17,996.62	\$ 6,612.17	\$ 812.57	\$ 10,571.88	\$ 4,093.12	\$ 14,665.00

ATTACHMENT  
 Page 44 of 82

## Bay Buchanan

### Schedule of Reimbursed Expenses - Adjusted

	EAR	Amt Submitted	NQCE's	Dupes	Audit Amt	Add'l Doc's	Adjusted Totals
Post Fieldwork	6780	\$ -	\$ (1,408.45)	\$ -	\$ 1,408.45	\$ -	\$ 1,408.45
Post Fieldwork	"B - R"	-	(5,993.33)	-	5,993.33	-	5,993.33
	<b>Subtotal</b>	<b>\$ -</b>	<b>\$ (7,401.78)</b>	<b>\$ -</b>	<b>\$ 7,401.78</b>	<b>\$ -</b>	<b>\$ 7,401.78</b>
Bay	<b>Subtotal</b>	<b>\$ 17,996.62</b>	<b>\$ (789.61)</b>	<b>\$ 812.57</b>	<b>\$ 17,973.66</b>	<b>\$ 4,093.12</b>	<b>\$ 22,066.78</b>
		(a1)			(a2)		(a3)
First Deposit	Ck #857	\$ 1,000.00	\$ 1,000.00	\$ -	\$ -	\$ -	\$ -
First Deposit	1451	398.02	-	-	398.02	-	399.70
First Deposit	1641	404.49	-	-	404.49	-	404.49
First Deposit	1817	9.22	-	-	9.22	-	9.22
First Deposit	2062	640.50	-	-	640.50	-	640.50
First Deposit	3029	3,192.38	1,374.77	-	1,817.61	157.69	1,975.30
First Deposit	Ck #1578	3,118.44	3,118.44	-	-	-	-
First Deposit	3353	564.59	-	-	564.59	-	564.59
First Deposit	3720	1,292.81	-	-	1,292.81	-	1,292.81
First Deposit	4111	1,277.94	-	338.74	939.20	1,182.81	2,122.01
First Deposit	4521	1,811.96	-	-	1,811.96	-	1,811.96
First Deposit	5486	867.66	-	-	867.66	265.46	1,133.12
	<b>Subtotal</b>	<b>\$ 14,578.01</b>	<b>\$ 5,493.21</b>	<b>\$ 338.74</b>	<b>\$ 8,746.06</b>	<b>\$ 1,605.96</b>	<b>\$ 10,353.70</b>
		(b1)			(b2)		(b3)
Visa Colonial	5485	\$ 5,212.19	\$ 304.39	\$ -	\$ 4,907.80	\$ 94.39	\$ 5,002.19
Visa Colonial	5788	6,584.04	3,280.77	-	3,303.27	-	3,303.27
	<b>Subtotal</b>	<b>\$ 11,796.23</b>	<b>\$ 3,585.16</b>	<b>\$ -</b>	<b>\$ 8,211.07</b>	<b>\$ 94.39</b>	<b>\$ 8,305.46</b>
		(c1)			(c2)		(c3)
<b>Totals</b>		<b>\$ 44,370.86</b>	<b>\$ 8,288.76</b>	<b>\$ 1,151.31</b>	<b>\$ 34,930.79</b>	<b>\$ 5,793.47</b>	<b>\$ 40,725.94</b>
		(d1)			(d2)		(d3)

ATTACHED  
 Page 05 of 82

# Bay Buchanan

## Expense Reimbursement Checks

Payee	Check #	Date	Amount	Subtotals
Bay Buchanan	91	01/10/95	\$ 1,484.68	
Bay Buchanan	224	03/08/95	190.85	
Bay Buchanan	459	04/13/95	1,500.00	
Bay Buchanan	467	04/18/95	328.38	
Bay Buchanan	807	07/11/95	1,627.77	
Bay Buchanan	10179	08/16/95	4,000.00	
Bay Buchanan	10443	11/14/95	496.96	
Bay Buchanan	1464	11/28/95	1,000.00	
Bay Buchanan	1586	04/04/96	1,023.25	
Bay Buchanan	2026	05/13/96	3,000.00	
Bay Buchanan	2045	05/17/96	<u>5,000.00</u>	
		Subtotal		(II-a1) \$ 19,651.89
First Deposit	453	04/12/95	\$ 398.02	
First Deposit	527	05/08/95	404.49	
First Deposit	797	07/11/95	649.72	
First Deposit - Void	857	07/17/95	-	
First Deposit	1190	10/10/95	2,000.00	
First Deposit	1363	11/08/95	1,800.00	
First Deposit	1486	12/04/95	1,249.78	
First Deposit	1578	04/03/96	3,089.90	
First Deposit	1714	04/10/96	<u>867.66</u>	
		Subtotal		(II-a2) 10,459.57
Visa Colonial	1715	04/10/96	\$ 5,212.19	
Visa Colonial	2008	05/08/96	<u>6,584.04</u>	
		Subtotal		(II-a3) <u>11,796.23</u>
Total Expense Reimbursement Checks				(II-a4) \$ <u><u>41,907.69</u></u>

22.07.025.4374

# Bay Buchanan

## Duplicate Expenses

Audit	Ref	Date	Expense	Merchant	City	Payment Method	Envelope	Amount
1	229	11/18/95	Lodging	Omni	Orlando, FL	Providian Visa	EAR #3767	\$ 184.17
1	230	11/18/95	Lodging	Omni	Orlando, FL	Providian Visa	EAR #4111	184.17
2	227	11/18/95	Lodging	Omni	Orlando, FL	Providian Visa	EAR #4111	154.57
2	228	11/18/95	Lodging	Omni	Orlando, FL	Providian Visa	EAR #3767	154.57
3	207	11/12/95	Lodging	Hilton	Oakland, CA	Providian Visa	EAR #4111	98.79 <u>la</u>
3	208	11/12/95	Lodging	Hilton	Oakland, CA	Providian Visa	EAR #4111	98.79 <u>la</u>
4	9	01/22/95	Telephone	CellularOne	Oakton, VA	Checking	EAR #2072	184.47
4	10	01/22/95	Telephone	CellularOne	Oakton, VA	Checking	EAR #1459	184.47
5	19	02/22/95	Telephone	CellularOne	Oakton, VA	Checking	EAR #1459	337.79
5	20	02/22/95	Telephone	CellularOne	Oakton, VA	Checking	EAR #2072	337.79
6	41	03/22/95	Telephone	CellularOne	Oakton, VA	Checking	EAR #1459	241.98
6	42	03/22/95	Telephone	CellularOne	Oakton, VA	Checking	EAR #2072	241.98
7	26	03/01/95	Telephone	Bell Atlantic	Oakton, VA	Checking	EAR #2072	11.40
7	27	03/01/95	Telephone	Bell Atlantic	Oakton, VA	Checking	EAR #1459	11.40
8	33	03/13/95	Telephone	AT&T	Oakton, VA	Checking	EAR #2072	8.90
8	34	03/13/95	Telephone	AT&T	Oakton, VA	Checking	EAR #1459	8.90
9	45	04/01/95	Telephone	Bell Atlantic	Oakton, VA	Checking	EAR #2072	28.03
9	46	04/01/95	Telephone	Bell Atlantic	Oakton, VA	Checking	EAR #1459	28.03
Total Submitted								\$ 2,500.20
Actual Expenses per FEC								(1,250.10)
Add'l Expense per Cmte <u>la</u>								(98.79)
Total Duplicate Expenses								<u>\$ 1,151.31</u>

ATTACHMENT 1  
 Page 67 of 82



# Bay Buchanan

## Expense Reimbursement Envelopes

Ref	Date	Expense Type	Merchant	City	Payment Method	Miles	Envelope	Amount
9	01/22/95	Telephone	CellularOne	Oakton, VA	Checking		EAR #2072	\$ 184.47
11	01/22/95	Telephone	CellularOne	Oakton, VA	EAR #1459		EAR #2072	\$ (184.47)
20	02/22/95	Telephone	CellularOne	Oakton, VA	Checking		EAR #2072	\$ 337.79
21	02/22/95	Telephone	CellularOne	Oakton, VA	EAR #1459		EAR #2072	\$ (337.79)
26	03/01/95	Telephone	Bell Atlantic	Oakton, VA	Checking		EAR #2072	\$ 11.40
28	03/01/95	Telephone	Bell Atlantic	Oakton, VA	EAR #1459		EAR #2072	\$ (11.40)
33	03/13/95	Telephone	AT&T	Oakton, VA	Checking		EAR #2072	\$ 8.90
35	03/13/95	Telephone	AT&T	Oakton, VA	EAR #1459		EAR #2072	\$ (8.90)
42	03/22/95	Telephone	CellularOne	Oakton, VA	Checking		EAR #2072	\$ 241.98
43	03/22/95	Telephone	CellularOne	Oakton, VA	EAR #1459		EAR #2072	\$ (241.98)
45	04/01/95	Telephone	Bell Atlantic	Oakton, VA	Checking		EAR #2072	\$ 28.03
47	04/01/95	Telephone	Bell Atlantic	Oakton, VA	EAR #1459		EAR #2072	\$ (28.03)
								<u>\$ -</u>

ATTACHMENT  
Page 08 of 82

# Bay Buchanan

## Expense Reimbursement Envelopes

Ref	Date	Expense Type	Merchant	City	Payment Method	Miles	Envelope	Amount
102	07/12/95	Telephone	GTE Airfone	Oakbrook, Il	First USA Bank		EAR #2914	\$ 79.83
101	07/12/95	Telephone	GTE Airfone	Oakbrook, Il	First USA Bank		EAR #2914	\$ 38.63
100	07/12/95	Telephone	GTE Airfone	Oakbrook, Il	First USA Bank		EAR #2914	\$ 23.18
103	07/13/95	Lodging	Comfort Inn	Navarre Bch, FL	First USA Bank		EAR #2914	\$ 167.99
106	07/14/95	Lodging	Courtyard	Tallahassee, FL	First USA Bank		EAR #2914	\$ 85.80
104	07/14/95	Lodging	Courtyard	Tallahassee, FL	EAR #2582		EAR #2914	\$ (85.80)
111	07/30/95	Telephone	GTE Airfone	Oakbrook, Il	First USA Bank		EAR #2914	\$ 10.30
*A*	07/30/95	Telephone	GTE Airfone	Oakbrook, Il	First USA Bank		EAR #2914	\$ 5.15
115	08/02/95	Meals	Oscars Restaurant	New York	First USA Bank		EAR #2914	\$ 37.66
114	08/02/95	Meals	Oscars Restaurant	New York	EAR #2582		EAR #2914	\$ (37.65)
123	08/18/95	Per Diem		Des Moines, IA			EAR #2914	\$ 30.00
122	08/18/95	Meals	Host Int'l	Detroit	Cash		EAR #2914	\$ 4.41
124	08/19/95	Per Diem		Des Moines, IA			EAR #2914	\$ 30.00
126	08/20/95	Meals	Noah's Ark Ristorante	Des Moines, IA	First USA Bank		EAR #2914	\$ 71.80
127	08/20/95	Parking	Airport Parking	Dulles	Cash		EAR #2914	\$ 38.00
128	08/20/95	Per Diem		Des Moines, IA			EAR #2914	\$ 30.00
137	09/02/95	Meals	Holliday Inn	Des Moines, IA	Crestar Visa-MC		EAR #2914	\$ 10.81
139	09/05/95	Per Diem		Des Moines, IA			EAR #2914	\$ 30.00
138	09/05/95	Meals	Vie de France	Des Moines, IA	Cash		EAR #2914	\$ 2.98
141	09/06/95	Per Diem		Des Moines, IA			EAR #2914	\$ 30.00
144	09/07/95	Lodging	Marriott	Des Moines, IA	Crestar Visa-MC		EAR #2914	\$ 514.11
								<u>\$ 1,117.20</u>

ATTACHMENT

Page 63 of 82

# Bay Buchanan

## Expense Reimbursement Envelopes

Ref	Date	Expense Type	Merchant	City	Payment Method	Miles	Envelope	Amount
136	09/01/95	Telephone	Bell Atlantic	Oakton, VA	Checking		EAR #3075	\$ 350.95
143	09/07/95	Lodging	Marriott	Des Moines, IA	Crestar Visa-MC		EAR #3075	\$ 514.11
142	09/07/95	Lodging	Marriott	Des Moines, IA	Crestar Visa-MC		EAR #3075	\$ 131.79
145	09/07/95	Lodging	Marriott	Des Moines, IA	EAR #2914		EAR #3075	\$ (514.11)
150	09/22/95	Airfare	Continental Airlines	Newark, NJ	Crestar Visa-MC		EAR #3075	\$ 272.00
154	09/22/95	Per Diem		Oakton, VA			EAR #3075	\$ 10.00
153	09/22/95	Parking	Car Park	Dulles	Cash		EAR #3075	\$ 2.00
								<u>\$ 766.74</u>

ATTACHMENT  
Page 70 of 82

# Bay Buchanan

## Expense Reimbursement Envelopes

Ref	Date	Expense Type	Merchant	City	Payment Method	Miles	Envelope	Amount
67	06/01/95	Telephone	Bell Atlantic	Oakton, VA	Checking		EAR #3096	\$ 39.61
68	06/01/95	Telephone	Bell Atlantic	Oakton, VA	EAR #2251		EAR #3096	\$ (39.61)
80	06/16/95	Meals	Ristorante il Borgo	McLean, VA	Cash		EAR #3096	\$ 23.15
86	06/16/95	Meals	Ristorante il Borgo	McLean, VA	EAR #2073		EAR #3096	\$ (23.15)
91	06/20/95	Parking	Atlantic Garage	Washington D.C.	Cash		EAR #3096	\$ 5.50
93	06/20/95	Parking	Atlantic Garage	Washington D.C.	EAR #2251		EAR #3096	\$ (5.50)
370	06/19/96	Gas	Shell	Vienna, VA	Gas Card		EAR #3096	\$ 18.01
								<u>\$ 18.01</u>

ATTACHMENT  
Page 71 of 82

# Bay Buchanan

## Expense Reimbursement Envelopes

Ref	Date	Expense Type	Merchant	City	Payment Method	Miles	Envelope	Amount
151	09/22/95	Airfare	Continental Airlines	Washington D.C.	Crestar Visa-MC		EAR #6216	\$ 272.00
152	09/22/95	Airfare	Continental Airlines	Washington D.C.	EAR #3075		EAR #6216	\$ (272.00)
156	09/24/95	Lodging	Marriott	Newark, NJ	Crestar Visa-MC		EAR #6216	\$ 102.10
								<u>\$ 102.10</u>

# Bay Buchanan

## Expense Reimbursement Envelopes

Ref	Date	Expense Type	Merchant	City	Payment Method	Miles	Envelope	Amount
160	10/02/95	Telephone	GTE Airfone	Oakbrook, IL	First USA Bank		EAR #6217	\$ 60.05
161	10/05/95	Parking	Car Park	Dulles	Cash		EAR #6217	\$ 12.00
164	10/09/95	Telephone	GTE Airfone	Oakbrook, IL	First USA Bank		EAR #6217	\$ 177.87
163	10/09/95	Telephone	GTE Airfone	Oakbrook, IL	First USA Bank		EAR #6217	\$ 16.94
166	10/10/95	Lodging	Hotel Syracuse	Syracuse, NY	Crestar Visa-MC		EAR #6217	\$ 182.89
165	10/10/95	Lodging	Hotel Syracuse	Syracuse, NY	Crestar Visa-MC		EAR #6217	\$ 88.53
173	10/12/95	Meals	B S	Des Moines, IA	Crestar Visa-MC		EAR #6217	\$ 30.79
172	10/12/95	Airfare	USAir	Manchester, NH	Crestar Visa-MC		EAR #6217	\$ 23.00
178	10/14/95	Telephone	GTE Airfone	Oakbrook, IL	Crestar Visa-MC		EAR #6217	\$ 62.92
175	10/14/95	Per Diem		New Hampshire			EAR #6217	\$ 30.00
177	10/14/95	Telephone	GTE Airfone	Oakbrook, IL	Crestar Visa-MC		EAR #6217	\$ 19.82
176	10/14/95	Telephone	GTE Airfone	Oakbrook, IL	Crestar Visa-MC		EAR #6217	\$ 14.07
184	10/18/95	Telephone	GTE Airfone	Oakbrook, IL	First USA Bank		EAR #6217	\$ 28.44
183	10/18/95	Telephone	GTE Airfone	Oakbrook, IL	First USA Bank		EAR #6217	\$ 5.45
188	10/19/95	Telephone	GTE Airfone	Oakbrook, IL	First USA Bank		EAR #6217	\$ 54.30
187	10/19/95	Telephone	GTE Airfone	Oakbrook, IL	First USA Bank		EAR #6217	\$ 19.82
186	10/19/95	Telephone	GTE Airfone	Oakbrook, IL	First USA Bank		EAR #6217	\$ 16.94
								<u>\$ 843.83</u>

# Bay Buchanan

## Expense Reimbursement Envelopes

Ref	Date	Expense Type	Merchant	City	Payment Method	Miles	Envelope	Amount
206	11/12/95	Lodging	Hilton	Oakland, CA	First USA Bank		EAR #6218	\$ 163.55
205	11/12/95	Lodging	Hilton	Oakland, CA	First USA Bank		EAR #6218	\$ 145.78
212	11/12/95	Telephone	AT&T Airfone	Jacksonville, FL	Crestar Visa-MC		EAR #6218	\$ 26.41
213	11/12/95	Telephone	AT&T Airfone	Jacksonville, FL	Crestar Visa-MC		EAR #6218	\$ 26.41
214	11/12/95	Telephone	AT&T Airfone	Jacksonville, FL	First USA Bank		EAR #6218	\$ 15.84
211	11/12/95	Telephone	AT&T Airfone	Jacksonville, FL	Crestar Visa-MC		EAR #6218	\$ 10.57
210	11/12/95	Telephone	AT&T Airfone	Jacksonville, FL	Crestar Visa-MC		EAR #6218	\$ 5.28
237	11/22/95	Telephone	CellularOne	Oakton, VA	Checking		EAR #6218	\$ 371.41
								<u>\$ 765.25</u>

ATTACHMENT  
Page 79 of 82

# Bay Buchanan

## Expense Reimbursement Envelopes

Ref	Date	Expense Type	Merchant	City	Payment Method	Miles	Envelope	Amount
18	02/21/95	Gas	Shell	McLean, VA	Gas Card		EAR #6219	\$ 10.24
240	12/01/95	Telephone	Bell Atlantic	Oakton, VA	Checking		EAR #6219	\$ 155.68
241	12/04/95	Postage	US Postmaster	Nashville, TN	Checking		EAR #6219	\$ 64.00
247	12/18/95	Shipping	Delta Dash	McLean, VA	VISA Colonial		EAR #6219	\$ 108.38
249	12/19/95	Meals	Elm St Deli	McLean, VA	Cash		EAR #6219	\$ 14.25
251	12/22/95	Telephone	CellularOne	Oakton, VA	Checking		EAR #6219	\$ 385.01
								<u>\$ 737.56</u>



# Bay Buchanan

## Expense Reimbursement Envelopes

Ref	Date	Expense Type	Merchant	City	Payment Method	Miles - Envelope	Amount
232	11/19/95	Lodging	Marriott	Orlando, FL	Providian Visa	EAR #6226	\$ 264.32
235	11/19/95	Parking	Airport Parking	Dulles	Cash	EAR #6226	\$ 38.00
231	11/19/95	Lodging	Marriott	Orlando, FL	EAR #4111	EAR #6226	\$ (264.32)
367	05/05/96	Gas	Mobil	Oakton, VA	Gas Card	EAR #6226	\$ 24.36
							<u>\$ 62.36</u>

ATTACHMENT  
 Page 10 of 82

# Bay Buchanan

## Expense Reimbursement Envelopes

Ref	Date	Expense Type	Merchant	City	Payment Method	Miles	Envelope	Amount
63	05/16/95	Lodging	Harbor Court	Baltimore, MD	Providian Visa		EAR #3029	\$ 168.00
64	05/18/95	Lodging	Holiday Inn	Iowa City, IA	Providian Visa		EAR #3029	\$ 211.28
69	06/05/95	Lodging	Hilton	Kenner, LA	Providian Visa		EAR #3029	\$ 162.04
71	06/09/95	Lodging	Embassy Suites	College Park, GA	Providian Visa		EAR #3029	\$ 97.44
125	08/20/95	Lodging	Hampton Inn	Ames, IA	Providian Visa		EAR #3029	\$ 68.20
133	08/21/95	Lodging	Marriott	Des Moines, IA	Providian Visa		EAR #3029	\$ 246.15
132	08/21/95	Lodging	Marriott	Des Moines, IA	Providian Visa		EAR #3029	\$ 229.89
131	08/21/95	Lodging	Marriott	Des Moines, IA	Providian Visa		EAR #3029	\$ 199.08
130	08/21/95	Lodging	Marriott	Des Moines, IA	Providian Visa		EAR #3029	\$ 154.56
129	08/21/95	Lodging	Marriott	Des Moines, IA	Providian Visa		EAR #3029	\$ 77.28
135	08/23/95	Lodging	Marriott	Des Moines, IA	Providian Visa		EAR #3029	\$ 82.88
140	09/06/95	Lodging	Marriott	Atlanta	Providian Visa		EAR #3029	\$ 200.00
146	09/08/95	Lodging	Hyatt	Greenville, SC	Providian Visa		EAR #3029	\$ 52.50
147	09/14/95	Miscellaneous	Late Payment Fee	Oakton, VA	Providian Visa		EAR #3029	\$ 13.00
148	09/14/95	Miscellaneous	Over Limit Fee	Oakton, VA	Providian Visa		EAR #3029	\$ 13.00
								<u>\$ 1,975.30</u>

# Bay Buchanan

## Expense Reimbursement Envelopes

Ref	Date	Expense Type	Merchant	City	Payment Method	Miles	Envelope	Amount
207	11/12/95	Lodging	Hilton	Oakland, CA	Providian Visa		EAR #4111	\$ 98.79
208	11/12/95	Lodging	Hilton	Oakland, CA	Providian Visa		EAR #4111	\$ 98.79
217	11/14/95	Lodging	Cpt Morgans Plntn	Columbia, SC	Providian Visa		EAR #4111	\$ 147.11
220	11/15/95	Lodging	The Breakers	Palm Bch, FL	Providian Visa		EAR #4111	\$ 242.00
224	11/17/95	Telephone	GTE Airfone	Oakbrook, IL	Providian Visa		EAR #4111	\$ 34.19
223	11/17/95	Telephone	GTE Airfone	Oakbrook, IL	Providian Visa		EAR #4111	\$ 14.07
221	11/17/95	Telephone	GTE Airfone	Oakbrook, IL	Providian Visa		EAR #4111	\$ 8.32
222	11/17/95	Telephone	GTE Airfone	Oakbrook, IL	Providian Visa		EAR #4111	\$ 8.32
230	11/18/95	Lodging	Omni	Orlando, FL	Providian Visa		EAR #4111	\$ 184.17
227	11/18/95	Lodging	Omni	Orlando, FL	Providian Visa		EAR #4111	\$ 154.57
226	11/18/95	Lodging	Omni	Orlando, FL	EAR #3767		EAR #4111	\$ (154.57)
225	11/18/95	Lodging	Omni	Orlando, FL	EAR #3767		EAR #4111	\$ (184.17)
234	11/19/95	Lodging	Omni	Orlando, FL	Providian Visa		EAR #4111	\$ 105.92
233	11/19/95	Lodging	Omni	Orlando, FL	Providian Visa		EAR #4111	\$ 79.03
236	11/20/95	Lodging	Marriott	Orlando, FL	Providian Visa		EAR #4111	\$ 264.32
238	11/24/95	Meals	Stouffer Ren Rest	Orlando, FL	Providian Visa		EAR #4111	\$ 219.00
239	11/29/95	Lodging	Marriott	Des Moines, IA	Providian Visa		EAR #4111	\$ 138.03
242	12/07/95	Lodging	Sheraton	Tucson, AZ	Providian Visa		EAR #4111	\$ 227.85
243	12/07/95	Lodging	Sheraton	Tucson, AZ	Providian Visa		EAR #4111	\$ 227.85
244	12/08/95	Supplies	OAG Hotel Disk	Denver	Providian Visa		EAR #4111	\$ 208.42
								<u>\$ 2,122.01</u>

ATTACHMENT  
Page 18 of 82

# Bay Buchanan

## Expense Reimbursement Envelopes

Ref	Date	Expense Type	Merchant	City	Payment Method	Miles	Envelope	Amount
301	02/27/96	Lodging	Sheraton	Mesa, AZ	First USA Bank		EAR #5486	\$ 311.33
302	02/28/96	Lodging	Marriott	Atlanta	First USA Bank		EAR #5486	\$ 215.50
303	02/28/96	Lodging	Sheraton	Mesa, AZ	First USA Bank		EAR #5486	\$ 106.71
311	03/03/96	Lodging	Radisson	Kenner, LA	First USA Bank		EAR #5486	\$ 119.01
312	03/03/96	Meals	Braves Club House	Atlanta	First USA Bank		EAR #5486	\$ 74.10
313	03/03/96	Meals	Embassy Suites	Greenville, SC	First USA Bank		EAR #5486	\$ 10.02
316	03/04/96	Telephone	GTE Airfone	Oakbrook, IL	First USA Bank		EAR #5486	\$ 15.45
317	03/04/96	Telephone	GTE Airfone	Oakbrook, IL	First USA Bank		EAR #5486	\$ 15.45
332	03/19/96	Telephone	GTE Airfone	Oakbrook, IL	First USA Bank		EAR #5486	\$ 15.45
333	03/19/96	Telephone	GTE Airfone	Oakbrook, IL	First USA Bank		EAR #5486	\$ 15.45
334	03/19/96	Telephone	GTE Airfone	Oakbrook, IL	First USA Bank		EAR #5486	\$ 15.45
343	03/22/96	Car Rental	National	Newport Beach	VISA Colonial		EAR #5486	\$ 70.97
351	03/25/96	Telephone	GTE Airfone	Oakbrook, IL	First USA Bank		EAR #5486	\$ 103.15
350	03/25/96	Telephone	GTE Airfone	Oakbrook, IL	First USA Bank		EAR #5486	\$ 22.69
349	03/25/96	Telephone	GTE Airfone	Oakbrook, IL	First USA Bank		EAR #5486	\$ 14.07
348	03/25/96	Telephone	GTE Airfone	Oakbrook, IL	First USA Bank		EAR #5486	\$ 8.32
								<u>\$ 1,133.12</u>

ATTACHMENT  
Page 79 of 82

# Bay Buchanan

## Expense Reimbursement Envelopes

Ref	Date	Expense Type	Merchant	City	Payment Method	Miles	Envelope	Amount
258	01/07/96	Airfare	USAir	Columbia, SC	VISA Colonial		EAR #5485	\$ 388.00
259	01/07/96	Lodging	Host Int'l	Charlotte, NC	VISA Colonial		EAR #5485	\$ 27.03
262	01/08/96	Lodging	Hilton	Kenner, LA	VISA Colonial		EAR #5485	\$ 161.74
261	01/08/96	Lodging	Adams Mark	Columbia, SC	VISA Colonial		EAR #5485	\$ 148.47
267	01/09/96	Lodging	Holiday Inn	Baton Rouge, LA	VISA Colonial		EAR #5485	\$ 74.44
264	01/09/96	Car Rental	Enterprise	Kenner, LA	VISA Colonial		EAR #5485	\$ 61.22
272	01/10/96	Lodging	Hyatt	Charlotte, NC	VISA Colonial		EAR #5485	\$ 199.39
285	02/06/96	Lodging	Holiday Inn	Lake Charles, LA	VISA Colonial		EAR #5485	\$ 256.93
287	02/13/96	Airfare	United Airlines	Boston	VISA Colonial		EAR #5485	\$ 134.27
288	02/13/96	Airfare	United Airlines	Boston	VISA Colonial		EAR #5485	\$ 134.27
289	02/13/96	Meals	Noah's Ark Ristorante	Des Moines, IA	VISA Colonial		EAR #5485	\$ 43.91
291	02/14/96	Lodging	Marriott	Des Moines, IA	VISA Colonial		EAR #5485	\$ 174.21
292	02/15/96	Airfare	United Airlines	Washington D.C.	VISA Colonial		EAR #5485	\$ 604.00
295	02/17/96	Meals	Puritan Back Room Rstr	Manchester, NH	VISA Colonial		EAR #5485	\$ 491.76
294	02/17/96	Airfare	United Airlines	Washington D.C.	VISA Colonial		EAR #5485	\$ 194.00
293	02/17/96	Airfare	United Airlines	Washington D.C.	VISA Colonial		EAR #5485	\$ (105.00)
297	02/20/96	Miscellaneous	Executive Club	Manchester, NH	VISA Colonial		EAR #5485	\$ 24.00
298	02/21/96	Lodging	Holiday Inn	Manchester, NH	VISA Colonial		EAR #5485	\$ 1,989.55
								<u>\$ 5,002.19</u>

ATTACHMENT  
Page 80 of 82



# WEST END TRAVEL

APPENDIX C

March 25 1999

MEMO: SCOTT MCKENZIE  
FROM: JOANNE TARANTINO  
SUBJECT: BUCHANAN 1996 EUROPEAN TRAVEL

I am faxing a copy of the invoice for the Buchanan's personal travel to Paris/London which was paid for with their personal check. The ticket numbers shown were not charged or billed to the Buchanan for President account, nor paid for by the campaign.

Thank you,

  
Jo Anne Tarantino  
Administrator

11 DUPONT CIRCLE N.W., SUITE 375, WASHINGTON, D.C. 20036  
PHONE: (202) 986-2066 TOLL FREE 1-800-368-5874 FAX: (202) 986-2064

ATTACHMENT 1  
Page 81 of 82

202-986-2066



TOLL FREE: 1-800-368-5874

1 DUPONT CIRCLE N.W., SUITE 375, WASHINGTON, D.C. 20036

FAX: (202) 986-2064

SALES PERSON: 08  
CUSTOMER NBR: 010900

ITINERARY/INVOICE NO. 0045759  
QYUQCC

DATE: 24 JUN 96  
PAGE: 01

TO: OFFICES OF PAT BUCHANAN  
FOR PRESIDENT  
6862 ELM STREET  
SUITE 210  
MCLEAN VA 22101

FOR: BUCHANAN/PATRICK J  
BUCHANAN/SHELLEY  
JEFFREY/TERRANCE

05 JUN 96  
26 JUN 96  
29 JUN 96  
05 JUL 96

05 JUN 96 - TUESDAY	AIR	UNITED AIRLINES	FLT:914	BUSINESS	DINNER
		LV WASHINGTON DULLES		610P	EQP: BOEING 777
26 JUN 96 - WEDNESDAY		AR PARIS DE GAULLE		735A	NON-STOP
		BUCHANAN/PATRIC	SEAT-14D	UA-00061585672	
		BUCHANAN/SHELLE	SEAT-14E	UA-00061522903	
		JEFFREY/TERRANC	SEAT-14F		
29 JUN 96 - SATURDAY	AIR	BRITISH AIRWAYS	FLT:307	STANDARD	EQP: BOEING 757
		LV PARIS DE GAULLE	TERM:1	1230P	NON-STOP
		AR LONDON HEATHROW		1240P	
05 JUL 96 - FRIDAY	AIR	UNITED AIRLINES	FLT:921	ECONOMY	LUNCH
		LV LONDON HEATHROW	TERM:3	1155A	EQP: BOEING 777
		AR WASHINGTON DULLES		250P	NON-STOP
		BUCHANAN/PATRIC	SEAT-40E	UA-00061585672	
		BUCHANAN/SHELLE	SEAT-40F	UA-00061522903	
		JEFFREY/TERRANC	SEAT-40G		

AIR TICKET	UA1309885584	BUCHANAN PATRICK J	2,737.55
AIR TICKET	UA1309885585	BUCHANAN SHELLEY	2,737.55
AIR TICKET	UA1309885586	JEFFREY TERRANCE	2,737.55
		SUB TOTAL	8,212.65
		TOTAL AMOUNT DUE	8,212.65

DELIVER TO BUCHANAN OFFICE TODAY\*\*\*\*\*6/24

ATTACHEMENT 1  
Page 82 of 82

---

REPORT OF THE AUDIT DIVISION  
ON  
**BUCHANAN FOR PRESIDENT, INC.**

Approved January 14, 1999



FEDERAL ELECTION COMMISSION

999 E STREET, N.W.

WASHINGTON, D.C.

---

EE.07.025.4391



## TABLE OF CONTENTS

### BUCHANAN FOR PRESIDENT, INC.

	<u>PAGE</u>
Executive Summary	1
Audit Report	3
Background	3
Findings	4
Legal Analysis	27
Transmittal to Committee	33
Transmittal to Candidate	35
Chronology	37

BUCHANAN FOR PRESIDENT, INC.



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**REPORT OF THE AUDIT DIVISION  
ON  
BUCHANAN FOR PRESIDENT, INC.**

**EXECUTIVE SUMMARY**

Buchanan for President, Inc. (the Committee) registered with the Federal Election Commission on February 16, 1995 as the principal campaign committee for Patrick J. Buchanan, a primary candidate for the Republican Party's nomination for the office of President of the United States.

The audit was conducted pursuant to 26 U.S.C. §9038(a), which requires the Federal Election Commission to audit committees authorized by candidates who receive Federal funds. The Committee received \$10,983,475 in matching funds from the United States Treasury.

The findings of the audit were presented in the Exit Conference Memorandum received by the Committee on May 8, 1998. The audit report includes the Committee's response to the findings.

**Use Of Candidate's Funds In Excess Of The Limitation - 11 CFR §9035.2(a)(1) and (2).** The Candidate loaned the Committee \$40,000 and made a direct contribution of \$1,000, in addition to using his personal credit card to pay for campaign related expenses, exceeding his \$50,000 contribution limitation by a minimum of \$50,374.

**Apparent Prohibited Contributions Resulting From Extension Of Credit By Commercial Vendor - 2 U.S.C. §441b(a), 11CFR §100.7(a)(4), 11CFR §116.3(c).** The Committee used Matching Funds, Inc. (MFI) to prepare and file matching funds submissions. MFI did not make commercially reasonable attempts to collect \$183,009 for services rendered, thereby making an apparent prohibited contribution to the Committee.

**Disclosure Of Occupation/Name Of Employer - 2 U.S.C. §434(b)(3), 2 U.S.C. §431(13)(A), 2 U.S.C. §432(h)(2)(i).** A sample review of the Committee's contributions resulted in a material error rate with respect to the disclosure of contributors' occupations and names of employer. The projected dollar value of the errors in the population was \$2,422,604. The Audit staff concluded that the Committee did not exercise best efforts to

22.07.025.4393

obtain and report the information. The Committee filed a miscellaneous document to supplement the public record. However, the document did not conform with the requirements for amendments at 11CFR §104.7 (b)(4)(i).

**Receipt of Cash Contributions in Excess of the Limitation** - 2 U.S.C §431g, 11CFR §110.4(c)(2) and (3). The Committee received \$15,163 in excessive cash contributions which were either not refunded/disposed of (\$2,408) or not timely refunded (\$12,755). The Audit staff recommended a payment to the U.S. Treasury, however, the Commission determined not to require a payment in this case where the amount at issue had been refunded, albeit untimely. The remaining amount (\$2,408) was immaterial.

**Apparent Non-Qualified Campaign Expenses**- 26 U.S.C. §9032(9), 11 CFR §9034.4(a)(1) and (3), 11 CFR 9034.4(b)(3), 11CFR §9033.11(a) and (b), 11 CFR §9038.2(a)(2) and 11 CFR §9038.2(b)(2)(i) and (iii). The Audit identified undocumented disbursements totaling \$58,845 and duplicate or non-campaign related disbursements totaling \$51,343. As a result, The Commission determined that a pro-rata repayment to the U.S. Treasury in the amount of \$44,791 was warranted.

**Press Billings for Transportation Costs** - 11 CFR §9034.6(a) The Audit staff calculated that the Committee received reimbursements from the press for transportation which exceeded the amount to which it was entitled and as a result, an amount was payable to the U.S. Treasury and the press was entitled a refund. In response, the Committee provided documentation in support of additional transportation costs which when factored into our cost analysis demonstrated that no refund to the press or repayment to the U.S. Treasury was required.

**Determination of Net Outstanding Campaign Obligations** - 11 CFR §9034.5(a), 11 CFR §9034.1(b). The Audit staff conducted an analysis of the Committee's financial position and concluded that the Committee did not receive matching funds in excess of its entitlement.

**Stale-Dated Committee Checks** - 11 CFR 9038.6. The Audit staff identified checks issued by the Committee totaling \$27,431, that had not been negotiated. The Commission determined that this amount was payable to the U.S. Treasury.

2025年02月23日



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

***REPORT OF THE AUDIT DIVISION  
ON  
BUCHANAN FOR PRESIDENT, INC.***

**I. BACKGROUND**

**A. AUDIT AUTHORITY**

This report is based on an audit of Buchanan for President, Inc. (the Committee). The audit is mandated by Section 9038(a) of Title 26 of the United States Code. That section states that "After each matching payment period, the Commission shall conduct a thorough examination and audit of the qualified campaign expenses of every candidate and his authorized committees who received payments under section 9037". Also, Section 9039(b) of the United States Code and Section 9038.1(a)(2) of the Commission's Regulations state that the Commission may conduct other examinations and audits from time to time as it deems necessary.

In addition to examining the receipt and use of Federal funds, the audit seeks to determine if the campaign has materially complied with the limitations, prohibitions, and disclosure requirements of the Federal Election Campaign Act of 1971 (FECA), as amended.

**B. AUDIT COVERAGE**

The audit covered the period from the Committee's first bank transaction, January 11, 1995, through October 31, 1996. The Committee reported an opening cash balance of \$-0-; total receipts of \$31,012,597; total disbursements of \$31,018,963; and a closing cash balance of \$2,460.<sup>1</sup> In addition, a limited review of the Committee's records and disclosure reports filed through September 30, 1997 was conducted for purposes of determining the Committee's matching fund entitlement based on its financial position.

**C. CAMPAIGN ORGANIZATION**

The Committee maintains its headquarters in McLean, Virginia. The Treasurer is Mr. Scott B. Mackenzie.

---

<sup>1</sup> The reported figures do not foot due to various reporting errors. All figures are rounded to the nearest dollar amount.

The Committee registered with the Federal Election Commission on February 16, 1995 as the principal campaign committee for Patrick J. Buchanan, a primary candidate for the Republican Party's nomination for the office of President of the United States. During the period audited, the Committee maintained depositories in Virginia, District of Columbia, Arizona, Florida, Iowa, Louisiana, New Hampshire, South Carolina, and California. To handle its financial activity, the Committee utilized 23 bank accounts. During the audit period, the Committee made approximately 7,865 disbursements from these accounts and received approximately 472,200 contributions, totaling approximately \$15,122,000.

Mr. Buchanan was determined eligible to receive matching funds on May 31, 1995. The Committee made 19 requests for matching funds and received \$10,983,475 from the United States Treasury. This amount represents 71% of the \$15,455,000 maximum entitlement that any candidate could receive. For matching fund purposes, the Commission determined that Mr. Buchanan's candidacy ended on August 14, 1996, the date on which the Republican Party selected its nominee. On April 29, 1997, the Committee received its final matching fund payment to defray qualified campaign expenses and to help defray the cost of winding down the campaign.

#### **D. AUDIT SCOPE AND PROCEDURES**

In addition to a review of expenditures made by Buchanan for President, Inc. to determine if they were qualified or non-qualified campaign expenses (see Finding III.B.), the audit covered the following general categories:

1. The receipt of contributions from prohibited sources, such as those from corporations or labor organizations (see Finding II.B.);
2. the receipt of contributions or loans in excess of the statutory limitations (see Findings II.A. and III.A.);
3. proper disclosure of contributions from individuals, political committees and other entities, to include the itemization of contributions when required, as well as, the completeness and accuracy of the information disclosed (see Finding II.C.);
4. proper disclosure of disbursements including the itemization of disbursements when required, as well as, the completeness and accuracy of the information disclosed;
5. proper disclosure of campaign debts and obligations (see Finding II.B.);
6. the accuracy of total reported receipts, disbursements and cash balances as compared to campaign bank records;

2025 RELEASE UNDER E.O. 14176

7. adequate recordkeeping for campaign transactions;
8. accuracy of the Statement of Net Outstanding Campaign Obligations filed by the Committee to disclose its financial condition and to establish continuing matching fund entitlement (see Finding III.D.);
9. the Committee's compliance with spending limitations; and,
10. other audit procedures that were deemed necessary in the situation (see Findings III.B., III.C. and III.E.).

As part of the Commission's standard audit process, an inventory of campaign records was conducted prior to the audit fieldwork. This inventory was conducted to determine if the Committee's records were materially complete and in an auditable state. Based on our review of records presented, it was concluded that the records, except disbursements, were materially complete and fieldwork began immediately on the contribution and bank reconciliation portions of the audit. The Committee materially complied with the Audit staff's request for additional records and the disbursements portion of the audit commenced.

With respect to disbursements, the records maintained by the Committee met the minimum recordkeeping requirements of 11 CFR §9033.11. However, the records did not contain sufficient information in every case to establish that the expenditure was incurred by or on behalf of the candidate or his authorized committee and made in connection with his campaign for nomination (see Finding III.B.).

During our testing of the Committee's disbursements, the Audit staff noted instances where the available documentation was a canceled check (with a notation as to purpose) to evidence payments to consultants and stipends to employees for living expenses. In addition, the Committee used an Expense Authorization Request (EAR)<sup>2</sup> created by the Committee's accounting staff to support these payments. The Audit staff noted that many of the EAR's did not contain an authorization signature. Also, the Committee did not (except in a few instances) establish contracts or have written employment agreements with its consultants or maintain written administrative policies to govern the payment of stipends to employees for living expenses.

The Audit staff was unable to verify the accuracy of information contained on the EAR or other memoranda because the Committee generated the documents and no documentation from the payees was available for review.

---

<sup>2</sup> Section 9033.11(b)(1)(ii)(B) of Title 11 of the Code of Federal Regulations provides for the use of a contemporaneous memorandum as an acceptable form of documentation. An EAR containing the payee's name and address, the amount, date and an adequate purpose or description of the disbursement meets the minimum documentation requirements.

It should be noted that the Commission may pursue further any of the matters discussed in this memorandum in an enforcement action. As set forth at Section 9038.2(f) of Title 11 of the Code of Federal Regulations, the Commission may make additional repayment determinations based on one or more of the bases for repayment set forth at Section 9038(b) of Title 26 of the United States Code and Section 9039.2(b) of Title 11 of the Code of Federal Regulations where there exist facts that were not used as the basis of any previous repayment determination.

The audit findings were discussed at a conference held at the end of audit fieldwork, January 29, 1998, and detailed in the Exit Conference Memorandum received by the Committee on May 8, 1998. At the Committee's request, an Exit Conference was not conducted.

## II. AUDIT FINDINGS AND RECOMMENDATIONS — NON-REPAYMENT MATTERS

### A. USE OF THE CANDIDATE'S FUNDS IN EXCESS OF THE LIMITATION

Section 9035.2(a)(1) of Title 11 of the Code of Federal Regulations states, in part, that no candidate who has accepted matching funds shall knowingly make expenditures from his or her personal funds, or funds of his or her immediate family, in connection with his or her campaign for nomination for election to the office of President which exceed \$50,000, in the aggregate. This section shall not operate to prohibit any member of the candidate's immediate family from contributing his or her personal funds to the candidate, subject to the limitations of 11 CFR part 110.

Section 9035.2(a)(2) of Title 11 of the Code of Federal Regulations states that expenditures made using a credit card for which the candidate is jointly or solely liable will count against the limits of this section to the extent that the full amount due, including any finance charge, is not paid by the committee within 60 days after the closing date of the billing statement on which the charges first appear. For purposes of this section, the *closing date* shall be the date indicated on the billing statement which serves as the cutoff date for determining which charges are included on that billing statement.

On January 12, 1995, the candidate made a loan in the amount of \$40,000 to the Committee; on March 31, 1995 the Committee received a \$1,000 contribution from the candidate in the form of a check. In addition, the candidate and his spouse, Shelley Buchanan, used an American Express credit card<sup>3</sup> to pay for campaign related travel and subsistence. Credit charges totaling \$86,885 were paid directly to American Express Company by the Committee.

---

<sup>3</sup> American Express account with separate cards available for the candidate and his spouse. The account is in the name of Patrick J. Buchanan.

RE "OF" DEB "4398

The Audit staff reviewed the credit card payments to American Express to determine compliance with the 60 day reimbursement requirement of 11 CFR §9035.2(a)(2). Of the total, charges totaling \$83,203, were not reimbursed within the time limits provided and this amount was applied to the limitation on use of personal funds by the candidate. The untimely payments were made from 67 to 342 days from the closing date of the billing statements. Based on initial calculations made during audit fieldwork, the largest amount by which the candidate exceeded the \$50,000 limitation was \$72,203 after applying a payment made on May 8, 1996.

There was no documentation available with which to review any American Express charges which may have been incurred after February 29, 1996. The Committee repaid the candidate \$38,000 on July 8, 1996 to liquidate the balance of the personal loan (\$40,000 less previous repayment of \$2,000 made on April 6, 1995) and reduced the amount exceeding the \$50,000 limitation to \$34,203.

The Audit staff's finding was discussed with the Committee at the conference held subsequent to the close of fieldwork and the Committee was provided with a detailed schedule.

In the Exit Conference Memorandum (the Memorandum), the Audit staff recommended that the Committee provide evidence that the candidate did not exceed the limitation on use of personal funds in connection with his campaign. Also, the Committee was requested to provide credit card statements and charge slips for the candidate's American Express account or any other credit card account used for the period of March 1, 1996 to August 14, 1996.

In response to the Memorandum, the Committee provided a list of expenses that were submitted for reimbursement. These expenses were apparently (1) incurred by the candidate and his spouse using the candidate's American Express card, (2) incurred by the candidate or his spouse unrelated to the use of the candidate's American Express card, or (3) charged to a Visa credit card account<sup>4</sup>. The list also included the candidate's loan and personal contribution to the Committee. These items were listed in chronological order by due date<sup>5</sup> beginning with the \$40,000 loan. Amounts were added or subtracted, depending on the type of transaction, from a running contribution balance. The Committee acknowledged in its response that "the candidate may have exceeded the limitation." According to the list prepared by the Committee, the largest amount by which the candidate could have exceeded the limitation was \$57,672 on March 30, 1996.

---

<sup>4</sup> The account is in the name of Patrick and Shelley Buchanan.

<sup>5</sup> The due date listed for loans and contributions was the date received; for an expense reimbursement, the date of the reimbursement check; for expenses paid by cash, 30 days after incurrence; and for expenses charged to a credit card, 60 days from the credit card statement date.



The Committee's analysis is inaccurate because expenses and reimbursements not related to the candidate's limit were included and other expenses were duplicated. It should also be noted that the list provided by the Committee indicates that American Express charges were incurred subsequent to February 29, 1996. The Audit staff was not provided with the statements and charge slips for American Express charges incurred subsequent to February 29, 1996 or for any Visa credit card charges in order to verify the accuracy of the listed transactions and to determine if the expenses charged to the Visa credit card were applicable to the candidate<sup>6</sup>. If the transactions listed by the Committee, for which complete documentation has not been made available, all relate to the candidate's limitation - "worst case scenario" - the largest amount by which the limitation would have been exceeded is \$66,549.

Notwithstanding the above, for purposes of this report and based on our revised analysis of complete documentation currently available<sup>7</sup>, the largest amount by which the candidate exceeded the \$50,000 expenditure limitation at 2 U.S.C. §9035(a) is \$50,374. Credit card charges included in documentation presented by the Committee in response to finding III.B. of this report, (Apparent Non-Qualified Campaign Expenses) may impact on this amount. If transactions pertaining to the American Express and Visa credit cards for which complete documentation is not now available are later found to be applicable to the candidate's \$50,000 limit, adjustments will be necessary. These adjustments would likely occur in the event that the Commission addresses this issue in another context.

**B. APPARENT PROHIBITED CONTRIBUTION RESULTING FROM EXTENSION OF CREDIT BY COMMERCIAL VENDOR**

Section 441b(a) of Title 2 of the United States Code states, in part, that it is unlawful for any corporation to make a contribution or expenditure in connection with any election to any political office, and that it is unlawful for any candidate, political committee or any other person knowingly to accept or receive any contribution prohibited by this section.

Section 100.7(a)(4) of Title 11 of the Code of Federal Regulations states, in part, that the extension of credit by any person is a contribution unless the credit is extended in the ordinary course of the person's business and the terms are substantially

---

<sup>6</sup> Because the Candidate was the sole holder on the American Express account, all charges, except charges unrelated to the campaign, made on this account are applicable to the candidate's limit. In the case of the jointly held Visa credit card, charges incurred by the candidate's spouse, solely related to her expenses would not be applicable to the candidate's limit. Conversely, charges incurred by the candidate using the Visa credit card for goods and services provided to the candidate irrespective of who signed the charge slip would be applicable.

<sup>7</sup> This includes documentation available to the Audit staff at the time the Memorandum was forwarded to the Committee *and* information listed in the Committee's response in conjunction with collateral evidence in the Audit staff's possession.

similar to extensions of credit to nonpolitical debtors that are of similar risk and size of obligation. If a creditor fails to make a commercially reasonable attempt to collect the debt, a contribution will result.

Section 116.3(c) of Title 11 of the Code of Federal Regulations states, in part, that in determining whether credit was extended in the ordinary course of business, the Commission will consider whether the commercial vendor followed its established procedures and its past practice in approving the extension of credit; received prompt payment in full if it previously extended credit to the same candidate or political committee; and the extension of credit conformed to the usual and normal practice in the commercial vendor's trade or business.

The Committee used Matching Funds, Inc. (MFI) to prepare and file all submissions for matching funds. Scott Mackenzie, Committee Treasurer, is a principal of MFI. As stated in the contract between the two parties, in return for its services MFI was to receive a fee equal to 10 percent of the "Match Rate"<sup>8</sup> applied to the amount of matching funds received. Invoices were to be submitted on a monthly basis beginning January 1, 1996 and continuing until the termination of the contract. Invoices were to be paid from the matching funds received or within thirty (30) days.

The Committee received and reported matching funds of \$10,983,475 as result of 19 original submissions and 6 resubmissions. Using a fee factor of 7.05%<sup>9</sup>, the Audit staff calculated MFI's fee for its services at \$774,846. As of the conclusion of fieldwork, MFI had billed the Committee \$597,336, including a software fee of \$5,500, for matching fund submissions 1 through 8, leaving an un invoiced balance of \$183,009 [(\$774,846 + \$5,500) - \$597,336]. The Committee made payments totaling \$586,510 through June 25, 1997 and reported an outstanding debt to MFI of \$10,826 on its Second Quarter 1997 disclosure report.

Based on the above information, it appeared the Committee still owed MFI a total of \$193,835 (\$183,009 + \$10,826) for its services. At the conference held at the conclusion of fieldwork, the Committee was provided with the Audit staff's calculations. Subsequently, the Committee provided additional invoices from MFI reflecting amounts due for submissions 9 through 16; no documentation was provided for submissions 17 through 19 and resubmissions 1 through 6. Matching funds were certified payable for these submissions monthly from May, 1996 through March, 1997. The Committee reported an outstanding debt to MFI of \$183,009 (which included the previous outstanding debt of \$10,826) on its Year-End 1997 disclosure report. This lack of action on the part of MFI to invoice and seek payment appears to represent an apparent

---

<sup>8</sup> The "Match Rate" is equal to the matching funds received divided by the net individual contributions (individual contributions less refunds of individual contributions) for the particular submission.

<sup>9</sup> Match rate of 70.55% (reported matching funds of \$10,983,475 / net contributions of \$15,569,128) times 10%.

OFFICE OF THE COMPTROLLER

prohibited contribution resulting from an extension of credit not within the ordinary course of business.

In the Memorandum, the Audit staff recommended that the Committee file an Amended Schedule D-P, Debts and Obligations excluding Loans, to report the correct indebtedness to MFI of \$193,835 as of year-end 1997. Also, it was recommended that the Committee provide evidence, to include but not be limited to, statements and invoices detailing all billings and efforts to collect indebtedness, explanations to demonstrate that the extension of credit was in the ordinary course of business, examples of other customers or clients of similar size and risk for which similar services had been provided and similar billing arrangements had been used, information concerning billing policies for similar clients and work, and debt collection policies to demonstrate that the Committee did not receive an apparent prohibited contribution of \$183,009; or absent such evidence provide documentation which demonstrates that MFI billed the Committee in a timely manner for the full amount due for its services and made a reasonable attempt to collect the debt.

In response to the Memorandum, the Committee filed an Amended Schedule D-P, Debts and Obligation excluding Loans, to report the correct indebtedness to MFI of \$193,835 as September 30, 1997. In its response the Committee stated that it:

“strongly disagrees that the facts presented in the Exit Memorandum evidence the receipt of a corporate contribution by the Committee. Political committees have never been deemed to receive contributions because they do not pay every vendor or employee in full on time. If committees did not acquire debts and obligations other than loans in the course of their activities, most of which are with corporations, no schedule of debts and obligations would be needed. MFI also requests that we state its strong objection to the suggestion that its actions constituted a corporate contribution to the Committee.”

It is the opinion of the Audit staff the Committee’s response failed to demonstrate that MFI made commercially reasonable attempts to collect payment from the Committee. Furthermore, the response did not present evidence that MFI’s actions were in accordance with its own contractual terms. Therefore, pursuant to 11 CFR §100.7(a)(4), an apparent prohibited contribution in the amount of \$183,009 occurred.

**C. DISCLOSURE OF OCCUPATION/NAME OF EMPLOYER**

Section 434(b)(3)(A) of Title 2 of the United States Code requires a political committee to report the identification of each person (other than a political committee) who makes a contributions to the reporting committee during the reporting period, whose contribution or contributions have an aggregate amount or value in excess of \$200 within the calendar year.

Section 431(13)(A) of Title 2 of the United States Code defines the term “identification” to be, in the case of an individual, the name, the mailing address, and the occupation of such individual, as well as the name of his or her employer.

Section 432(h)(2)(i) of Title 2 of the United States Code states, in part, that when the treasurer of a political committee shows that best efforts have been used to obtain, maintain, and submit the information required by this Act, any report or any records of such committee shall be considered in compliance with this Act.

Section 104.7(b) of Title 11 of the Code of Federal Regulations states, in part, that the treasurer and the committee will be deemed to have exercised best efforts if all written solicitations for contributions include a clear request for the contributor’s full name, mailing address, occupation and name of employer, and include the following statement: “Federal law requires political committees to report the name, mailing address, occupation and name of employer for each individual whose contributions aggregate in excess of \$200 in a calendar year.”

For each contribution received aggregating in excess of \$200 per calendar year which lacks required contributor information, the treasurer must make at least one effort after the receipt of the contribution to obtain the missing information. Such effort shall consist of either a written request sent to the contributor or an oral request to the contributor documented in writing. The written or oral request must be made no later than thirty (30) days after receipt of the contribution. The written or oral request must clearly ask for the missing information and shall not include material on any other subject or any additional solicitation, except that it may include language solely thanking the contributor for the contribution.

If any of the contributor information is received after the contribution has been disclosed on a regularly scheduled report, the political committee shall either file with its next regularly scheduled report, an amended memo Schedule A listing all contributions for which contributor identifications have been received during the reporting period together with the dates and amounts of the contribution(s) and an indication of the previous report(s) to which the memo Schedule A relates; or file on or before its next regularly scheduled reporting date, amendments to the report(s) originally disclosing the contributions(s), which include the contributor identifications together with the dates and amounts of the contribution(s).

The Audit staff reviewed the Committee’s contributions on a sample basis and noted a material error rate with respect to the disclosure of contributors’ occupations and names of employer. The identified exceptions, when used to estimate the total dollar value of the errors in the population of \$4,175,127, resulted in a projected error amount of \$2,422,604. As part of the contribution sample review, the Audit staff requested a copy of the Committee’s procedures to evidence its best efforts to obtain and report the missing information. Also, a similar request was made at the conference subsequent to the close of fieldwork. Although the Committee’s fundraising guidelines indicated that

solicitation devices should request the contributor's occupation and name of employer, our testing indicated that the Committee did not exercise best efforts to obtain and report the required information. Requests for additional information to qualify contributions for matching funds included a general request for the information, but evidence of attempts to obtain the information for other contributions was not provided. A review of the Committee's disclosure reports indicated that the Committee did not file amended schedules to disclose the contributor information when it was obtained. Therefore, the Committee has not demonstrated that it exercised best efforts to obtain, maintain and report the occupation and name of employer of contributors when required by the Act.

In the Memorandum, the Audit staff recommended that the Committee provide evidence to demonstrate that it exercised best efforts to obtain, maintain and report the required contributor information. Absent such a demonstration, the Audit staff recommended that the Committee contact all contributors for which no record was maintained or information request made and provide evidence of the contacts along with copies of responses to these requests, and file an Amended Schedule A-P (Itemized Contributions) as necessary.

According to the response, JVL Company contacted 2,699 donors by telephone whose aggregate annual contribution(s) was in excess of \$200 and whose file did not contain the required information. Occupation and name of employer information was obtained from 2,176 individuals (81%)<sup>10</sup>; for the remaining 523 contributors initially contacted who refused to provide the information, JVL sent each contributor a form and requested that he/she sign a statement declining the Committee's request for occupation and name of employer. Using the receipts database supplied by the Committee, the Audit staff identified 3,699 individuals<sup>11</sup> whose contributor record did not contain an occupation and name of employer. The reason for the variance with the number of individuals identified above by the Committee is unknown. On August 20, 1998 the Committee filed a miscellaneous document to supplement the public record.<sup>12</sup>

Based on our review of the submitted evidence, although the Committee's recent efforts to obtain the required occupation and name of employer information involved a significant undertaking, the Committee did not demonstrate that it exercised best efforts, since the information was requested well beyond the time specified. Nonetheless, the Committee should file amended Schedules A-P in the proper form to supplement the public record.

---

<sup>10</sup> A list of the respondents was submitted which provided the contributor's name, address, occupation and name of employer.

<sup>11</sup> The Audit staff reviewed the contributor records of those individuals whose contributions aggregated over \$200 during calendar year 1995 and/or calendar year 1996.

<sup>12</sup> Although not filed timely with the response to the Memorandum, the Committee did file a listing of approximately 15,505 contributors which included occupation and name of employer information. This listing did not conform with the requirements for amendments at 11 CFR §104.7(b)(4)(i).

BE " OY " DES " 4404

### III. AUDIT FINDINGS AND RECOMMENDATIONS — AMOUNTS DUE TO THE U.S. TREASURY

#### A. RECEIPT OF CASH CONTRIBUTIONS IN EXCESS OF THE LIMITATION

Section 441g of Title 2 of the United States Code states that no person shall make contributions of currency of the United States or currency of any foreign country to or for the benefit of any candidate which, in aggregate, exceed \$100, with respect to any campaign of such candidate for nomination for election, or for election, to Federal Office.

Section 110.4(c)(2) and (3) of Title 11 of the Code of Federal Regulations states, in part, that a candidate or committee receiving a cash contribution in excess of \$100 shall promptly return the amount over \$100 to the contributor. A candidate or committee receiving an anonymous cash contribution in excess of \$50 shall promptly dispose of the amount over \$50. The amount over \$50 may be used for any lawful purpose unrelated to any Federal election, campaign, or candidate.

The Audit staff reviewed currency contributions totaling \$262,429 and identified \$15,163 in apparent excessive cash contributions. Cash contributions totaling \$251,678 were received from identified contributors and \$10,751 from anonymous sources. The aforementioned excessive amount contains \$2,408 in contributions not refunded or disposed of, and \$12,755 in contributions not refunded/disposed of within 30 days of receipt. The number of days to refund the excessive contributions ranged from 33 to 279 days. Of the 438 untimely refunds, 167 or 38% of the refunds were made more than 60 days after the contributions were received.

The Audit staff's finding was discussed with the Committee at the conference held subsequent to the close of fieldwork and the Committee was provided with a detailed schedule of the apparent excessive cash contributions.

In the Memorandum, the Audit staff recommended that the Committee provide evidence that the cash contributions noted above are not excessive. Absent such evidence, the Audit staff would recommend that the Commission determine that the Committee make a payment to the U.S. Treasury in the amount of \$14,211<sup>13</sup>.

In response to the Memorandum, the Committee submitted a copy of an apparent contributor's check in the amount of \$90, deposited on September 27, 1995, and requested the total amount of cash contributions be reduced by that amount. The Committee's policy was to assign anonymous cash contributions to an account named "Sheldon P. Kuzowski." Although this contribution was made by check (the account holder's name was not imprinted or otherwise recorded legibly on the instrument), it was

---

<sup>13</sup> Total excessive cash contributions of \$15,163 less \$952 previously paid to the U.S. Treasury.

assigned to the anonymous cash account because the Committee was unable to identify the contributor. In addition, the location of the bank upon which the check was drawn is not listed on the face of the instrument. Since the Committee has not provided any additional documentation to identify the contributor, the Audit staff continues to identify this contribution as anonymous and excessive in the amount of \$40.

In addition, the Committee's response to the Memorandum stated,

"...the Commission is without authority to require the Committee to pay to the Treasury money already refunded to the donor. The Commission's requirement that money be paid to the Treasury rather than refunded to the donors, where the identity of the donors is known, constitutes a "taking" in violation of the Fifth Amendment to the Constitution."

The Audit staff disagrees with the Committee's statement; the Explanation and Justification provided in support of Section 103.3(b)(1), (2) and (3) of Title 11 of the Code of Federal Regulations regarding disgorgement published in the Federal Register on June 16, 1995 (Vol. 60, No. 116) states:

"...Committees have 30 days from the date of receipt in which to refund prohibited contributions. A Committee's failure to take action on these contributions is a failure to cure contributions that are in violation of the FECA. The same is true of attempts to cure them outside of the specified time periods. Courts have upheld the use of disgorgement in cases involving securities violations 'as a method of forcing a defendant to give up the amount by which he was unjustly enriched' *SEC v. Tome*, 833 F.2d 1086, 1096 (2d Cir. 1987), citing *SEC v. Commonwealth Chemical Securities, Inc.*, 574 F.2d 90, 102 (2<sup>nd</sup> Cir. 1978). Requiring repayment to the Treasury for contributions that have been accepted in violation of 2 U.S.C. §§441a and 441b is consistent with this reasoning."

Also, the Committee's own actions are contrary to its statement. During the period June 25, 1996 through March 31, 1997, the Committee remitted \$13,429, including \$952 related to excessive currency<sup>14</sup>, to the U.S. Treasury representing prohibited contributions which were not refunded in a timely manner and the identity of the donors was known.

At the open session Commission meeting held on January 14, 1999, the Commission voted to reject Recommendation #1 wherein \$14,211 was recommended as payable to the U.S. Treasury, and instead determined not to require a payment in this case where the amount at issue had been refunded albeit untimely. The remainder (\$2,408) is immaterial.

---

<sup>14</sup>

See footnote 13.

**B. APPARENT NON-QUALIFIED CAMPAIGN EXPENSES**

Section 9032(9) of Title 26 of the United States Code defines, in part, the term “qualified campaign expense” as a purchase or payment incurred by a candidate, or by his authorized committee, in connection with his campaign for nomination, and neither the incurring nor payment of which constitutes a violation of any law of the United States or of the State in which the expense is incurred or paid.

Section 9034.4(a)(1) of Title 11 of the Code of Federal Regulations states that all contributions received by an individual from the date he becomes a candidate and all matching payments received by the candidate shall be used only to defray qualified campaign expenses or to repay loans or otherwise restore funds (other than contributions which were received and expended to defray qualified campaign expenses) which were used to defray qualified campaign expenses.

Section 9034.4(a)(3) of Title 11 of the Code of Federal Regulations states, in part, that costs associated with the termination of political activity, such as the costs of complying with the post election requirements of the Act and other necessary administrative costs associated with winding down the campaign, including office space rental, staff salaries and office supplies, shall be considered qualified campaign expenses.

Section 9034.4(b)(3) of Title 11 of the Code of Federal Regulations states, in part, that any expenses incurred after a candidate’s date of ineligibility under 11 CFR §9033.5, are not qualified campaign expenses except to the extent permitted under 11 CFR §9034.4(a)(3).

Section 9033.11(a) of Title 11 of the Code of Federal Regulations states, in part, that each candidate shall have the burden of proving that disbursements made by the candidate or his authorized committee(s) or persons authorized to make expenditures on behalf of the candidate or authorized committee(s) are qualified campaign expenses.

Section 9033.11(b) of Title 11 of the Code of Federal Regulations states, in part, that for disbursements in excess of \$200 to a payee, the candidate shall present a canceled check negotiated by the payee and either a receipted bill from the payee that states the purpose of the disbursement or a bill, invoice or voucher from the payee that states the purpose of the disbursement. Where the documents specified above are not available, the candidate or committee may provide a voucher or contemporaneous memorandum that states the purpose of the disbursement. Where the supporting documentation required above is not available, the candidate or committee may present collateral evidence to document the qualified campaign expense. Such collateral evidence may include, but is not limited to, evidence demonstrating that expenditure is

BE "ON" 025 "4407



part of an identifiable program or project which is otherwise sufficiently documented or evidence that the disbursement is covered by a pre-established written campaign committee policy, such as a daily travel expense policy. If the purpose of the disbursement is not stated in the accompanying documentation, it must be indicated on the canceled check. *Purpose* means the full name and mailing address of the payee, the date and amount of the disbursement, and a brief description of the goods and services purchased.

Section 9038.2(a)(2) of Title 11 of the Code of Federal Regulations states that the Commission will notify the candidate of any repayment determinations made under this section as soon as possible, but no later than three years after the close of the matching fund period. The Commission's issuance of the audit report to the candidate under 11 CFR §9038.1(d) will constitute notification for purposes of this section.

Section 9038.2(b)(2)(i) and (iii) of Title 11 of the Code of Federal Regulations states, in part, that the Commission may determine that amounts of any payments made to a candidate from the matching payment account were used for purposes other than to defray qualified campaign expenses. The amount of any repayment under this section shall bear the same ratio to the total amount determined to have been used for non-qualified campaign expenses as the amount of matching funds certified to the candidate bears to total deposits, as of 90 days after the candidate's date of ineligibility.

The Committee provided the Audit staff with a database of its disbursements which covered the period from the Committee's inception through October 31, 1996. The Audit staff conducted a review of operating disbursements as identified from the database. In addition, disbursements made after the candidate's date of ineligibility (DOI) August 14, 1996 through February 28, 1997 were reviewed. These reviews resulted in the identification of payments to individuals and vendors that appeared to be non-qualified campaign expenses due to inadequate documentation, duplicate payments or non-campaign related nature, as categorized below:

1. Inadequate Documentation for Disbursements

The review of the Committee's operating disbursements resulted in a material error rate with respect to the adequacy of documentation to support numerous payments to individuals for travel and expense reimbursements as well as other payments. Undocumented disbursements totaling \$339,552 were identified. In the majority of instances, the only documents available for review were canceled checks lacking an adequate purpose statement and EAR's without authorizing signatures and adequate purpose statements. Listed purposes included "advance", "reimbursement", "expense advance", and "reimburse expenses" which are not sufficient to either document the expense as a qualified campaign expense or establish that the expense was incurred in connection with the candidate's campaign for nomination

The Audit staff's findings were discussed with the Committee at the conference held subsequent to the close of fieldwork and the Committee was provided with detailed schedules of the inadequately documented disbursements.

In the Memorandum, the Audit staff recommended that the Committee provide documentation, including but not limited to, receipted bills, invoices or vouchers from the payee that states the purpose of the disbursement or other collateral evidence to support these disbursements as qualified campaign expenses. Absent such evidence, the Audit staff would recommend that the Commission determine that the Committee make a pro rata repayment of \$139,804 ( $\$339,552 \times .41173$ )<sup>15</sup> to the U.S. Treasury pursuant to 26 U.S.C. §9038(b)(2).

In response to the Memorandum, the Committee provided documentation, including receipted bills, invoices, vendor statements and other collateral evidence, to adequately document disbursements totaling \$280,707. Of the remaining \$58,845 in undocumented expenditures, the Committee submitted various statements from payees for disbursements totaling \$27,535. In our opinion these statements did not demonstrate that the disbursements were made in connection with the candidate's campaign for nomination. The Committee did not submit any additional documentation in support of the balance of the undocumented disbursements.

## **Recommendation #2**

The Audit staff recommends that the Commission determine that \$24,228 ( $\$58,845 \times .41173$ ) is repayable to the U.S. Treasury pursuant to 26 U.S.C. §9038(b)(2).

### 2. Payments to Vendors - JVL Company

The Committee paid JVL Company a total of \$1,787,744 for telemarketing services. In general, the method of payment used to compensate this vendor was "on account" and not by specific invoice. The Audit staff reconciled these payments to the available supporting documentation, which included canceled checks, vendor invoices and statements, and Committee EAR's. Vendor invoices were supplied to document payments totaling \$1,360,822. At the close of audit fieldwork, the only documentation to evidence the remaining payments of \$426,922 was an EAR dated June 30, 1996 in the amount of \$330,819 and the canceled checks.

This finding was discussed with the Committee at the conference held subsequent to the close of fieldwork and the Committee was provided with a detailed account reconciliation for disbursements to JVL Company.

---

<sup>15</sup> This figure (.41173) represents the Committee's repayment ratio as calculated pursuant to 11 CFR §9038.2(b)(2)(iii).

In the Memorandum, the Audit Staff recommended the Committee provide documentation, including but not limited to, receipted bills, invoices or vouchers from the payee or other collateral evidence to support these disbursements as qualified campaign expenses. Absent such documentation, the Audit staff would recommend that the Commission determine that the Committee make a pro rata repayment of \$175,777 ( $\$426,922 \times .41173$ ) to the U.S. Treasury pursuant to 26 U.S.C. §9038(b)(2).

In response to the Memorandum, the Committee submitted vendor invoices for telemarketing services and other information which sufficiently documented the amount at issue.

### 3. Duplicate Payments and Non-Campaign Related Disbursements

The Audit staff identified payments to individuals and vendors totaling \$51,343 that appeared to be either duplicate payments of qualified campaign expenses or non-campaign related disbursements.

The duplicate payments, totaling \$26,538, included the reimbursement of expenses to individuals totaling \$18,527 which the Committee had also paid directly to the vendor providing the goods or service and the duplicate reimbursement of travel and other expenses to individuals totaling \$8,011.

The non-campaign related disbursements, totaling \$24,805, included a payment of \$10,406 to William Channel on January 7, 1997; information provided indicated that damages were sustained to a recreational vehicle. The only documentation provided to support this expenditure were copies of appraisals and damage repair estimates. No other documentation (i.e., lease/rental agreement, rental cost/payment, damage/accident report) was made available to establish a connection between the use of the vehicle and the campaign.

Also, during the Audit staff's reconciliation of disbursements to West End Travel, the Committee's travel broker, we identified airline tickets totaling \$8,213 purchased for overseas travel during June 1996. The tickets were purchased for the candidate, his spouse and an aide. Documents available during audit fieldwork indicated that the travel was personal and not campaign related. No evidence was provided in response to our request to indicate that the Committee was reimbursed or received a credit from the vendor for this payment.

Further, payments totaling \$3,401 for printing, photography and video duplication services were questioned; documentation sufficient to establish that these expenditures were made in connection with the candidate's campaign for nomination was not made available during audit fieldwork.

Finally, an expense reimbursement was made to an individual which included \$2,650 for printing charges. Included with the documentation in the Committee's file was a copy of a register slip identified as a "POST TRANSACTION VOID" from the vendor which apparently voided the transaction. Thus, it appeared the individual was reimbursed for expenses for which the goods or services were not provided.

The Audit staff's findings were discussed with the Committee at the conference held subsequent to the close of fieldwork; the Committee was provided with detailed schedules of the apparent duplicate expenditures and non-campaign related disbursements.

In the Memorandum, the Audit staff recommended that the Committee provide documentation to demonstrate that the expenditures noted above are qualified campaign expenses or present evidence that the Committee has been reimbursed for these expenditures. Absent such evidence, the Audit staff would recommend that the Commission determine that the Committee make a pro rata repayment of \$21,139 (\$51,343 x .41173) to the U.S. Treasury pursuant to 26 U.S.C. §9038(b)(2).

In response to the matter involving duplicate payments outlined above, the Committee provided documentation previously reviewed by the Audit staff during fieldwork in an attempt to resolve one duplicate payment in the amount of \$99. The apparent duplicate payment occurred when the Committee paid/reimbursed both a credit card company and an individual for what appeared to be the same expense; the Committee submitted a copy of a credit card statement but no information related to the payment to the individual. Therefore, duplicate payments totaling \$26,538 remain unresolved.

In response to the non-campaign related travel, the Committee submitted an affidavit, with a copy of an itinerary/invoice for \$8,213, from West End Travel. In the affidavit, the vendor stated that the Buchanan's personal trip to Paris/London was paid by personal check and "the ticket numbers shown were not charged to the Buchanan for President American Express credit card nor paid for by the campaign." In the Audit staff's opinion, this additional documentation, although helpful, does not fully document the transaction as requested. The cost of the tickets was listed on West End Travel's June 1996 statement for the Committee's account. The September 1996 statement indicated that all but \$852 of the cost of these tickets had been paid. The Committee did not provide any additional evidence in the form of a copy of the canceled check or account statement detailing the payment (other than by campaign funds) for this travel.

The information submitted relative to the \$2,650 reimbursement for goods or services apparently not provided, consisted of a hand written statement from an individual. This individual, who apparently works at a similar business in Virginia (the transaction in question occurred at a business in Georgia) attempted to explain how

the transaction was processed. No information was provided from the individual who requested reimbursement or from the business which actually processed the transaction.

Also in its response to the Memorandum, the Committee provided additional documentation which resolved \$1,401 (of the \$3,401) in expenses questioned above.

In summary, based on our review of the information provided by the Committee, the amount of duplicate payments to individuals and/or vendors remains unchanged and non-campaign related disbursements is reduced to \$23,405.

### **Recommendation #3**

The Audit staff recommends that the Commission determine that \$20,563 [(\$26,538 + \$23,405) x .41173] is repayable to the U.S. Treasury pursuant to 26 U.S.C. §9038(b)(2).

#### **C. PRESS BILLINGS FOR TRANSPORTATION COSTS**

Section 9034.6 (a) of Title 11 of the Code of Federal Regulations states, in part, that expenditures by an authorized committee for transportation, ground services and facilities (including air travel, ground transportation, housing, meals, telephone service, and typewriters) made available to media personnel, Secret Service personnel or national security staff, will be considered qualified campaign expenses. The committee may seek reimbursement for these expenses. Part (b) of this section states that the total amount of reimbursement sought from a media representative under this section shall not exceed 110% of the pro rata cost of the transportation and services made available to that media representative. A media representative's pro rata share shall be calculated by dividing the total actual cost of the transportation and services provided by the total number of individuals to whom such transportation and services are made available. For purposes of the calculation, the total number of individuals shall include committee staff, media personnel, Secret Service personnel, national security staff and any other individuals to whom such transportation and services are made available, except that, when seeking reimbursement for transportation costs paid by the committee under 11 CFR §9034.7(b)(5)(i)(C), the total number of individuals shall not include national security staff.

Part (c) of this section continues that the committee may deduct from the amount of expenditures subject to the overall expenditure limitation of 11 CFR §9035.1(a) the amount of reimbursements received in payment for the transportation and services described in (a) of this section, up to the actual cost of transportation and services provided. The committee may also deduct from the overall expenditure limitation an additional amount of reimbursements received equal to 3% of the actual cost of transportation and services provided under this section as the administrative cost to the committee of providing such services and seeking reimbursement for them. For the

2025-07-02 12:44:12

purposes of this section, "administrative costs" shall include all costs incurred by the committee for making travel arrangements and for seeking reimbursements, whether performed by committee staff or independent contractors. If the committee has incurred higher administrative costs in providing these services, the committee must document the total cost incurred for such services in order to deduct a higher amount of reimbursements received from the overall limitation.

Finally, part (d)(1) and (2) of this section states, in part, that if the committee receives reimbursements in excess of the amount deductible under paragraph (c) of this section, it shall dispose of the excess amount in the following manner:

- any reimbursement received in excess of 110% of the actual pro rata cost of the transportation and services made available to a media representative shall be returned to the media representative.
- any amount in excess of the amount deductible under paragraph (c) of this section that is not required to be returned to the media representative under paragraph (d)(1) of this section shall be repaid to the Treasury.<sup>16</sup>

The Committee used Charter Services Inc. (CSI) to arrange its aircraft charters. CSI arranged 26 flight legs, including chartered aircraft, catering services and passenger facility charges, for the Committee between February 20, 1996 and March 25, 1996. In addition, the Committee, through various vendors, arranged for 5 charter bus tours between February 22, 1996 and March 25, 1996.

For our review, the Committee provided copies of flight/bus manifests, schedules which detailed the Committee's calculation of the cost per flight/bus leg and invoices from CSI. In addition, the Committee provided its reconciliation of the flight/bus costs which was used to bill and collect payments from the press personnel. Documentation to support administrative costs in excess of 3% was not provided by the Committee during audit fieldwork.

Using the documentation provided by the Committee, the Audit staff determined the total cost per flight/bus leg, number of passengers per leg and cost per seat. The documented cost to transport the press personnel, as calculated by the Audit Staff, totaled \$257,393 (\$232,728 for aircraft charters and \$24,665 for bus charters). The documented cost plus a 3% administrative cost allowance was \$265,115 and the documented cost plus a 10% allowable mark-up was \$283,133. The Committee received reimbursements totaling \$304,609 from the press. This indicates that the Committee has collected \$21,476 (\$304,609 less \$283,133) in excess of the amount it was allowed to

---

<sup>16</sup> As published in the *Federal Register* (Vol. 56, No. 145) in support of the provisions contained in 11 CFR §9034.6(d), this amount is the amount between 103 percent and 110 percent of the actual cost, unless a higher administrative cost is documented.

collect from the press. The Committee's calculated cost to transport the press on aircraft charters was higher than the cost calculated by the Audit staff (\$246,020 compared to \$232,728); the Audit staff did not recognize undocumented ground costs in its calculation.

As previously cited, the Committee may deduct from the overall limitation the amount of reimbursements received in payment for the actual cost of transportation and services made available to the press plus an amount equal to 3% of the cost as an administrative cost to the Committee for providing such transportation and services. A larger administrative allowance, not to exceed 10%, may be taken only if the Committee provides sufficient documentation to support that the excess amounts were actually incurred. Since additional documentation was lacking to support the larger administrative allowance, \$18,018 [\$283,133 (cost plus 10%) less \$265,115 (cost plus 3%)] in reimbursements was received in excess of costs documented by the Audit staff; absent documentation to demonstrate additional transportation, ground or administrative costs, this \$18,018 is payable to the U.S. Treasury.

A refund of \$21,476 to the press would also be necessary, unless additional costs could be documented.

The Audit staff's findings were discussed with the Committee at the conference held subsequent at the close of fieldwork and the Committee was provided with detailed schedules, including the Audit staff's calculation of amounts, apparently due the press and the U.S. Treasury.

In the Memorandum, the Audit staff recommended that the Committee provide documentation to support the ground costs billed to the press and additional administrative costs, if any, in excess of the allowed 3% of actual cost of transportation and services provided to the press. Absent such evidence, the Audit staff would recommend that the Commission determine that the Committee refund \$21,476 to the press and make a repayment of \$18,018 to the U.S. Treasury pursuant to 11 CFR §9034.6.

In response to the Memorandum, the Committee submitted documentation to support additional transportation, ground service and facility costs totaling \$20,973. As result of these additional expenses, the documented cost of providing transportation and related services for press personnel increased to \$278,366 (\$240,941 for aircraft charters and \$37,245 for bus charters). Also, the Committee submitted documentation and other collateral evidence to support actual administrative expenses of \$26,783 which the Committee incurred to provide these services.

Based on our review of the documented costs, the Committee did not receive reimbursements from the press in excess of the actual costs of transportation and services provided, and allowable administrative costs. Therefore, no refund to the press or repayment to the U.S. Treasury is required.

11/15/2011 10:53:00 AM

**D. DETERMINATION OF NET OUTSTANDING CAMPAIGN OBLIGATIONS**

Section 9034.5(a) of Title 11 of the Code of Federal Regulations requires that within 15 calendar days after the candidate's date of ineligibility, the candidate shall submit a statement of net outstanding campaign obligations which reflects the total of all outstanding obligations for qualified campaign expenses, plus estimated necessary winding down costs.

In addition, Section 9034.1(b) of Title 11 of the Code of Federal Regulations states, in part, that if on the date of ineligibility a candidate has net outstanding campaign obligations as defined under 11 CFR §9034.5, that candidate may continue to receive matching payments provided that on the date of payment there are remaining net outstanding campaign obligations.

Mr. Buchanan's date of ineligibility was August 14, 1996. The Audit staff reviewed the Committee's financial activity through February 28, 1997, reviewed disclosure reports through September 30, 1997, analyzed winding down costs, and prepared the Statement of Net Outstanding Campaign Obligations which appears below.



**BUCHANAN FOR PRESIDENT, INC.**  
**STATEMENT OF NET OUTSTANDING CAMPAIGN OBLIGATIONS**  
 As of August 14, 1996  
 As Determined September 30, 1997

**ASSETS**

Cash in Bank	\$ 209,653 (a)	
Accounts Receivable	206,436 (b)	
Capital Assets (60% of cost)	<u>92,685</u>	
Total Assets		\$ 508,774

**OBLIGATIONS**

Accounts Payable for Qualified Campaign Expenses:		
Outstanding at 2/28/97	\$ 540,573	
Paid 8/15/96 - 2/28/97	2,549,133 (c)	
Winding Down Costs Paid 3/1/97 - 9/30/97	332,045 (d)	
Estimated Winding Down Costs 10/1/97 - 12/31/98	420,500 (e)	
Amount Payable to U. S. Treasury:		
State-Dated Checks	27,431	
Total Obligations		<u>3,869,682</u>

**Net Outstanding Campaign Obligations** **(\$3,360,908)**

**FOOTNOTES TO NOCO**

- (a) Includes contributions totaling \$70,764 dated prior to but deposited after DOI and an adjustment for outstanding stale-dated checks totaling \$22,335 issued prior to DOI and considered payable to the U.S. Treasury.
- (b) Includes a deposit of \$68,000 to Bell Atlantic which was listed by the Committee at \$20,000.
- (c) Includes actual winding down costs of \$1,019,488; excludes non-qualified campaign expenses of \$12,541 paid post DOI. (see Finding III.B.3.)
- (d) Unaudited, based on review of Committee's disclosure reports.
- (e) Audit staff estimate based on review of disclosure reports and Committee estimates.

22.07.025.44.16

Shown below are adjustments for funds received after August 14, 1996 through April 29, 1997, based on the most current financial information available at the close of fieldwork:<sup>17</sup>

Net Outstanding Campaign Obligations (Deficit) as of 8/14/96	(\$3,360,908)
Matching Funds Received 8/15/96 to 4/29/97	1,170,954
Private Contributions Received 8/15/96 to 4/29/97	1,214,282
Sale of Donor Lists 1/8/97 and 1/15/97	320,000
Rental of Donor List 2/21/97	19,279
Interest Received 8/15/96 to 4/29/97	<u>3,612</u>
 Remaining Net Outstanding Campaign Obligations (Deficit) as of 4/29/97	 <u>(\$ 632,781)</u>

As presented above, the Committee has not received matching fund payments in excess of its entitlement.

**E. STALE-DATED COMMITTEE CHECKS**

Section 9038.6 of Title 11 of the Code of Federal Regulations states that if the committee has checks outstanding to creditors or contributors that have not been cashed, the committee shall notify the Commission. The committee shall inform the Commission of its efforts to locate the payees, if such efforts have been necessary, and its efforts to encourage the payees to cash the outstanding checks. The committee shall also submit a check for the total amount of such outstanding checks payable to the United States Treasury.

During our review of the Committee's disbursement activity, the Audit staff identified 247 checks made payable to vendors and contributors totaling \$27,431 that had not been negotiated.

The Audit staff's finding was discussed with the Committee at the conference held subsequent to the close of fieldwork and the Committee was provided with a detailed schedule of stale-dated checks.

In the Memorandum, the Audit staff recommended that the Committee submit evidence that the checks are not outstanding by providing copies of the front and back of the negotiated checks, or that the outstanding checks were voided and/or that no

---

<sup>17</sup> Based on the Committee's disclosure reports, the funds received from the last matching fund payment on April 29, 1997 would have been expended as of April 30, 1997.

Committee obligation exists. Absent such evidence, the Audit staff would recommend that the Commission determine that \$27,431 is payable to the U.S. Treasury.

In response to the Memorandum, the Committee submitted a listing of checks totaling \$1,541, stating that these checks were never issued by the Committee and were not promptly voided from the campaign operating account check register. The Committee requested that the amount of stale-dated checks be reduced to reflect the checks written but not issued.

In the Audit staff's opinion, the evidence submitted by the Committee is insufficient. Neither did the Committee provide copies of the checks to evidence that they had, in fact, been voided nor evidence from the payee that no obligation existed.

**Recommendation #4**

The Audit staff recommends that the Commission determine that the total amount of stale-dated checks (\$27,431) is payable to the U.S. Treasury pursuant to 11 CFR §9038.6.

**VI. SUMMARY OF AMOUNTS DUE TO THE U.S. TREASURY**

Finding III.B.	Apparent Non-Qualified Campaign Expenses	44,791
Finding III.E.	Stale-Dated Committee Checks	<u>27,431</u>
	Total	<u>\$72,222</u>

PE " 07 " 02S " 4418



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

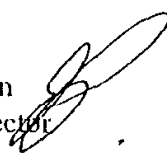
RECEIVED  
FEDERAL ELECTION  
COMMISSION  
AUDIT DIVISION


Nov 25 11 45 AM '98


November 25, 1998


MEMORANDUM

TO: Robert J. Costa  
Assistant Staff Director  
Audit Division

THROUGH: James A. Pehrkon   
Acting Staff Director

FROM: Lawrence M. Noble   
General Counsel

Kim Bright-Coleman   
Associate General Counsel

Lorenzo Holloway   
Assistant General Counsel

SUBJECT: Proposed Audit Report on Buchanan for President, Inc.  
(LRA # 466)

The Office of General Counsel has reviewed the proposed Audit Report on Buchanan for President, Inc. ("the Committee") submitted to this Office on September 16, 1998. This Office submits the following comments on the report. To the extent that this Office has not made specific comments on sections of the report, we concur with the Audit Division's analysis and recommendations. If you have any questions concerning our comments, please contact Tracey L. Ligon or Jamila I. Wyatt, the staff assigned to this matter.<sup>1</sup>

<sup>1</sup> The proposed Audit Report concerns the audit of a publicly-financed candidate. Therefore, the Office of General Counsel recommends that the Commission consider the Audit Report in open session. See 11 C.F.R. § 9038.1(e)(1).

02-07-025-4419

The Office of General Counsel notes that Audit Division staff attempted to schedule an exit conference with the Committee to discuss the Committee's Exit Conference Memorandum. However, the Committee informed Audit Staff that it did not desire to have an exit conference because the Committee did not anticipate having any questions. Consequently, on May 8, 1998, the Audit Division delivered to the Committee the Exit Conference Memorandum without holding an exit conference. In light of the fact that the Committee did not desire to have an exit conference and the fact that the Committee received the Exit Conference Memorandum, the Office of General Counsel believes that the Audit Division has satisfied the requirements of 11 C.F.R. § 9038.1(b)(2)(iii). Nevertheless, in order to avoid any possible procedural arguments, we recommend that the Audit Division revise the Audit Report to note that the Audit Division attempted to schedule an exit conference pursuant to 11 C.F.R. § 9038.1(b)(2)(iii) and the Committee stated that it did not desire to have an exit conference.<sup>2</sup>

## I. USE OF THE CANDIDATE'S FUNDS IN EXCESS OF THE LIMITATION (II.A.)<sup>3</sup>

The Audit Division concludes that the candidate exceeded the \$50,000 candidate expenditure limitation set out at 26 U.S.C. § 9035(a) by \$50,374. This amount includes expenditures, made by the candidate and/or the candidate's wife using an American Express and Visa cards, that the Committee did reimburse not in a timely manner. The report states that if additional transactions pertaining to the cards are later found to be applicable to the candidate's \$50,000 personal expenditure limitation, adjustments will be necessary.

The proposed Audit Report does not state the context in which such an adjustment can be made to the candidate expenditure limitation.<sup>4</sup> If the Committee seeks an administrative review of the repayment determination, the administrative review will be limited to repayment matters. See *Explanation and Justification* for 11 C.F.R. § 9007.2(d) (general election financing repayment procedure that is parallel to 11 C.F.R. § 9038.2(d)(1)), 60 Fed. Reg. 31863 (June 16, 1995). The amount that the candidate exceeded his personal expenditure limitation is not a repayment matter.<sup>5</sup> Therefore, the post-administrative review statement of reasons will not

---

<sup>2</sup> In a letter dated May 21, 1998, the Audit Division notified the Committee that the Commission satisfied the requirements of 11 C.F.R. § 9038.1(b)(2)(iii) under the circumstances described above. Subsequently, on June 16 and July 8, 1998, staff from the Audit Division and the Office of General Counsel met with the Committee to answer specific questions about the Exit Conference Memorandum.

<sup>3</sup> Parenthetical references are to related sections in the Audit Report.

<sup>4</sup> The Office of General Counsel recommends that the Audit Division revise the Audit Report to note for clarification purposes that the additional card transactions are among the undocumented nonqualified campaign expenses discussed in Section III.B. of the proposed report. The Committee will have an opportunity to provide documentation for these charges if the Committee seeks an administrative review of the repayment determination. See 11 C.F.R. § 9038.2(c)(2).

<sup>5</sup> In contrast, the amount that a principal campaign committee exceeds the state or overall expenditure limitation is a basis for repayment. 11 C.F.R. §§ 9038.2(b)(2)(ii)(A) and (v).

2025 RELEASE UNDER E.O. 14176

include an adjustment to the amount subject to the candidate's personal expenditure limitation. The Commission can only make such an adjustment in an addendum to the Audit Report. 11 C.F.R. § 9038.1(d)(3). If the Audit Division's reference to later adjustments is meant only to convey that subsequently obtained documentation warranting an adjustment to the amount deemed to be applicable to the candidate's \$50,000 expenditure limitation will be considered in the event that the Commission addresses this issue in another context, *see* 11 C.F.R. § 9038.1(d)(2), this Office recommends that the Audit Division revise the Audit Report to clearly reflect this fact.

Additionally, this Office recommends that the Audit Division revise footnote six. The footnote states, *inter alia*, that because the candidate was the sole holder on the American Express account, all charges made on the account are applicable to the candidate's personal expenditure limitation. The Report states that Audit staff were not provided with statements and charge slips for certain American Express or Visa charges. The footnote suggests that any credit card charge made by the candidate and submitted to the Committee for reimbursement is automatically applicable to the candidate's personal expenditure limitation.

The Office of General Counsel believes that the amount subject to the candidates' personal expenditure limitation does not include any and all charges on a candidate's credit card. Rather, we believe that it is limited to expenditures that are made in connection with the campaign. Section 9035.2(a)(2) applies to "expenditures" made using a card. The Presidential Primary Matching Payment Act and the regulations promulgated thereunder do not define expenditure.<sup>6</sup> However, Section 9035.2(a)(2) requires that the expenditure be made in connection with the candidate's campaign for the nomination. 11 C.F.R. § 9035.2(a)(1). This requirement in 11 C.F.R. § 9035.2(a)(1) recognizes that a candidate can use his personal card to incur expenses that will not be related to the campaign and are therefore not subject to his personal expenditure limitation. Since the Audit staff is currently unable to confirm the nature of the charges, we recommend that the Audit Division revise the footnote to state that all "expenditures" made on the American Express or Visa cards, regardless of who signed the charge slip, would be applicable to the candidate's expenditure limitation, while charges unrelated to the campaign would not be subject to the candidate's personal expenditure limitation.<sup>7</sup>

## II. APPARENT PROHIBITED CONTRIBUTION RESULTING FROM EXTENSION OF CREDIT BY COMMERCIAL VENDOR (II.B.)

The Audit Staff concludes that one of the Committee's vendors, MFI's, failure to act timely in invoicing and seeking payment from the Committee represents an apparent contribution. The Office of General Counsel agrees with this conclusion. However, we

---

<sup>6</sup> The term "contribution" is defined at 11 C.F.R. § 9032.3.

<sup>7</sup> However, charges unrelated to the campaign that were reimbursed by the Committee would constitute the use of campaign funds for non-qualified campaign expenses. *See* 11 C.F.R. § 9034.4(b)(5).

recommend that the Audit Division revise the proposed Audit Report to reference the conclusion to the legal standard under 11 C.F.R. § 100.7(a)(4), *i.e.*, failure to make a commercially reasonable attempt to collect the debt. To buttress this conclusion, we recommend that the Audit Division revise the proposed Audit Report to note dates and time frames during which MFI failed to invoice the Committee for its balance due.

The Office of General Counsel also recommends that the Audit Division revise the Audit Report to utilize the agreement between the Committee and MFI to further support its conclusion that MFI failed to make a commercially reasonable attempt to collect the debt. See 11 C.F.R. § 100.7(a)(4). Under the terms of the agreement, MFI was to submit invoices on a monthly basis beginning January 1, 1996 and continuing until the termination of the contract, and invoices were to be paid from matching funds generated or within thirty days, whichever came first. MFI's failure to submit invoices in accordance with its own contractual terms should be cited as evidence of failure to act in a commercially reasonable manner.

### III. RECEIPT OF CASH CONTRIBUTIONS IN EXCESS OF THE LIMITATION (III.A)

The Audit Division concludes that the Committee received \$14,211 in excessive cash contributions that were not refunded or disposed of in a timely manner and, accordingly, recommends that the Commission determine that \$14,211 is payable to the United States Treasury. The proposed Audit Report found that \$2,408 was never refunded or disposed of or paid to the United States Treasury, and \$12,755 was refunded or disposed of in an untimely manner.<sup>8</sup> The Committee does not dispute that it did not promptly refund or dispose of excessive cash contributions.<sup>9</sup> The Committee raised two arguments. First, the Committee argues that the Commission is without authority to require a payment to the United States Treasury for funds that the Committee has already refunded to the contributors (albeit untimely). Second, with respect to excessive cash contributions that the Committee has not refunded to contributors, the Committee contends that a requirement to pay the United States Treasury rather than to refund the money to the contributor, where the contributor's identity is known, constitutes a "taking" in violation of the Fifth Amendment to the United States Constitution.

Section 9038.1(f)(3) of the Commission's regulations requires committees to submit to the United States Treasury a check for the total amount of any excessive or prohibited contributions not refunded, reattributed or redesignated in a timely manner in accordance with 11

---

<sup>8</sup> The Audit Division identified \$952 in excessive cash contributions that the Committee previously paid to the United States Treasury. This amount, therefore, is not included in the \$14,211 that the Audit Division recommends that the Commission determine to be payable to United States Treasury.

<sup>9</sup> This Office recommends that the Audit Division list when the excessive cash contributions were refunded in order to determine exactly how late the refunds were made.

02.07.05.442

C.F.R. § 103.3(b)(1), (2) or (3).<sup>10</sup> Remitting to the United States Treasury excessive cash contributions that are not promptly refunded is consistent with the equitable doctrine of disgorgement. As the Commission noted in the Explanation and Justification for a parallel provision, 11 C.F.R. § 9007.1(f)(3), “courts have upheld the use of disgorgement in cases involving securities violations ‘as a method of forcing a defendant to give up the amount by which he was unjustly enriched,’ *SEC v. Tome*, 833 F.2d 1086, 1096 (2<sup>nd</sup> Cir. 1987), citing *SEC v. Commonwealth Chemical Securities, Inc.*, 574 F.2d 90, 102 (2<sup>nd</sup> Cir. 1978).” Explanation and Justification for 11 C.F.R. § 9007.1(f)(3) 60 Fed. Reg. 31863 (June 16, 1995). Moreover, the 1996 Presidential Primary Compliance Manual provides that “[a] refund made more than 30 days after receipt of the contribution does not relieve the committee of the obligation to pay the amount of the contribution to the Treasury.”<sup>11</sup> *1996 Presidential Primary Compliance Manual*, p. 92.

As a condition precedent to receiving public funds, the Committee agreed to comply with the cash contribution limitations under the FECA. See 11 C.F.R. § 9033.1(b)(10). A committee’s failure to take action on excessive contributions within a timely manner is a failure to cure contributions that are in violation of the Federal Election Campaign Act of 1971 as amended (“FECA”). Requiring presidential committees to pay the United States Treasury the amount of funds that are not refunded or disposed of in a timely manner is a part of the Commission’s duty to proscribe rules in the audit process to ensure that presidential committees are in compliance with the FECA. See 2 U.S.C. § 437d(a)(8); see also 11 C.F.R. § 9038.1(b)(2)(iii). The Commission’s regulations as well as the 1996 Presidential Primary Compliance Manual provided the Committee with notice that if they did not timely cure excessive contributions in accordance with the Commission’s regulations, they would be required to pay an amount equal to such contributions to the United States Treasury. See 11 C.F.R. § 9038.1(f)(3); *1996 Presidential Primary Compliance Manual*, p. 71

The Office of General Counsel believes that a payment to the United States Treasury for untimely refunded excessive cash contributions where the contributor is known, does not

<sup>10</sup> Section 103.3(b)(1)-(3), however, does not address the issue of refunding excessive cash contributions. See 11 C.F.R. § 103.3(b)(1)-(3). Excessive cash contributions are refunded in accordance with 11 C.F.R. § 110.4(c)(2), not 11 C.F.R. § 103.3(b)(3). Unlike Section 103.3(b)(3), which requires a refund of excessive contributions within sixty days, Section 110.4(c)(2) requires a committee to refund excessive cash contributions promptly. Compare 11 C.F.R. § 103.3(b)(3) with 11 C.F.R. § 110.4(c)(2). Section 9038.1(f)(3) requires a payment to the United States Treasury for untimely refunded contributions in excess of \$1,000 under 2 U.S.C. § 441a. However, there is no reason to limit this disgorgement remedy to specific types of excessive contributions. The amounts in excess of the \$1,000 individual contribution limitation and amounts in excess of the \$100 cash contribution limitation are both funds available to the Committee that were limited by the FECA.

<sup>11</sup> However, requiring a committee to pay to the United States Treasury in the audit context excessive contributions that the committee has already refunded to the contributors (albeit in an untimely manner), could be viewed as punitive in nature since the Committee no longer has the funds that constitute the unjust enrichment. See *Kennedy for President Committee v. FEC*, 734 F.2d 1558, 1565 (D.C. Cir. 1984) (audit process is not to penalize the person or committee subject to the audit, but rather to recapture public funds used for unqualified expenditures).



constitute a “taking” in violation of the Fifth Amendment to the United States Constitution. The Takings Clause provides, “private property [shall not] be taken for public use without just compensation.” U.S. Const. Amend. V. However, a party challenging governmental action as an unconstitutional taking bears a substantial burden. *United States v. Sperry Corp.*, 493 U.S. 52, 60 (1989). Although the question of what constitutes a taking for the purposes of the Fifth Amendment has proven to be problematic, the courts have stated that the inquiry into whether a regulation constitutes an unconstitutional taking does not lend itself to any set formula, and is essentially ad hoc and fact intensive. *Kaiser Aetna v. United States*, 444 U.S. 164, 174-175 (1979).

Guidance may be found, however, in the courts’ treatment of such “taking” argument in the context of cases involving violations of the federal securities laws. In *S.E.C. v. Blavin*, the United States Court of Appeals for the Sixth Circuit affirmed the district court’s findings that the Defendant violated securities laws, as well as its disgorgement order and disgorgement distribution plan. *S.E.C. v. Blavin*, 760 F.2d 706 (6<sup>th</sup> Cir. 1985). After finding that the Defendant violated securities laws, the district court ordered disgorgement of profits gained therefrom, and appointed an agent to implement and administer a disgorgement plan. The Court of Appeals held that the part of the disgorgement plan that required a payment to the United States Treasury after all claims had been paid did not violate the Takings Clause. *See Blavin, supra*, at 713. The Court of Appeals reasoned that the Defendant’s taking argument was “based on the misguided belief that disgorgement is a form of restitution that is based upon proof that investors suffered loss through [the Defendant’s] securities law violations.” *Id.*

The Office of General Counsel believes that requiring the Committee to pay to the United States Treasury the amount of excessive cash contributions not promptly refunded, where the identity of the contributors is known, does not constitute a “taking” in violation of the Fifth Amendment to the United States Constitution. As the court explained, the principle is that the disgorgement remedy operates without specific regard for the interests of private parties. *See Blavin*, at 713. Although the audit context does not involve a determination that the Committee violated the law, requiring the Committee to make a payment to the Treasury of cash contributions in the audit context, irrespective of the fact that the contributors’ identity is known, is consistent with this principle.<sup>12</sup>

---

<sup>12</sup> The Explanation and Justification for 11 C.F.R. § 9007.1(f)(3) notes that: “it is easier for a committee to make one payment to the Treasury, as opposed to refunding multiple contributions.” *Explanation and Justification for 11 C.F.R. § 9007.1(f)(3)* (general election financing repayment procedure that is parallel to 11 C.F.R. § 9038.1(f)(3)), 60 Fed. Reg. 31863 (June 16, 1995).



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

January 21, 1999

Mr. Scott Mackenzie, Treasurer  
Buchanan for President Committee, Inc.  
6862 Elm Street, Suite 210  
McLean, VA 22101

Dear Mr. Mackenzie:

Attached please find the Report of the Audit Division on Buchanan for President Committee, Inc. The Commission approved the report on January 14, 1999. As noted on page 4 of the attached report, the Commission may pursue any of the matters discussed in an enforcement action.

In accordance with 11 CFR §§9038.2(c)(1) and (d)(1), the Commission has made a determination that a repayment to the Secretary of the Treasury in the amount of \$72,222 is required within 90 calendar days after service of this report (April 24, 1999).

Should the Candidate dispute the Commission's determination that a repayment is required, Commission regulations at 11 CFR §9038.2(c)(2) provide the Candidate with an opportunity to submit in writing, within 60 calendar days after service of the Commission's notice (March 25, 1999), legal and factual materials to demonstrate that no repayment, or a lesser repayment, is required. Further, 11 CFR §9038.2(c)(2)(ii) permits a Candidate who has submitted written materials to request an opportunity to address the Commission in open session based on the legal and factual materials submitted.

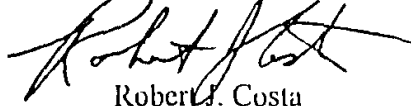
The Commission will consider any written legal and factual materials submitted within the 60 day period when deciding whether to revise the repayment determination. Such materials may be submitted by counsel if the Candidate so elects. If the Candidate decides to file a response to the repayment determination, please contact Kim L. Bright-Coleman of the Office of General Counsel at (202) 694-1650 or toll free at (800) 424-9530. If the Candidate does not dispute this determination within the 60 day period provided, it will be considered final.

The Commission approved Audit Report will be placed on the public record on or about January 29, 1999. Should you have any questions regarding the public release of this report, please contact Ron Harris of the Commission's Press Office at (202) 694-1220.

EE 07 025 4425

Any questions you may have related to matters covered during the audit or in the audit report should be directed to Wanda Thomas or Rick Halter of the Audit Division at (202) 694-1200 or toll free at (800) 424-9530.

Sincerely,



Robert J. Costa  
Assistant Staff Director  
Audit Division

Attachments:  
Audit Report  
Schedule of Undocumented Expenses  
Schedule of Duplicate Payments and  
Non-Campaign Related Disbursements  
Schedule of Stale-Dated Checks

2025.07.22.07.02.52.4426



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

January 21, 1999

Mr. Patrick J. Buchanan  
Buchanan for President Committee, Inc.  
6862 Elm Street, Suite 210  
McLean, VA 22101

Dear Mr. Buchanan:

Attached please find the Report of the Audit Division on Buchanan for President Committee, Inc. The Commission approved the report on January 14, 1999. As noted on page 4 of the attached report, the Commission may pursue any of the matters discussed in an enforcement action.

In accordance with 11 CFR §§9038.2(c)(1) and (d)(1), the Commission has made a determination that a repayment to the Secretary of the Treasury in the amount of \$72,222 is required within 90 calendar days after service of this report (April 24, 1999).

Should you dispute the Commission's determination that a repayment is required, Commission regulations at 11 CFR §9038.2(c)(2) provide you with an opportunity to submit in writing, within 60 calendar days after service of the Commission's notice (March 25, 1999), legal and factual materials to demonstrate that no repayment, or a lesser repayment, is required. Further, 11 CFR §9038.2(c)(2)(ii) permits a candidate who has submitted written materials to request an opportunity to address the Commission in open session based on the legal and factual materials submitted.

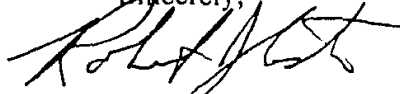
The Commission will consider any written legal and factual materials submitted within the 60 day period when deciding whether to revise the repayment determination. Such materials may be submitted by counsel if you so elect. If you decide to file a response to the repayment determination, please contact Kim L. Bright-Coleman of the Office of General Counsel at (202) 694-1650 or toll free at (800) 424-9530. If you do not dispute this determination within the 60 day period provided, it will be considered final.

The Commission approved Audit Report will be placed on the public record on or about January 29, 1999. Should you have any questions regarding the public release of this report, please contact Ron Harris of the Commission's Press Office at (202) 694-1220.

22 07 025 4423

Any questions you may have related to matters covered during the audit or in the audit report should be directed to Wanda Thomas or Rick Halter of the Audit Division at (202) 694-1200 or toll free at (800) 424-9530.

Sincerely,



Robert J. Costa  
Assistant Staff Director  
Audit Division

- Attachments:  
Audit Report  
Schedule of Undocumented Expenses  
Schedule of Duplicate Payments and  
Non-Campaign Related Disbursements  
Schedule of State-Dated Checks

22-07-025-4428

## CHRONOLOGY

### BUCHANAN FOR PRESIDENT, INC.

Audit Fieldwork	12/3/96 - 1/29/97
Exit Conference Memorandum to Committee	5/8/98
Response Received to the Exit Conference Memorandum	7/22/98
Audit Report Approved	1/14/99

22.07.025.4429



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 25, 2000

**MEMORANDUM**

**TO:** Ronald M. Harris  
Chief, Press Office

**FROM:** Kim Leslie Bright *KL*  
Associate General Counsel

Rhonda J. Vosdingh *RJ*  
Assistant General Counsel

**SUBJECT:** Public Issuance of Statement of Reasons for Patrick J. Buchanan and Buchanan for President, Inc. (LRA #512)

Attached please find a copy of the Statement of Reasons for Patrick J. Buchanan and Buchanan for President, Inc., which the Commission approved on September 14, 2000.

Informational copies of the Statement of Reasons have been received by all parties involved and the document may be released to the public.

Attachment as stated.

cc: Audit Division  
FEC Library  
Public Disclosure  
Reports Analysis Division

22-07-025-4016



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 19, 2000

**CERTIFIED MAIL RETURN RECEIPT REQUESTED**

Patrick J. Buchanan  
c/o John J. Duffy, Esq.  
Stephoe & Johnson  
1330 Connecticut Avenue, N.W.  
Washington, D.C. 20036-1795

Re: Buchanan for President, Inc. (LRA #512)

Dear Mr. Buchanan:

The Commission has considered the responses filed and the oral hearing held on behalf of Patrick J. Buchanan and Buchanan for President, Inc. (collectively, "the Committee") regarding the Commission's repayment determination issued on July 15, 1999. On September 14, 2000 the Commission determined that the Committee must repay a total of \$63,750 to the United States Treasury, including \$62,116 for matching funds related to improper reattributions and \$1,634 for matched contributions that were later refunded.

Enclosed is a Statement of Reasons in support of the Commission's determination. See 11 C.F.R. § 9038.2(c)(3). The Committee must repay \$63,750 to the United States Treasury within 30 calendar days after service of the notice of this post-administrative review repayment determination. 11 C.F.R. § 9038.2(d)(2). Judicial review of the Commission's determination is available pursuant to 26 U.S.C. § 9041. If you have any questions regarding the Commission's determination, please contact Delanie DeWitt Painter, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

A handwritten signature in black ink that reads "Kim Leslie Bright".

Kim Leslie Bright  
Associate General Counsel

Enclosure  
Statement of Reasons

22-07-025-4017





FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 19, 2000

**CERTIFIED MAIL RETURN RECEIPT REQUESTED**

Angela M. Buchanan, Treasurer  
Buchanan for President, Inc.  
c/o John J. Duffy, Esq.  
Steptoe & Johnson  
1330 Connecticut Avenue, N.W.  
Washington, D.C. 20036-1795

Re: Buchanan for President, Inc. (LRA #512)

Dear Ms. Buchanan:

The Commission has considered the responses filed and the oral hearing held on behalf of Patrick J. Buchanan and Buchanan for President, Inc. (collectively, "the Committee") regarding the Commission's repayment determination issued on July 15, 1999. On September 14, 2000 the Commission determined that the Committee must repay a total of \$63,750 to the United States Treasury, including \$62,116 for matching funds related to improper reattributions and \$1,634 for matched contributions that were later refunded.

Enclosed is a Statement of Reasons in support of the Commission's determination. See 11 C.F.R. § 9038.2(c)(3). The Committee must repay \$63,750 to the United States Treasury within 30 calendar days after service of the notice of this post-administrative review repayment determination. 11 C.F.R. § 9038.2(d)(2). Judicial review of the Commission's determination is available pursuant to 26 U.S.C. § 9041. If you have any questions regarding the Commission's determination, please contact Delanie DeWitt Painter, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

A handwritten signature in cursive script that reads "Kim Leslie Bright".

Kim Leslie Bright  
Associate General Counsel

Enclosure

Statement of Reasons (without attachments)

22-07-025-4018

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Patrick J. Buchanan and ) LRA # 512  
Buchanan for President, Inc. )  
)

STATEMENT OF REASONS

I. INTRODUCTION

On September 14, 2000, the Federal Election Commission ("the Commission") determined that Patrick J. Buchanan and Buchanan for President, Inc. (collectively "the Committee") must repay a total of \$63,750 to the United States Treasury for matching funds received in excess of the candidate's entitlement for matched contributions later determined to have been non-matchable. 26 U.S.C. § 9038(b)(1); 11 C.F.R. § 9038.2(b)(1)(iii). This repayment arose from a Commission inquiry under 26 U.S.C. § 9039(b) and 11 C.F.R. § 9039.3 ("the 9039 inquiry"). The Commission's repayment results from Commission determinations that the Committee must repay: \$62,116 for matching funds related to improper reattributions, and \$1,634 for matched contributions that were later refunded. The Committee is ordered to repay \$63,750 to the United States Treasury within thirty (30) calendar days after service of this determination. 11 C.F.R. §§ 9038.2(c)(3) and (d)(2). This Statement of Reasons sets forth the legal and factual basis for the Commission's repayment determination upon administrative review. See 26 U.S.C. § 9038(b)(1), 11 C.F.R. §§ 9038.2(c)(3) and (f), 9039.3(a)(2) and (b)(4).

II. INVESTIGATION AND REPAYMENT DETERMINATION

Patrick J. Buchanan was a candidate for the Republican Party presidential nomination in the 1996 primary elections. The Committee registered with the Commission on February 16, 1995. On May 31, 1995, the Commission determined that Mr. Buchanan was eligible to receive

22-07-025-4019

matching funds under the Presidential Primary Matching Payment Account Act, 26 U.S.C. §§ 9031-9042 ("Matching Payment Act"). The Committee received \$10,983,475 in matching fund payments from the United States Treasury.

During the Commission's audit of the Committee pursuant to 26 U.S.C. § 9038, the Commission conducted a sample review of the Committee's matched contributions and found that a number of contributions that were apparently improperly reattributed had been submitted for matching. These included reattributions that did not appear to be between individuals with joint accounts, reattributions to numerous individuals, reattributions of the entire amount of contribution checks and possible reattributions to minors. Specifically, the Commission identified 7,220 matched contributions from all contributors who were associated with any reattribution submitted for matching. From this universe, the Commission drew a random sample of 324 items.<sup>1</sup> The Commission reviewed the sample items and treated reattributions as improper if they were made to an individual or individuals with a different surname from the original contributor or who had the same surname but did not appear to be the contributor's spouse. See Attachment Q at 3. Forty-seven of these sample items appeared to have been improperly reattributed and thus, non-matchable.

In addition, the Commission's audit revealed reattribution documents which generally stated that the retributee "maintain[s] equitable ownership of the account" from which the original contribution was drawn.<sup>2</sup> See Attachment B at 18. Moreover, it appeared that the

---

<sup>1</sup> Originally, the sample size was 325 items; however, as discussed *infra* at note 7, one item was subsequently deleted from the sample because it was refunded on May 10, 1999.

<sup>2</sup> However, thirteen of the contributors associated with the 47 sample items that appeared to be non-matchable did not use the "equitable ownership" language in one or more of their reattribution statements. It was not clear why the reattribution statements use the term "equitable ownership," which appears in the regulations governing matchability of contributions drawn on an escrow or trust account. 11 C.F.R. § 9034.2(c)(2).

Committee prepared the reattribution forms and sent them to the contributors with a form cover letter explaining that a maximum of \$250 is matchable for each contribution, and suggesting that if their "contribution can be partially attributed to your spouse, or other member of your family, the Committee can submit it for additional matching funds," apparently to maximize matchable contributions. See Attachment B at 19.

On June 16, 1998, the Commission opened the inquiry pursuant to 26 U.S.C. § 9039(b) and 11 C.F.R. § 9039.3 to determine whether any contributions to the Committee were improperly reattributed and whether the Committee owed a repayment for matching funds it received for non-matchable contributions. See 26 U.S.C. § 9038(b)(1); 11 C.F.R. § 9038.2(b)(1)(iii); Attachment A. To verify the contributions and reattributions, the Commission surveyed contributors who had reattributed all or a portion of their contributions, questioning whether the reattributees "had the right to withdraw funds from any of your bank accounts."<sup>3</sup> Attachment B at 15-17. Follow-up letters and telephone calls were made to contributors who did not respond to the questionnaire or who returned only a partial response.

The Commission received responses for 39 of the 47 sample items.<sup>4</sup> Based on the responses, eight of the sample items appear to have been matchable, and 31 of the sample items should not have been matched and are considered "errors." The Commission did not require a

---

<sup>3</sup> In addition, the questionnaire asked the contributors to verify the amounts and dates of their contributions, state whether the contribution checks were drawn on an escrow or trust account, verify the amounts, dates and name(s) of the reattributee(s) for each reattribution, provide the current mailing address for each reattributee, and indicate whether the reattributee gave the contributor any money to make the contribution or reattribution. *Id.*

<sup>4</sup> The Commission did not obtain information concerning the remaining eight sample items because two were related to contributors who are now deceased, and six sample items are associated with four contributors who refused to respond completely to the survey.

repayment for sample items for which there was no response or for which there was an inadequate response to the questionnaire.

Based on the results of the 9039 inquiry, on July 15, 1999, the Commission determined that Mr. Buchanan and the Committee must repay a total of \$63,750 for matching funds received in excess of the candidate's entitlement for matched contributions later determined to have been non-matchable, including \$62,116 related to the improper reattributions and \$1,634 for matched contributions that were later refunded.<sup>5</sup> See Attachment B. In the Notice of Repayment Determination, the Commission explained that the reattributions associated with the 31 "errors" were not proper and were not matchable. See 11 C.F.R. §§ 110.1(k), 9034.2(c)(1). Specifically, the contribution checks were drawn on the original contributors' accounts, and because the responses to the questionnaires indicated that the reattributee(s) did not have the right to withdraw funds from the contributor's bank accounts, there was no indication that the reattributees were joint owners of the contributor's accounts. See 11 C.F.R. § 9034.2(c)(1). Thus, the contributed funds appear to have belonged to the contributor rather than to the reattributee. See *id.*

The Commission used the survey information concerning the 47 sample items to calculate the percentage of improper reattributions in the total population ("error rate") and the associated repayment amount for these non-matchable contributions. The Commission projected an error rate of 9.57% non-matchable items in the population with a sampling error of  $\pm 3.69\%$  and a

---

<sup>5</sup> In a separate repayment matter that arose from the Commission's audit of the Committee pursuant to 26 U.S.C. § 9038(a), the Commission made a determination following an administrative review on March 16, 2000, that the Committee must repay \$29,328 to the United States Treasury for non-qualified campaign expenses including inadequately documented disbursements, duplicate payments and non-campaign related disbursements. The repayment was made on April 12, 2000. In the Audit Report, the Commission also determined that a payment of \$27,431 was due to the United States Treasury for stale-dated checks, but the Committee has not yet made that payment. See 11 C.F.R. § 9038.6.

confidence level of 95%. See Attachment B at 24-29. This error rate, when used to estimate the total dollar value of errors in the population, resulted in a projected error amount of \$62,116 which must be repaid for non-matchable contributions. *Id.*

The remaining repayment amount, \$1,634, was based on the Committee's refund of \$2,000 to two contributors who each made a \$1,000 contribution and subsequently completed several reattribution forms.<sup>6</sup> The Committee had submitted these contributions and associated reattributions for a total of \$1,750 in matching funds in two matching fund submissions, and based on its review of the matching fund submissions, the Commission certified a total of \$1,634 in matching funds for these contributions.<sup>7</sup> The total amount of matching funds certified for the refunded contributions, \$1,634, must be repaid because the contributions have been refunded. See 26 U.S.C. § 9038(b)(1); 11 C.F.R. §§ 9034.2(a)(1), 9034.3(i), 9038.2(b)(1)(iii).

On October 12, 1999, the Committee submitted a written response to the repayment determination and requested the opportunity to address the Commission in open session in order to demonstrate that no repayment or a lesser repayment is required.<sup>8</sup> See Attachment E; 11 C.F.R. § 9038.2(c)(2)(ii). The Commission granted the Committee's request for an oral hearing and the hearing was held on March 1, 2000. See Attachment F.

Throughout the repayment process, the Committee made a number of requests for documents from the Commission. After receiving the repayment determination, the Committee

---

<sup>6</sup> The contributors stated in a letter dated May 17, 1999 that they requested refunds after Commission staff contacted them "because of an apparent misunderstanding about a form we were sent by the campaign after we made the contributions." Attachment B at 20-22.

<sup>7</sup> A reattribution of \$250 of one of these contributions was originally one of the sample items. Because it has been refunded, this item is not being treated as an error and has been deleted from the sample.

<sup>8</sup> On September 30, 1999, the Commission granted the Committee a 15-day extension of time, until October 12, 1999, to respond to the Commission's repayment determination. Thus, the response was timely.

requested in a letter dated August 24, 1999, two specific memoranda sent between the Commission's Office of General Counsel and Audit Division and "any documents including memoranda, oral contacts, questionnaires, etc. that form the basis of the Audit Staff's factual conclusions that certain of the 48 sample items appear to be 'improperly reattributed.'"

Attachment C. On October 8, 1999, the Commission provided the requested memoranda, with attachments, and copies of the surveys completed by contributors related to the sample items which were considered to be improperly reattributed.<sup>9</sup> Attachment D.

The Committee requested additional documents from the Commission prior to the oral hearing. By letter dated February 7, 2000, the Committee requested information concerning the Commission's sampling procedures, specifically, the database containing the population of 7,220 observations, the database or spreadsheet of the sample results, the basis for the calculation of the 3.69% margin of error, and an explanation for each of the exclusions from the sample.

Attachment G. On February 16, 2000, Commission staff provided the requested materials to the Committee.<sup>10</sup> Attachment H.

---

<sup>9</sup> The Commission did not provide copies of internal reports prepared by an investigator in the Commission's Office of General Counsel, electronic messages, or communications between Commission staff of the Office of General Counsel and the Audit Division, which are protected from disclosure by the attorney work product privilege. Attachment D. Moreover, the Commission did not provide documents the Committee should have in its possession, such as contribution checks, or documents that appeared to be beyond the scope of the request. *See id.*

<sup>10</sup> The Commission provided a spreadsheet of the population of 7,220 items, two spreadsheets listing each of the sample items, and the script of the inputs and results of the computer program used to calculate the error rate, margin of error and repayment amount. When the Committee informed Commission staff that its software was not compatible with two of the spreadsheets, Commission staff converted the spreadsheets to a compatible format and sent them to the Committee by electronic mail on February 18, 2000. By facsimile transmission dated February 18, 2000, the Committee stated that it had not received "an explanation for each of the exclusions from the sample." Attachment I at 1. On February 25, 2000, Commission staff responded that the materials provided fully complied with the request for documents, and explained that the color-coded spreadsheets of sample items provided to the Committee on February 16, 2000 list each sample item and include a legend explaining the reasons for each of the exclusions from the sample of observations. Attachment J.

Following the March 1, 2000 oral hearing, the Committee made several additional requests for documents. In a facsimile transmission dated March 2, 2000, the Committee's counsel requested "a handbook, manual or other material that describes the Dollar Unit Sampling method employed . . . in this Repayment Determination. . . . or any other material describing the Dollar Unit Sampling method used," as well as "any internal instructions or materials issued to the Audit Staff that provide guidance regarding how to conduct Dollar Unit Sampling analysis." Attachment K. The Committee also requested "any documents or materials prepared by Ernst & Whinney that recommend use of Dollar Unit Sampling or describe the purpose or goals of the method." *Id.* The Commission staff provided responsive documents to the Committee on March 3, 2000, with a cover letter explaining that "there is no internal handbook or manual describing the computer program or the dollar unit sampling procedures." Attachment L. However, the Commission staff provided responsive materials that explained dollar unit sampling, including two reports prepared by Ernst & Whinney in 1979 concerning the Commission's sampling program, excerpts from two books used by the Commission's Audit staff<sup>11</sup> and computer code from the original computer program used for dollar unit sampling of matching fund submissions at the Commission.<sup>12</sup> *See id.*

On March 10, 2000, the Commission staff hand-delivered additional responsive documents to the Committee with a cover letter explaining that the "same dollar unit sampling review process that is used to review matching fund submissions was used to draw the sample that is the basis of the repayment determination." Attachment M. The Commission staff provided the computer

---

<sup>11</sup> JOHN H. MCCRAY, *DOLLAR UNIT SAMPLING FOR AUDITORS* (1978) and DONALD M. ROBERTS, *STATISTICAL AUDITING* (1978).

<sup>12</sup> Commission staff also informed the Committee that staff were continuing to examine the agency's files for additional responsive documents. *See id.*

02 "02" "025" "4025"



code for the current dollar unit sampling computer program used for review of matching fund submissions and for the sample projection that is the basis of the repayment determination;<sup>13</sup> examples of matching fund submission review forms; documents used in the review of the Committee's matching fund "Submission 07,"<sup>14</sup> and a document prepared by the Commission's Audit staff entitled "Procedures for Reviewing Matching Fund Submission 99 (Sub99)," with several attachments, including a flow chart of the review process.<sup>15</sup> *See id.*

On March 17, 2000, the Committee submitted additional materials following the oral hearing.<sup>16</sup> *See* Attachment P.

### III. COMMITTEE'S RESPONSE TO REPAYMENT DETERMINATION

The Committee disputes the Commission's repayment determination of July 15, 1999. In its written response dated October 12, 1999, the Committee contends that the determination is

---

<sup>13</sup> The computer code was redacted to delete file names and access logicals.

<sup>14</sup> A "matching fund submission" is the package of documents submitted by a publicly-financed presidential primary candidate to the Commission as the basis for a payment of matching funds and includes, *inter alia*, a list of contributors and supporting documentation such as contribution check copies. *See* 11 C.F.R. Part 9036. Each candidate may make a number of submissions. Commission staff review each submission for compliance with the submission requirements of the regulations and the Commission's *Guideline for Presentation in Good Order*, and if the submission is acceptable, review the contributions in the submission for matchability. 11 C.F.R. § 9036.4. "Submission 07" was the Committee's seventh non-threshold submission and covered the period from January 26, 1996 through February 24, 1996.

<sup>15</sup> This unofficial internal document, prepared by Commission staff, describes the procedures used to draw and review the sample that is the basis of the repayment determination. *See* Attachment M at 2. Surveys were sent to contributors associated with the sample items identified as errors through this process. *Id.* The document includes preliminary figures; the correct numbers were provided to the Committee in the Notice of Repayment Determination, Attachment B, and other documents. *Id.* On March 6, 2000, the Committee requested an additional document entitled "PPS Sampling Operations Manual" referred to in the 1979 Ernst & Whinney report or any "other similar document." Attachment N. Commission staff were unable to locate this document but provided two related documents prepared by the Commission: the 1979 *Guideline for Presentation in Good Order*, which was based on the dollar unit sampling system recommended by Ernst & Whinney, and the 1988 matching fund submission review procedures. *See* Attachment M at 2.

<sup>16</sup> While the Commission's regulations do not provide for the submission of additional documentation subsequent to the oral presentation, the Commission has permitted presidential committees five business days to submit additional documentation related to the issues raised at the oral presentation. The Committee's additional

22-07-025-4026

based on "methods of questionable validity and reliability" and is "rife with errors." Attachment E at 10. The Committee reiterated and elaborated upon its arguments and also raised several new arguments at the oral hearing on March 1, 2000 and in the additional materials submitted after the oral hearing on March 17, 2000. See Attachments F and P.

#### A. IMPROPER REATTRIBUTIONS

The Committee contests the sampling method used to calculate the repayment amount of \$62,116 for non-matchable contributions related to improper reattributions and argues that sampling is not an appropriate method to calculate the repayment amount in this matter.

Attachment E at 2-7. The Committee contends that the use of sampling for "onerous repayment determinations fails to meet the requirements of due process" because the Commission has not demonstrated that sampling was "the only feasible method" and that a full audit was "a practical impossibility," and because the cases cited in the Notice of Repayment Determination involved audits with larger populations than 7,220.<sup>17</sup> Attachment E at 3; see Attachment P at 2.

Moreover, the Committee claims that the Commission's use of sampling rather than a "more complete review" was not warranted because it is analogous to a state agency's use of a test period to extrapolate the amount of tax due over a period of years that was rejected by a New York state court because records were available for a complete audit.<sup>18</sup> Attachment E at 4-5,

---

documentation was due on March 8, 2000. The Commission granted the Committee's request for an extension of time; thus, the additional materials were due on March 17, 2000. See Attachment O; Attachment N.

<sup>17</sup> At the oral hearing, counsel for the Committee argued that in a full audit, Commission staff would review only 1,000 items, which would not be "a number that is so burdensome and onerous as to justify sampling." Attachment F at 6-7, see 32-35. The Committee also claims confusion about the population size; however, the correct population size is 7,220. See Attachment B at 23-29.

<sup>18</sup> The Committee also cited a New York state case which applied the same reasoning to reject the use of sampling to calculate Medicaid overpayments. *Allen v. Comm'n'r of Social Services*, 500 N.Y.S.2d 204 (N.Y. App. Div. 1986).

citing *Mohawk Airlines v. Tully*, 429 N.Y.S.2d 759 (N.Y. App. Div. 1980); *Names in the News v. New York State Tax Commission*, 429 N.Y.S.2d 755 (N.Y. App. Div. 1980); *Chartair, Inc. v. State Tax Comm'n*, 411 N.Y.S.2d 41 (N.Y. App. Div. 1978).

Further, the Committee asserts that due process requires both that the sampling method be "valid and reliable" and that the Committee have the opportunity to review both the sampling method and supporting documentation.<sup>19</sup> Attachment E at 5. The Committee contends it either did not receive information it requested or was not timely provided with information. *Id.* at 5-7.

In addition, the Committee questions the Commission's calculations.<sup>20</sup> The Committee argues that the +/- 3.69% margin of error is "imprecise by statistical norms." Attachment P at 7-8 and 21-23; Attachment E at 7. Although the Committee acknowledges, in its additional materials, that the "acceptable level of precision is a matter of opinion or policy," it asserts that because of the purpose of the estimate, the estimate should have been made more precise by expanding the sample. Attachment P at 8 and 22. Alternatively, the Committee contends that the Commission

---

<sup>19</sup> The Commission provided documents to the Committee in response to several Committee requests; however, the Committee maintains in the additional materials submitted after the oral hearing that it still has insufficient documents to evaluate the Commission's statistical analysis. Attachment P at 3 and 20-21. The Committee contends that the documents provided by the Commission do not establish the validity and reliability of the sampling analysis because they do not provide information about "sample design and execution" and whether the method was "properly implemented." Attachment P at 6 and 20-21. The Committee asserts that it lacked "materials showing that probability weights were calculated for each item in the population and that the sample was then drawn accounting for these weights," such as "input data files in addition to the program execution logs (or other evidence that the [Commission]'s computer programs were run with proper inputs) and program output files." *Id.* at 7 and 20-21.

<sup>20</sup> Although the Committee claimed at the oral hearing that the Commission's sampling method was biased toward larger contributions, it later appeared to retreat from this position. Attachment F at 9-12; Attachment P at 3 and 20. The Committee acknowledged that "a sample of 324 items is large enough . . . to be representative of the population," but argued that the Commission's sample was not representative because the average contribution was \$90 while the average sample item was \$155. Attachment P at 3-4 and 20; see Attachment F at 9-12. However, the Committee subsequently admitted in the additional materials submitted following the oral hearing that its consultants determined, based on documents provided by the Commission, that the "apparent anomalous disparity between the average contribution amounts in the population and in the sample could be explained as a manifestation of the D[ollar] U[nit] S[ampling] method." Attachment P at 5 and 20.

should “request repayment of the lower bound of the estimate,” 5.88% of the population (9.57% - 3.69%) to be “reasonably confident” that the repayment “does not exceed the true population value.” Attachment P at 8-9 and 22; Attachment E at 7; Attachment F at 15-18 and 67-70.

Further, the Committee asserts that the fact that the midpoint is used for matching funds payments is not relevant because the purpose of matching funds payments differs from that of repayment determinations, which “tak[e] away money to which a campaign initially was entitled.”

Attachment P at 9-10.

Moreover, the Committee argues that the survey results were not correctly interpreted and that it was not proper to consider particular contributions as “errors.” Attachment E at 6-10; Attachment P at 14-16; Attachment F at 18-20. For example, it asserts that it was not proper to consider reattributions as errors if the reattributee did not have the right to withdraw funds from the contributor’s bank account because the Commission “refused to consider the responses of contributors indicating that the reattributee gave the contributor the money to make the donation” which, the Committee maintains, “contradicts regulations providing that contributions are matchable if reattributed to persons who owned the contributed funds who had the requisite donative intent.”<sup>21</sup> Attachment E at 7; Attachment P at 15; Attachment F at 18-20. The Committee also argues that the Commission concluded “that lack of equitable ownership of a bank account precluded a proper reattribution, failing to consider the possibility of equitable

---

<sup>21</sup> In the additional materials submitted following the oral hearing, the Committee claims that 11 C.F.R. § 110.1(k) permits reattributions and “contains no requirement that the reattributee share the reattributor’s bank account” and that 11 C.F.R. §§ 9034.2 and 9034.3 “contain no requirement that the reattributions be made only between spouses or joint tenants of bank accounts.” Attachment P at 15 (emphasis in original).

ownership of the funds within the bank account.”<sup>22</sup> Attachment E at 8; Attachment P at 15 (emphasis in original).

The Committee also questions the survey process and contends there were flaws in the Commission’s treatment of specific reattributions as errors based on the survey responses. See Attachment E at 8-10; Attachment P at 10-13. The Committee asserts that it is “effectively precluded” from challenging the Commission’s determination of errors because the Commission provided only the survey response forms for contributors considered to be errors and no information concerning the “additional interviews conducted with those contributors.” Attachment E at 8-9.

Specifically, the Committee challenges five of the errors. First, the Committee argues that Anna Newton’s response indicated that she did not understand the meaning of “retribution” and that her “uninformed response” to the survey should not be treated as an error.<sup>23</sup> Attachment E at 9. Second, the Committee avers that Catherine Radecki’s retribution should not have been an error because her reattributed contributions were drawn on an escrow or trust account. *Id.* Third, the Committee argues that James Pettit’s retribution should not have been an error because he did not respond to the question of whether the retributee had access to his bank

---

<sup>22</sup> The Committee contends that “at least one-third” of the retributees for the sample items treated as errors were “equitable owners of the reattributed contribution” because surveys from the original contributors stated that they received money from the retributees. See Attachment E at 8; Attachment P at 16. It argues that the Commission should accept these survey responses without requiring additional information because there was no evidence that the retributees did not give money to the contributors to make the reattributions, and the Commission has accepted “[a]ll of the contributors’ other statements” which “support the Audit Division’s position.” *Id.* In the additional materials submitted after the oral hearing, the Committee lists the nine retributees who it contends were “equitable owners” of reattributed contributions, including one who is associated with two sample items (Watkins). See Attachment P at 17, n. 40.

<sup>23</sup> In its additional materials submitted after the oral hearing, the Committee claims that although Commission staff explained the meaning of “retribution” to Ms. Newton in a “telephone interview,” staff did not attempt to “clarify whether she received funds from her retributee.” Attachment P at 13.

22.07.025.4030

account. *Id.* at 9-10. Fourth, the Committee contends that John W. Kremer's reattribution was incorrectly treated as an error because he responded that he did not make the reattributions. *Id.* Finally, the Committee contends that Sheila Thomsen made a proper reattribution to her husband, David J. Thomsen.<sup>24</sup> *Id.*

At the oral hearing and in the additional materials submitted following the oral hearing, the Committee makes several arguments it did not raise in its written response to the repayment determination. *See* 11 C.F.R. § 9038.2(c)(2)(i). First, the Committee argues that reattributions by nine reattributees were matchable because the reattributees gave funds to the original contributors, and "under well settled legal principles such a transaction also creates a trust in which the reattributee has equitable ownership of the money he or she pays to the reattibutor for the purpose of effecting a joint contribution or reattribution."<sup>25</sup> Attachment P at 16; *see* Attachment F at 63-65. The Committee asserts that 11 C.F.R. § 9034.2(b) requires only that a check be written on a personal, escrow or trust account representing or containing the contributor's personal funds and that an account contains a reattributee's funds where "the

---

<sup>24</sup> In its additional submission following the oral hearing, the Committee claims that "there is no evidence" other than the Commission staff's statement that a telephone contact had clarified that Sheila Thomsen made the reattribution at issue to her son David A. Thomsen rather than her husband David J. Thomsen, and that her written survey contradicted this conclusion. *See* Attachment P at 13-14.

<sup>25</sup> Counsel for the Committee argued at the oral hearing that a reattributee has "an equitable interest" in the original contributor's account, which makes it a trust account if he or she gives the contributor money to make a contribution, that the "person who has money that they're holding for me for a particular purpose is a common law trustee" and that the Committee interpreted the regulatory language concerning equitable interest in an account to mean such a trust. Attachment F at 64-65. In the additional materials submitted after the oral hearing, the Committee cites only 89 C.J.S. Trusts § 2 (1955) as support for this argument, and states that a "trust" is "the relationship in which one person holds 'an equitable right, title, or interest in property, real or personal, distinct from the legal ownership thereof.'" Attachment P at 16, n. 35.

retributee paid funds into the reattributor's personal account for the purpose of effecting a joint contribution or reattribution."<sup>26</sup> Attachment P at 15-16.

The Committee's second new argument is that the sample review was biased because the Commission combined results of a written survey with follow-up telephone "interviews" of contributors which may have been improperly conducted and may have biased the responses. Attachment P at 11-12; see Attachment F at 12-13 and 20-21. The Committee asserts that because the Commission has not provided it with documentation memorializing the telephone contacts, it cannot determine if they were proper.<sup>27</sup> *Id.* The Committee also claims that it had no information that the interviewers were properly trained to avoid introducing error or bias by "making improper suggestions or coercing respondents into giving responses favorable to the [Commission]."<sup>28</sup> Attachment P at 11. Finally, the Committee argues that the survey was not well-designed because additional contacts were necessary to clarify several responses. Attachment P at 12.

## **B. REFUNDED CONTRIBUTIONS**

With respect to the repayment amount of \$1,634 arising from refunded contributions, the Committee questioned the "rationale for requiring repayment of only a portion of the matching

---

<sup>26</sup> The Committee further argues that such transactions result in matchable contributions even if the retributee gave the contributor cash because the reattributed contribution is not submitted to the Committee in the form of cash. Attachment P at 15-16; Attachment F at 19-20. It also argues that the contributions are not unmatchable contributions in the name of another because the retributee's name was submitted to the Commission and the Commission's *Guideline for Presentation in Good Order* provides "for the acceptance of a separate writing as sufficient to comply with the writing required by § 9034.2." *Id.*

<sup>27</sup> Specifically, the Committee protests the inclusion of "at least" two of the 31 errors that were "established solely by means of these telephone interviews" (retributees Carlita Brown and Roderick Fox). Attachment P at 12.

<sup>28</sup> Because an Internal Revenue Service manual recommends that survey and interview questions should be drafted in written form to avoid ambiguity, the Committee contends the Commission's survey process "introduced bias" to the extent that follow-up telephone calls "were not conducted according to written questions prepared in

funds apparently received in connection with these contributions” by applying the “projected error rate that was applied to the initial submissions” to calculate the repayment amount. Attachment E at 2, n.2. At the oral hearing, counsel for the Committee asserted that donative intent should be determined at the time of the contribution and a refund request would not make a contribution non-matchable; however, he admitted that “[o]nce we give them their money back, I don’t disagree that the matching funds have to follow, but . . . the mere fact that they’ve asked for it does not negate their donative intent, and does not undercut the appropriateness of matching funds.” Attachment F at 40-41.

#### **IV. POST-ADMINISTRATIVE REVIEW REPAYMENT DETERMINATION**

The Commission determines upon review that Patrick J. Buchanan and the Committee must repay \$62,116 to the United States Treasury for matching funds received in excess of the candidate’s entitlement based on matched contributions related to improperly reattributed contributions. 26 U.S.C. § 9038(b)(1); 11 C.F.R. § 9038.2(b)(1)(iii). In addition, the Commission determines upon review that Patrick J. Buchanan and the Committee must repay \$1,634 to the United States Treasury for matching funds received in excess of the candidate’s entitlement based on refunded contributions  $(5 \times \$250 \times .928) + (2 \times \$250 \times .948)$ . *Id.* Therefore, the Committee must repay a total of \$63,750 for matching funds received in excess of the candidate’s entitlement based on matched contributions later determined to have been non-matchable. *Id.*

---

advance,” and “were not conducted by trained, impartial interviewers.” Attachment P at 12-13; Attachment F at 12-13 and 20-21.



A. THE REATTRIBUTIONS WERE IMPROPER AND NON-MATCHABLE

1. LAW

The Commission may determine that portions of matching fund payments made to a candidate were in excess of the aggregate amount of the candidate's entitlement and must be repaid. 26 U.S.C. § 9038(b)(1); 11 C.F.R. § 9038.2(b)(1). Payments made on the basis of matched contributions later determined to have been non-matchable are subject to repayment. 11 C.F.R. § 9038.2(b)(1)(iii)

A matchable contribution is a gift of money made by an individual, by a written instrument, for the purpose of influencing the result of a primary election. 26 U.S.C. § 9034(a); 11 C.F.R. § 9034.2(a)(1). A written instrument means a check written on a personal, escrow or trust account representing or containing the contributor's personal funds; a money order; or any other negotiable instrument. 11 C.F.R. § 9034.2(b). The written instrument shall be payable on demand, to the order of, or endorsed to the candidate or the candidate's committee, and shall contain the full name, signature and address of the contributor(s) and the amount and date of the contribution. 11 C.F.R. § 9034.2(c).

Checks drawn on a joint checking account are matchable and the contributor is considered to be the owner whose signature appears on the check. 11 C.F.R. § 9034.2(c)(1). To be attributed equally to other joint tenants of the account, the check or accompanying written document shall contain the signature of the joint tenant; if the contribution is to be attributed other than equally among the joint tenants, the check or written document shall also indicate the amount to be attributed to each joint tenant. 11 C.F.R. § 9034.2(c)(1)(i). In the case of a check for a contribution attributed to more than one person, where it is not apparent from the face of the check that each contributor is a joint tenant in the account, a written statement shall accompany

the check stating that the contribution was made from each individual's personal funds in the amount so attributed and shall be signed by each contributor. 11 C.F.R. § 9034.2(c)(1)(ii).

Where a contribution is reattributed to a joint tenant of the account, the reattribution shall comply with the requirements of 11 C.F.R. § 110.1(k), and the documentation described in 11 C.F.R. § 110.1(l), (3), (5) and (6) shall accompany the reattributed contribution.<sup>29</sup> 11 C.F.R. § 9034.2(c)(1)(iii).

A contribution to a candidate which does not meet the requirements of 11 C.F.R. § 9034.2 is not matchable. 11 C.F.R. § 9034.3. Non-matchable contributions include, for example, in-kind contributions; a subscription, loan, advance or deposit of money or anything of value; contributions made or accepted in violation of 2 U.S.C. §§ 441a, 441b, 441c, 441e, 441f, or 441g; contributions made by persons without the necessary donative intent to make a gift or made for any purpose other than to influence the result of a primary election; and contributions of currency. 11 C.F.R. §§ 9034.3(a),(b),(e),(i) and (j).

The Commission's regulations provide that if a contribution, on its face or in the aggregate, exceeds the contribution limitations, the committee treasurer may obtain a written reattribution from the contributor within 60 days. 11 C.F.R. §§ 103.3(b)(3), 110.1(k)(3). A contribution is reattributed if the treasurer asks the contributor whether the contribution is intended to be a joint contribution by more than one person, informs the contributor that he or she may request a refund of the excessive portion, and within 60 days, the contributors provide a written reattribution, signed by each contributor, which indicates the amount to be attributed to

---

<sup>29</sup> Checks drawn on an escrow or trust account are also matchable provided that the "contributor has equitable ownership of the account" and the "check is accompanied by a statement, signed by each contributor to whom all or a portion of the contribution is being attributed, together with the check number, amount and date of the contribution" and the statement specifies "that the contributor has equitable ownership of the account and the account represents the personal funds of the contributor." 11 C.F.R. § 9034.2(c)(2).

2025.02.07

each contributor if equal attribution is not intended. 11 C.F.R. § 110.1(k)(3)(ii). The treasurer shall retain the written reattribution and the reattribution will not be effective unless the committee retains the documentation. 11 C.F.R. § 110.1(l)(3) and (5).

A candidate who disputes the Commission's repayment determination shall submit in writing, within 60 calendar days after service of the Commission's notice of repayment, legal and factual materials demonstrating that no repayment, or a lesser repayment, is required. 11 C.F.R. § 9038.2(c)(2)(i). The candidate's failure to timely raise an issue in these written materials will be deemed a waiver of the candidate's right to raise the issue at any future stage of proceedings including any petition for review filed under 26 U.S.C. § 9041(a). *Id.* Moreover, the candidate's oral presentation before the Commission should be based upon the written materials. *See* 11 C.F.R. § 9038.2(c)(2)(ii).

## 2. ANALYSIS

The Commission concludes, after considering the Committee's arguments on review, that the Committee received matching funds for non-matchable contributions. The Committee has failed to demonstrate, in response to the Commission's repayment determination, that no repayment, or a lesser repayment is required. 11 C.F.R. § 9038.2(c)(2).

The Commission's determination upon review that the reattributions were improper and non-matchable is supported by the Commission's investigation.<sup>30</sup> *See* Attachment B at 10-13. The investigation revealed evidence including the contribution checks which were drawn on the accounts of the original contributors and do not list the names of the reattributees, and the survey

---

<sup>30</sup> The contributions appeared to be matchable when they were submitted for matching because the reattributees signed writings stating that the money was their personal funds and that they intended to make a contribution. The reattributions also generally appear to have been completed within 60 days. *See* 11 C.F.R. § 110.1(k)(3)(ii). However, as discussed *infra*, the Commission's investigation revealed that the reattributions were not matchable.

responses of the original contributors, who indicated that the reattributees did not have the right to withdraw funds from their accounts. See 11 C.F.R. § 9034.2(c)(1); see also 11 C.F.R. § 110.1(k). Since the contributions do not appear to be drawn on joint accounts, the reattributions are not matchable under 11 C.F.R. § 9034.2(c)(1)(ii).<sup>31</sup> In addition, there is no evidence that the reattributed contributions were drawn on accounts that represented or contained the personal funds of the reattributees. See 11 C.F.R. § 9034.2(b). Moreover, the Committee's reliance on the "equitable ownership" language at 11 C.F.R. § 9034.2(c)(2) is unavailing because that provision only applies to the matching fund requirements for contributions drawn on trust or escrow accounts; however, there is no indication, other than the Committee's unsupported and untimely assertions, that any of the checks at issue in this matter were drawn on trust or escrow accounts.<sup>32</sup> See 11 C.F.R. § 9034.2(c)(2). Therefore, the Committee has not demonstrated that

---

<sup>31</sup> Moreover, the reattributions may not have complied with the requirements of 11 C.F.R. § 110.1(k), as required by 11 C.F.R. § 9034.2(c)(1)(iii). The form letter which was apparently sent to contributors did not inform them that they could request the return of the excessive portion of their contribution if it was not intended to be a joint contribution. See 11 C.F.R. § 110.1(k)(3)(ii); Attachment B at 19.

<sup>32</sup> The regulations address the matchability of contributions drawn on, *inter alia*, joint accounts, escrow and trust accounts, and partnership accounts. See 11 C.F.R. § 9034.2(c). The language of the Commission's regulations does not provide for the matchability of reattributions except where the check is drawn on a joint account. See 11 C.F.R. § 9034.2(c)(1). Although the regulations provide that reattributions among joint tenants of an account must comply with the requirements of 11 C.F.R. §§ 110.1(k) and (1), complying with those requirements does not, conversely, automatically make a contribution reattributed among individuals who are not joint tenants of an account matchable. See 11 C.F.R. § 9034.2(c)(1). Moreover, the matchability of contributions is governed by the statute and regulations, not the *Guideline for Presentation in Good Order* ("Guideline") (August 1991). The *Guideline* provides guidance to committees for the format and procedures for submitting contributions for matching. The *Guideline* clearly cites 11 C.F.R. § 9034.2(c)(1), which concerns the matchability of checks drawn on joint accounts, where it addresses excessive portions of written instruments made payable for more than \$1,000 and signature discrepancies. See *Guideline*, at 48 and 58. However, the discussion of written instruments that cannot be associated with the listed contributor does not include this citation. *Id.* at 65. Further, the *Guideline* makes clear that the matchability problems it discusses "may not be the sole basis for determining that a contribution is non-matchable. Commission procedures provide that information obtained during an inquiry conducted under 11 C.F.R. § 9039.3 may also be used as the basis for determining the matchability of any contribution submitted for matching purposes." *Id.* at 42.

any of the reattributions at issue were proper and matchable, and that the repayment determination should be adjusted accordingly. *See* 11 C.F.R. § 9038.2(c)(2).

The Committee failed to timely raise its contention that payments by nine reattributees to the original contributors somehow created a trust relationship which made the reattributions matchable; thus, it has waived this argument. *See* Attachment P at 16; Attachment F at 63-65; 11 C.F.R. § 9038.2(c)(2)(i); *Americans for Robertson v. FEC*, 45 F.3d 486,490-491 (D.C. Cir. 1995) (Commission could refuse to consider argument raised at oral hearing that was not in written submission); *Fulani for President v. FEC*, 147 F.3d 924, 927 n.5 (D.C. Cir. 1998) (in denying committee's petition for rehearing, court observed that the committee may have been barred from raising its new theory at the oral hearing). The Committee's written response was not sufficient to place the Commission on timely notice of the nature of the Committee's trust argument. *See* 11 C.F.R. § 9038.2(c)(2)(i). Although the Committee makes several cryptic references to "equitable ownership" in its written submission, it never explains this language.<sup>33</sup> Rather, it merely asserts that a number of the reattributees gave funds to the contributors, "thus making them the owners – in law and equity – of the amounts attributed to them," and "the equitable owners of the reattributed contribution." Attachment E at 3, n. 3 and 7-8. Further, the Committee contends that the Commission "concluded that lack of equitable ownership of a bank account precluded a proper attribution, failing to consider the possibility of equitable ownership of

---

<sup>33</sup> In both the Notice of Inquiry and the Notice of Repayment Determination, the Commission questioned the use of the phrase "equitable ownership" in many of the reattribution statements because it appeared that the Committee and contributors incorrectly applied 11 C.F.R. § 9034.2(c)(2) to contributions that were not drawn on escrow or trust accounts. *See* Attachment A at 4-5; Attachment B at 4 and 13. However, the Committee provided no explanation of this language in its written submission.

02/07/02 09:40:39

the funds within the bank account.”<sup>34</sup> Attachment E at 8. The Committee never explained how the alleged payments by reattributees to the contributors could have had any effect on the contributor’s ownership of his or her bank account or upon the matchability of the reattributions.<sup>35</sup> Nowhere in the Committee’s written response does the Committee overtly refer to these transactions as a “trust” or argue that the reattributions were matchable contributions from a trust account pursuant to 11 C.F.R. § 9034.2(c)(2); the Committee only uses the same “equitable ownership” language found in 11 C.F.R. § 9034.2(c)(2).<sup>36</sup> The Committee first explicitly expounded its trust argument in response to a question at the oral hearing on March 1, 2000, more than four months after its written response, when counsel for the Committee stated that a common law trust was created when a reattributee gave the contributor money to make a contribution, and that the reattributee therefore had equitable ownership of the funds within the contributor’s bank account, which, he argued, made it a trust account.<sup>37</sup> Attachment F at 63-65.

Nevertheless, even if it had not been waived, the Committee has failed to demonstrate that a common law trust is automatically created where one individual gives another funds to make a contribution; nor has it demonstrated how such a transaction could transform a contributor’s

---

<sup>34</sup> Contrary to the Committee’s contention, 11 C.F.R. § 9034.2(c)(2), which governs matchability of contributions from trust or escrow accounts, requires that the contributor have equitable ownership of the account and submit a statement with the contribution specifying that the contributor has equitable ownership of the account and the account represents the personal funds of the contributor.

<sup>35</sup> The Committee only states that the Commission’s definition of errors “flatly contradicts regulations providing that contributions are matchable if reattributed to persons who owned the contributed funds who had the requisite donative intent.” Attachment E at 7.

<sup>36</sup> Indeed, the only explicit reference to trust or escrow accounts in the Committee’s written submission is its contention that the survey response of one contributor, Catherine Radecki, “indicates that her reattributed contributions were drawn on an escrow or trust account” and her reattributions would be proper “if Radecki’s account is held in trust for any of the reattributees.” Attachment E at 9.

<sup>37</sup> The Committee discussed the trust argument further in its additional submission following the oral hearing. See Attachment P at 15-16.

checking account into a trust account subject to 11 C.F.R. § 9034.2(c)(2) or otherwise make the reattribution matchable. One individual giving another funds to make a contribution could equally constitute agency, debt, or some other kind of contract as it could a trust relationship.<sup>38</sup> A determination of what legal relationship existed, if any, between a particular contributor and a retributee would depend on the specific facts of the situation, such as the intent of the individuals and any written instrument or other evidence of any agreement. None of that information is available here. Further, since the reattributions occurred after the dates of the contributions, the Committee appears to be illogically arguing that reimbursements from the retributees to the original contributors could retroactively create a common law trust.<sup>39</sup> Indeed, even if a common law trust was created, it is not clear how such a relationship could change the contributor's personal checking account into a trust account or make these reattributions matchable.<sup>40</sup>

---

<sup>38</sup> A "trust" is a "fiduciary relationship with respect to property, arising as a result of a manifestation of an intention to create that relationship and subjecting the person who holds title to the property to duties to deal with it for the benefit of charity or for one or more persons, at least one of whom is not the sole trustee." *RESTATEMENT (THIRD) OF TRUSTS* § 2, (Tentative Draft No. 1 1996).

<sup>39</sup> Moreover, these transactions would not result in matchable contributions if they involved, for example, a loan, advance, deposit of money or anything of value; in-kind contributions; a contribution in the name of another or other illegal contribution; currency or contributions by persons who lacked the donative intent to make a contribution because they were giving the contributor funds for some other reason, such as a gift. *See* 26 U.S.C. § 9034(a); 11 C.F.R. §§ 9034.3(a),(b),(c),(e),(i), and (j). In addition, several reattributions appear to have been made to minor children and would not have been proper unless the decision to contribute was made knowingly and voluntarily by the minor child, the funds contributed were owned or controlled exclusively by the child, such as the child's income, the proceeds of a trust for which the child is the beneficiary or a savings account opened and maintained exclusively in the child's name; and the contribution was not the proceeds of a gift for the purpose of providing the funds to be contributed and was not in any way controlled by any other individual. *See* 11 C.F.R. § 110.1(i); *see, e.g.*, Attachment Z at 2 ("Stuart [Humphreys, the retributee] is 7 years old"). The Commission rejects the Committee's assertion that non-matchable contributions would necessarily be made matchable through the use of reattributions.

<sup>40</sup> The Committee argues that "a personal, escrow or trust account, contains a retributee's personal funds" if the retributee gives funds to the contributor and thus, appears to contend that such a reattribution is matchable under 11 C.F.R. § 9034.2(b) even if it is not from a trust account. Attachment P at 15-16 (emphasis in original). Nevertheless, the regulations provide for equitable ownership only of trust or escrow accounts, 11 C.F.R.

Moreover, the Committee has made no effort to obtain information to support its assertions from the contributors or reattributees. The Committee has provided no evidence, such as checks or other documentation, to demonstrate that any of the reattributees provided funds to the contributors. Nor is there any evidence that the bank accounts of the nine contributors at issue were trust accounts. To the contrary, seven of the nine contributors stated that the contributions were not drawn on an escrow or trust account.<sup>41</sup> See Attachment T. In addition, the Committee has not provided any evidence to demonstrate that the contributors and reattributees who signed the reattribution statements understood the phrase "equitable ownership" to mean the account was a trust account, or that they had any intention to create a trust relationship.

## **B. STATISTICAL SAMPLING**

Sampling is an effective and appropriate means for the Commission to determine the amount of a repayment of public funds. The Commission used a dollar unit sampling technique in the 9039 inquiry to investigate representative reattributions (sample items) and to calculate the error rate of 9.57% with a sampling error of  $\pm 3.69\%$  and the repayment amount of \$62,116 for non-matchable, improper reattributions.

### ***I. SAMPLING WAS APPROPRIATE***

The use of statistical sampling to project certain components of a large universe is a legally acceptable, valid audit technique that is appropriate to determine repayments to the government. See, e.g., *Georgia v. Califano*, 446 F. Supp. 404 at 409 (N.D. Ga. 1977) (use of

---

§ 9034.2(c)(2), and the Committee has failed to demonstrate how an account could contain an individual's personal funds if it is not the individual's personal account or a trust or escrow account.

<sup>41</sup> Two of the nine contributors did not respond to the question.



statistical sampling to audit Medicaid overbilling was not arbitrary and capricious where it was the “only feasible method of audit,” review of individual claims would be a “practical impossibility” and Georgia had the opportunity to challenge the statistical sample). In approving the use of sampling to calculate Medicare overpayments, for example, one court recently stated, “The use of sampling and extrapolation as part of audits to determine overpayments to parties who receive publicly-funded reimbursements has been approved by courts in a number of different settings.” *Webb v. Shalala*, 49 F. Supp.2d 1114, 1122 (W.D. Ark., 1999). Moreover, courts have generally deferred to agency expertise in upholding the use of statistical sampling.<sup>42</sup> See, e.g., *Chaves County Home Health Service v. Sullivan*, 931 F.2d 914 (D.C. Cir. 1991), cert. denied, 502 U.S. 1091, 112 S.Ct. 407 (1992)(upheld use of sampling audit to recoup Medicaid overpayments to health care providers). In *Ratanasen v. California*, the court approved

the use of sampling and extrapolation as part of audits in connection with Medicare and other similar programs provided the aggrieved party has an opportunity to rebut such evidence. To deny public agencies the use of statistical and mathematical audit methods would be to deny them an effective means of detecting abuses in the use of public funds. Public officials are responsible for overseeing the expenditure of our increasingly scarce public resources and we must give them appropriate tools to carry out the charge.

11 F.3d 1467 at 1471 (9th Cir. 1993)(use of random sample to calculate Medi-Cal overbilling by doctor held valid). Indeed, counsel for the Committee admitted at the oral hearing that “we haven’t found any case that says statistical samples, if properly done, are not appropriate evidence

---

<sup>42</sup> Courts have also deferred to agency expertise in considering challenges to an agency’s accounting methods unless the agency’s accounting methods are “so entirely at odds with fundamental principles of correct accounting as to be the expression of a whim rather than an exercise of judgment.” *A.T. & T. Co. v. United States*, 299 U.S. 232, 236-37 (1936); *Warder v. Shalala*, 149 F.3d 73, 84 (1<sup>st</sup> Cir. 1998), cert. denied, 119 S.Ct. 1455 (1999); *Strickland v. Commissioner, Maine Dept. of Human Services*, 48 F.3d 12, 18 (1<sup>st</sup> Cir. 1995), cert. denied, 516 U.S. 850 (1995). The Commission’s use of sampling is consistent with accepted auditing standards.

in a federal case” or any federal decisions that turned upon the size of the sample. Attachment F at 48-49.

In particular, statistical sampling has generally been upheld when audits of the total population would be “impossible.” *Michigan Dep't of Educ. v. U.S. Dep't of Educ.*, 875 F.2d 1196, at 1205-1206 (6th Cir. 1989)(upheld use of sample of payment authorizations to determine amount of disallowed expenditures of federal funds by a vocational rehabilitation program). Statistical sampling was necessary and appropriate in this inquiry because verification of each of the 7,220 matched contributions related to reattributions in the population would be pragmatically impossible. Sufficient records are not available to enable the Commission to verify that each of the thousands of reattributions was proper.<sup>43</sup> Moreover, the practical impossibility of verifying each of the thousands of reattributions is demonstrated by the difficulty of conducting an investigation using surveys of contributors to obtain information concerning merely 47 apparent errors in the sample of 324 items. In many cases, several contacts with contributors were necessary to obtain the requested information, and some contributors never responded.

In addition, there is “no case law that states how large a percentage of the entire universe must be sampled,” see *Michigan*, 875 F.2d 1196, at 1205, nor any “statistical ‘floor’” which the population or sample size must exceed. See *Ratanasen* at 1471-1472. Contrary to the Committee’s contentions, federal courts have approved the use of sampling in cases with sample

---

<sup>43</sup> The Commission’s sampling method is distinguishable from the audit method disapproved in the New York state cases cited by the Committee. See, e.g. *Chartair*, 411 N.Y.S.2d 41; *Mohawk*, 429 N.Y.S.2d 759. Those cases involved state agencies that had all of the necessary records to review the transactions, while in this case, sufficient records, including, for example, bank documentation indicating whether contributors and reattributees had joint accounts, are not available for the Commission to verify each of the reattributions, and obtaining all of the necessary records from the contributors would be difficult, if not impossible. In addition, unlike most of the cases cited by the Committee, the Commission used a random sample drawn from the entire population rather than the limited test period of time used to assess state taxes.

and population sizes similar to the sample size of 324 out of a population of 7,220 used here. *See Ratanasen*, 11 F.3d at 1469 (300 of a total of 8,761 Medi-Cal beneficiaries, or 3.4%); *Michigan*, 875 F.2d 1196 (259 out of a population of 66,368, or 0.4%); *Webb*, 49 F. Supp.2d 1114 (250 out of 9,131 claims).

In addition, the Committee's argument that a 100% review would have been feasible in this case is flawed. To complete a 100% review of the population, Commission staff would have had to review each of the 7,220 contributions in the population to exclude those that were apparently reattributions between spouses or that were not reattributions.<sup>44</sup> This process would have been time and resource intensive, and it is not clear how many reattribution items requiring additional verification would have remained. While the number would probably be less than the total population of 7,220 contributions, there is no factual basis for the Committee's assumption that the number would be around 1,000 rather than some other number. However, even if the number were approximately 1,000, as the Committee asserts, completing the survey process and obtaining sufficient information to verify the reattributions would not have been practicable. *See supra* note 44. Since it was difficult and time consuming for Commission staff to obtain

---

<sup>44</sup> The steps required for a 100% review of the population would include the following: pulling the original written instrument for each of the 7,220 items from the paper files submitted in the Committee's first seven submissions, or from electronic records for the remaining submissions; checking documentation for each matched contribution to see if it was reattributed prior to matching and eliminating any items that were not related to reattributions from the review; for the items that were reattributed, finding the additional documentation supporting the reattribution; generating a matching funds history for each contributor; examining the work paper files for each submission to determine in which submission the contribution was included and the percentage matched for that submission; reviewing each submission to determine if the item was an error in the submission or would have been an error and eliminating those items from the review; and reviewing the remaining transactions to determine if the reattributions appear to be valid. *See* Attachment R at 2. Upon identification of transactions that appeared to be improper reattributions, Commission staff would prepare letters and questionnaires; update addresses and mail the letters; send follow-up letters and make telephone contacts; respond to questions; review the completed questionnaires and, if necessary, contact individuals to clarify responses or obtain omitted information.

information for 47 sample items by surveys and follow-up contacts, sending out more than twenty times as many surveys would simply be unworkable.

Moreover, as a question of policy, the Commission notes the possible chilling effect of a 100% review. A 100% review would necessitate written and telephone contacts by Commission staff to thousands of contributors, and could require several contacts or the use of subpoenas and other discovery methods to obtain sufficient documentation from some individuals. Some contributors, particularly those who are averse to cooperating, could have an unfavorable reaction to such an investigation, resulting in a widespread chilling effect on future contributions by contacted contributors.

## 2. *THE SAMPLING METHOD WAS VALID AND RELIABLE*

The Commission's sampling method was valid and reliable. Dollar unit sampling is an accepted audit technique and information is publicly available explaining it. *See, e.g.*, JOHN H. MCCRAY, *DOLLAR UNIT SAMPLING FOR AUDITORS* (1978); DONALD M. ROBERTS, *STATISTICAL AUDITING* (1978). The Commission has used the dollar unit sampling method in its review of matching fund submissions since 1980.<sup>45</sup> *See* 11 C.F.R. § 9036.4(b). The Commission's sampling method selects specific pennies as sample items from the total amount of all transactions in the population, rather than selecting whole transactions, and projects the total amount of matching funds for the population based on review of the matchability of the selected sample items.<sup>46</sup> *See*

---

<sup>45</sup> The Commission staff review the contributions and documents in each matching fund submission for errors and, using the dollar unit sampling method, calculate the error rate and the amount of the matching payment for the submission. *See* 11 C.F.R. Part 9036; *Guideline*. Matching fund payments are based on an error rate similar to the error rate used for this repayment determination.

<sup>46</sup> The Commission's dollar unit sampling method accomplishes probability weighting of sample items because the larger the share of the population a transaction represents, the more likely it is to be selected in the sample. Since matching funds are limited to \$250 for each transaction, 26 U.S.C. § 9034(a), it is not likely that a few very large transactions in a population would lead to an erroneous sample result. It appears that the Committee has largely abandoned its argument that bias in the sample is demonstrated by the fact that the average

Attachment R at 2-3. Commission staff have reviewed hundreds of matching fund submissions over the course of two decades using essentially the same dollar unit sampling method that was used to draw the sample and project the repayment amount here.<sup>47</sup> The population in this matter was treated like a matching fund submission and the same computer program was used to calculate this repayment as was used to calculate the matching fund payments for the Committee and all other matching fund recipients in 1996.<sup>48</sup>

Indeed, it is appropriate to calculate a repayment for non-matchable contributions using the same statistical sampling technique that was used to review the Committee's matching fund submissions. The purpose of the repayment is to recapture funds to which the Committee was never entitled. See 26 U.S.C. § 9038(b)(1); 11 C.F.R. § 9038.2(b)(1)(iii). Since the contributions at issue were never matchable, matching funds should not have been paid to the Committee for them.<sup>49</sup> Thus, it is consistent to use the same sampling method to recover public funds for non-matchable contributions as the Commission uses for making matching fund payments.

---

amount of contributions in the sample was higher than the average in the population. See *supra* p. 10 note 20; Attachment F at 9-12; Attachment P at 2-4 and 20. In fact, this result is not indicative of a biased sample but is a manifestation of the dollar unit sampling method. See Attachment R at 2. The source of the Committee's apparent confusion is not clear, since the Commission's Notice of Repayment Determination indicates that the Commission used the "same statistical sampling technique that is used to review matching fund submissions" and that a "dollar unit sampling" technique has been used to review matching fund submissions since 1980. Attachment B at 9. In addition, an internal Commission memorandum dated October 22, 1997 provided to the Committee on October 8, 1999 states that dollar unit sampling was used. See Attachment Q.

<sup>47</sup> The Committee admits that its statistical consultants conclude that dollar unit sampling, "if properly implemented, could produce an unbiased sample." Attachment P at 5 and 20 (emphasis in original). Attachment P at 5 and 20 (emphasis in original). The Committee has failed to demonstrate that the Commission staff did not properly implement the Commission's long-standing dollar unit sampling procedures in this case.

<sup>48</sup> While the computer program has been modified over the years due to technological changes, it is essentially the same method recommended by Ernst & Whinney in 1979 and used by the Commission since 1980.

<sup>49</sup> Further, the Commission's policy is to allow prompt payments of matching funds to eligible candidates, even if it must forgo a thorough investigation of the matching fund submissions and later seek a repayment of matching funds paid in excess of a candidate's entitlement. Courts have observed that Congress intended to "provide prompt payments to eligible candidates" to "ensure that an eligible candidate will have the money he needs at a time when its availability is most important to his campaign." *Committee to Elect Lyndon LaRouche v.*

Moreover, it was proper for the Commission to calculate the repayment amount using the mid-point of the sample error range (9.57%  $\pm$  3.69%) rather than the lower end of the range. The precision of the estimate in the instant case is consistent with Commission policy.<sup>50</sup> See Attachment R at 3-6. The sampling error of  $\pm$ 3.69% is consistent with the tolerable sampling error of 4% used in the review of matching fund submissions to pay matching funds to presidential primary candidates, and the Commission generally uses a 95% confidence level in these sample projections. In addition, the Commission uses the mid-point of sample projections, not only for matching funds but also for other uses of sampling in audits, such as calculations of the amounts of excessive or prohibited contributions. See 11 C.F.R. § 9038.2(f)(1).

**C. THE COMMISSION'S INVESTIGATION PROTECTED THE COMMITTEE'S DUE PROCESS RIGHTS AND WAS FAIR**

The Commission's repayment procedures protected the Committee's due process rights. See *Explanation and Justification, Presidential Election Campaign Fund and Presidential Primary Matching Fund*, 44 Fed. Reg. 20338 and 20341 (April 4, 1979). The Commission's repayment procedures meet due process requirements because they include "Notice of the legal and factual matters upon which the Commission is relying," the "opportunity [for the Committee] to present in writing evidence and reasons" why the repayment should not occur; a "determination by the Commission on the basis of all evidence presented; and a statement of reasons underlying

---

*FEC*, 613 F.2d 834, 841 (D.C. Cir. 1979). This policy "is served by limiting the role of the Commission during the certification process to reviewing the face of a . . . submission except where that submission (or that submission together with other reports on file with the Commission) contains patent irregularities suggesting the possibility of fraud." *Id.* at 843.

<sup>50</sup> The Committee acknowledges that precision is a matter of agency policy. See Attachment P at 8 and 21-23.

the Commission's determination."<sup>51</sup> 44 Fed. Reg. 20338. The Committee received ample notice of the Commission's actions. The Committee received notice that the Commission had initiated the 9039 inquiry. Attachment A. Following the investigation, the Committee received the Commission's Notice of Repayment Determination which set forth the legal and factual reasons for the Commission's repayment determination. Attachment B. The Committee then had the opportunity to seek administrative review of the repayment determination by submitting written materials and making an oral presentation before the Commission, and took advantage of that opportunity. 11 C.F.R. § 9038.2(c)(2). The Commission's repayment determination upon review is delineated in this Statement of Reasons and is based upon the Commission's consideration of the evidence and arguments presented by the Committee.

Due process rights are not violated by the use of sampling if the Committee has "access to hearings and appeals and . . . the opportunity to be heard," and the Committee had such an opportunity. *Ratanasen*, 11 F.3d at 1472. The Committee was "given every opportunity to challenge each disallowance as well as the audit technique itself," and thus, it "has been treated as fairly as possible under the circumstances." *Michigan*, 875 F.2d at 1206. The Commission staff provided numerous documents requested by the Committee and the Committee had sufficient information to challenge both the Commission's sampling technique and the treatment of specific sample items as errors.<sup>52</sup>

---

<sup>51</sup> The 1979 Explanation and Justification for the Commission's procedures for determining disputes concerning repayments and suspension of payments to candidates state that the Commission's procedures "meet due process requirements" and explain that "procedural due process requirements mandate" that a candidate "be afforded some type of opportunity to demonstrate to the Commission" that the proposed Commission action is "not warranted." 44 Fed. Reg. 20338 and 20341. While some changes have been made to the Commission's repayment procedures over the years, they still include all of the elements to satisfy due process.

<sup>52</sup> Further, the Commission rejects the Committee's contention that the Committee still lacks sufficient information concerning whether the sample was properly designed and implemented to determine if the method was valid. Attachment P at 5-7 and 20-21. Indeed, the Committee appears to be uncertain of which documents it

Moreover, the Commission's analysis of the sample and the contributor responses to the questionnaire was not only fair to the Committee, but was structured to err, if at all, in the Committee's favor. Indeed, the Commission made an assumption in favor of the Committee by not requiring repayment where it was impossible to verify whether a reattribution was proper. For example, eight sample items for which there was no response or an incomplete response to the survey were not treated as errors in calculating the repayment amount. In addition, sample items that appeared to be reattributions between spouses were assumed to be proper and were not verified. Had the Commission assumed that additional information would reveal these contributions were improperly reattributed, it is possible that it would have concluded that the Committee received more than \$62,116 in matching funds based upon non-matchable contributions related to improper reattributions. The Commission also treated an additional eight sample items as properly reattributed based simply on the contributors' responses that the reattributee had the right to withdraw funds from the contributor's bank account without requiring additional documentation from those individuals.

Furthermore, the Commission concludes that the Committee failed to timely raise its contentions that the Commission's investigation was improperly conducted and "introduced bias" into the sample results and that two sample items, reattributees Carlita Brown and Roderick Fox,

---

wants because it made numerous separate requests for different kinds of documents. *See supra*, p. 5-8. For example, in its October 12, 1999 written submission the Committee claimed that it had no "handbook or manual" that explained the "dollar unit sampling" method, but it had not specifically requested such a manual in its previous request for documents. Attachment E at 6. The information the Committee claims it still does not have, input data files, program execution files and program output files, has already been provided to the Committee in a different format because the Committee does not have the Commission's computer database system. *See* Attachments H and L and Attachment R at 3. Contrary to the Committee's argument that the Commission only provided documents concerning the use of sampling in "other contexts," Attachment P at 5, the information the Commission provided about the use of sampling in the matching funds context concerns the same sampling program that was used for the repayment calculation. The Commission made efforts to promptly provide the documents requested by the Committee but it cannot be expected to anticipate the Committee's requests when the Committee itself appears to be confused about which documents it wants.



that were "established solely by means of these telephone interviews" should not be the basis of any repayment because the Commission did not provide the Committee documents memorializing the interviews. Attachment P at 10-12; Attachment F at 12-14 and 20-21. The Committee's written response does not include any of these arguments; thus, the Committee has waived them.<sup>53</sup> See 11 C.F.R. § 9038.2(c)(2)(i); *Robertson*, 45 F.3d 486, 490-491; *Fulani*, 147 F.3d 924, 927 n.5.

Nonetheless, even if these arguments had not been waived, the Committee has failed to demonstrate that the Commission's investigation was improper or biased. The Committee has provided no basis to support its assertion that an investigation of individual sample items is not compatible and consistent with the use of sampling.<sup>54</sup> Moreover, sampling is an audit technique, and the questionnaire and telephone contacts were discovery tools that were properly used by the Commission in this 9039 inquiry to obtain factual information from the individuals who participated in the reattribution transactions.<sup>55</sup> See 11 C.F.R. § 9039.3(b)(2). Further, the

---

<sup>53</sup> In its written response, the Committee contends that the "'survey' process used by the [Commission] to 'verify' errors raises numerous questions as to validity, reliability, due process and fairness" but does not elucidate what these problems are. Attachment E at 8. The written response also states that the Committee is "effectively precluded from challenging the determination of error" because the Commission provided survey response forms but no "information concerning interviews conducted with these contributors." *Id.* at 8-9. Nowhere in its written response does the Committee discuss whether follow-up telephone calls bias survey results, the proper techniques for surveys and telephone contacts, the training of interviewers, or the reattributions to Carlita Brown and Roderick Fox.

<sup>54</sup> Indeed, it is particularly important to investigate sample items because problems with sample items indicate larger problems in the overall population. The Commission's Audit staff regularly uses sampling to choose items for review and may seek additional information from audited committees concerning sample items.

<sup>55</sup> Although the Internal Revenue Service Manual cited by the Committee is not binding on the Commission and does not reflect the Commission's internal procedures, the Commission's written questionnaire and follow-up telephone contacts were similar to the approach it describes. See, e.g., Internal Revenue Service Manual § 1282.54(1) ("a large proportion of persons generally fail to reply to a mail inquiry, and this can lead to time consuming follow-up work in the form of additional letters, telephone calls, or personal contacts"). Commission staff drafted the questionnaire to be comprehensible, unambiguous, neutral and easy to complete, and contacted several contributors by telephone to obtain complete information using the questionnaire as the basis for questions and memorializing answers in writing. In contrast, the Committee's reference to *Zippo Mfg. Co. v. Rogers*, 216 F.

Committee has failed to demonstrate that because the responses were by telephone and the Commission did not provide documents memorializing these contacts to the Committee, the Commission should exclude the reattributions to Carlita Brown and Roderick Fox.<sup>56</sup> The Commission has not provided to the Committee copies of reports prepared by an investigator and electronic messages memorializing telephone contacts, because these materials are protected by the attorney work product privilege. *See* FED. R. CIV. P. 26(b)(3); *Upjohn Co. v. U.S.*, 449 U.S. 383 (1981); *Hickman v. Taylor*, 329 U.S. 495 (1947). However, the Commission has provided the written survey form that was the basis of the oral contacts with contributors, and the results of all of the surveys are summarized in a chart attached to the Notice of Repayment Determination. *See* Attachment B at 27-29. Therefore, the Committee had sufficient information to challenge each of the errors.

#### D. SPECIFIC ERRORS

The Committee specifically challenged five of the non-matchable sample items upon which the repayment determination is based, contending that these items should be treated as acceptable

---

Supp. 670 (S.D.N.Y. 1963), is not apt. The market research survey of consumer opinions about similarities between products in *Zippo* was completely different from the Commission's use of a questionnaire as a discovery tool in an investigation to obtain facts, not opinions, concerning specific contributions and reattributions from the contributors involved in the transactions. Since the Commission was trying to obtain facts rather than opinions, it is unclear how telephone contacts would bias the survey results.

<sup>56</sup> The Committee has provided no support for its contention that Commission staff may have biased the responses of contributors by asking leading questions or coercing particular answers. *See* Attachment P at 10. Indeed, telephone contacts with some contributors resulted in the treatment of the sample items as proper reattributions. *See, e.g.*, Attachment B at 28 (Tomberg). The survey filled in by Commission staff based on a telephone call from the son of contributor Christine Tomberg was provided to the Committee, with staff's initials and a notation "Based on conversation with Lucian Orasel." Mr. Orasel informed staff that he handles Ms. Tomberg's finances and they share a joint account. Accordingly, the reattribution to Mr. Orasel was considered proper and no repayment of matching funds was required. The other sample item, reattributed to Constance Doehner, was considered improperly reattributed because Mr. Orasel stated that Ms. Doehner does not have access to Ms. Tomberg's account. Similarly, survey responses by James Pettit and Sheila Thomsen were also clarified by telephone contacts. In addition, two contributors sent in completed questionnaires after staff obtained responses from them by telephone; those questionnaires were provided to the Committee. Finally, Commission staff also spoke to several individuals who called with questions concerning the contribution verification.

EE 07 025 4054

and should not be the basis of any repayment. However, the Committee has failed to demonstrate that any of the five sample items were properly reattributed or matchable and thus has failed to demonstrate that the repayment amount should be reduced. *See* 11 C.F.R. § 9038.2(c)(2).

First, Anna Newton contacted the Commission by telephone and the meaning of "retribution" was explained to her. Because she stated that the retributee, Andrew Newton, did not have the right to withdraw funds from her bank account, the retribution was improper and the matching funds related to this sample item are subject to repayment. *See* Attachment U at 2. Confusion about the meaning of "retribution" by several contributors supports the Commission's repayment determination because these contributors may not have realized the significance of signing the retribution statements. The fact that Ms. Newton, or any other contributor who received a survey, contacted Commission staff to ask a question does not make her survey response biased or unreliable. *See supra*, Section IV. C.

Second, on the written survey, Catherine Radecki responded that her contribution check was drawn on an escrow or trust account. *See* Attachment V at 1. However, it is not clear that Ms. Radecki understood the question because she added the handwritten notation "my bank," which is irrelevant to the question of whether the account was an escrow or trust account. *Id.* In addition, there was no indication on the face of her checks that the account was a trust or escrow account, and the Committee has provided no evidence to demonstrate that the contribution was made on a trust or escrow account. Ms. Radecki also responded that the retributee had no right to withdraw funds from her account.<sup>57</sup> *Id.* The retribution was not matchable because the

---

<sup>57</sup> The Commission notes that Ms. Radecki's retributee, Jean McMahon, was not one of the nine retributees whom the Committee contends gave funds to contributors and were involved in a trust relationship. *See* Attachment P at 17. In addition, while the Committee challenged the errors related to Ms. Radecki, Mr. Pettit, and Mr. Kremer in its written submission of October 12, 1999, the chart the Committee presented at the oral hearing and additional materials submitted on March 17, 2000 do not refer to these individuals specifically. *See*

reattributee did not have the right to withdraw from Ms. Radecki's account. *See* 11 C.F.R. § 9034.2(c)(1).

Third, James Pettit did not respond in writing to the question of whether the reattributee, Emily Jane Pettit, had the right to withdraw from his account, but in a telephone contact with the Commission's investigator, Mr. Pettit clarified that it was not a joint account; thus, it was an improper reattribution. *See* Attachment W at 2. Fourth, John W. Kremer's response that he did not make the reattribution is not evidence that the reattribution was proper, but rather, supports the Commission's conclusion that he did not make a proper reattribution. *See* Attachment X at 2. Mr. Kremer also stated that the reattributee did not have the right to withdraw funds from his account; thus, the reattribution was not proper. *See id.*

Finally, Sheila Thomsen reattributed funds from her contributions to her son, David Arthur Thomsen, who has the same first name as her husband, David J. Thomsen. This fact was clarified in a telephone contact with Ms. Thomsen. Ms. Thomsen's survey indicated "n/a" to both questions concerning her son, David Arthur Thomsen, the sample item, and included a note that there was a "typo."<sup>58</sup> *See* Attachment Y at 2-3. However, the reattribution statements make clear that there are two different people with different occupations (her husband is an "economist," and the son lists "student") and apparently different handwriting. *See* Attachment S at 2-3. A follow-up telephone call by the Commission's investigator to Sheila Thomsen clarified that the reattribution in question was to David Arthur Thomsen, her son, a college student at the

---

Attachment F at Exhibit 3; Attachment P at 12-14. Thus, it is unclear whether the Committee continues to contest these errors.

<sup>58</sup> The Commission investigator contacted David J. Thomsen, who indicated that he, rather than Sheila Thomsen, filled out the survey form and wrote "typo." David J. Thomsen signed the corner of Sheila Thomsen's survey form. *See* Attachment Y at 1.

time of the reattribution, but Ms. Thomsen was unsure of the amount of the reattribution. This reattribution is non-matchable because Ms. Thomsen stated that she and her son do not have a joint account. *See* 11 C.F.R. § 9034.2(c)(1).

#### E. REFUNDED CONTRIBUTIONS

The Commission's repayment determination in the amount of \$1,634 for matching funds based on contributions that were subsequently refunded, must be repaid because refunded contributions are not matchable.<sup>59</sup> *See* 26 U.S.C. § 9038(b)(1); 11 C.F.R. § 9038.2(b)(1)(iii)(non-matchable contributions are subject to repayment). Since the contributions have been refunded, they are no longer a matchable gift of money given by the contributors for the purpose of influencing the primary election. *See* 11 C.F.R. § 9034.2(a)(1). Moreover, the fact that the contributors requested and received refunds negates the donative intent necessary for matchability. *See* 11 C.F.R. § 9034.3(i). Although the Committee argued at the oral hearing that a mere request for a refund does not negate donative intent, the Commission need not address that issue here because refunds were made, and the Committee admits that "[o]nce we give them their money back, I don't disagree that the matching funds have to follow." Attachment F at 40-41.

The Commission's repayment calculation used the amount of matching funds actually paid for the refunded contributions, as determined by the error rates applicable to the submission of those contributions for matching, consistent with the Commission's calculation of similar repayments in other matters. *See* Memorandum from Lawrence M. Noble to the Commission dated July 8, 1999, "Alexander for President, Inc., Buchanan for President, Inc., Clinton/Gore '96

---

<sup>59</sup> The Commission's regulations provide that committees must submit a list of all refunds with their threshold submission and with subsequent matching fund submissions. *See* 11 C.F.R. §§ 9036.1(b)(6); 9036.2(b)(1)(iv); *see also* *Guideline* at 14, 31.

Primary Committee, Inc.: Matching Fund Error Rates (LRA # 559)" at 1-3 and 8-9. The Committee submitted the contributions and associated reattributions for a total of \$1,750 in matching funds, \$250 for each of the two original contributors and \$250 for each of five reattributees. These contributions were included in two matching fund submissions with different error rates, two matched at a rate of 94.8% and five at a rate of 92.8%. The total amount of matching funds approved for the refunded contributions was \$1,634 ( $5 \times \$250 \times .928$ ) + ( $2 \times \$250 \times .948$ ). Thus, the Committee must repay the \$1,634 in matching funds paid for the refunded contributions.

#### **V. CONCLUSION**

Based on the foregoing, the Commission has determined upon administrative review that Patrick J. Buchanan and Buchanan for President, Inc. must repay a total of \$63,750 to the United States Treasury for matching fund payments received in excess of the candidate's entitlement based on matched contributions later determined to have been non-matchable. 26 U.S.C. § 9038(b)(1); 11 C.F.R. § 9038.2(b)(1)(iii). The repayment amount results from Commission determinations that the Committee must repay \$62,116 for matching funds related to improper reattributions and \$1,634 for matched contributions that were later refunded. Patrick J. Buchanan and Buchanan for President, Inc. are ordered to repay \$63,750 to the United States Treasury within 30 days. 11 C.F.R. §§ 9038.2(c)(3) and (d)(2).

#### **Attachments**

- A. Letter from Chairman Aikens to Patrick J. Buchanan Notice of Inquiry dated June 23, 1998
- B. Letter from Kim Bright-Coleman to Patrick J. Buchanan dated July 23, 1999 with attached Notice of Repayment Determination
- C. Letter from John J. Duffy to Delanie DeWitt Painter dated August 24, 1999
- D. Letter from Joel J. Roessner to John J. Duffy dated October 8, 1999 (without enclosures)

- E. Buchanan for President, Inc. response dated October 12, 1999 (attachments omitted)
- F. Oral hearing Transcript – March 1, 2000
- G. Letter from Rhonda M. Rivens to Kim Leslie Bright dated February 7, 2000
- H. Letter from Delanie DeWitt Painter to Rhonda M. Rivens dated February 16, 2000 (without enclosures)
- I. Facsimile transmission from Rhonda M. Rivens to Delanie DeWitt Painter dated February 18, 2000
- J. Facsimile transmission from Delanie DeWitt Painter to Rhonda M. Rivens dated February 25, 2000
- K. Facsimile transmission from Rhonda M. Rivens to Delanie DeWitt Painter dated March 2, 2000
- L. Letter from Delanie DeWitt Painter to Rhonda M. Rivens dated March 3, 2000 (without enclosures)
- M. Letter from Delanie DeWitt Painter to Rhonda M. Rivens dated March 10, 2000 (without enclosures)
- N. Facsimile transmission from Rhonda M. Rivens to Delanie DeWitt Painter dated March 6, 2000
- O. Facsimile transmission from Rhonda M. Rivens to Delanie DeWitt Painter dated March 7, 2000
- P. Additional materials submitted to Chairman Wold from John J. Duffy dated March 17, 2000
- Q. Memorandum from Robert J. Costa to Lawrence M. Noble dated October 22, 1997
- R. Memorandum from Robert J. Costa to Lawrence M. Noble dated May 15, 2000
- S. Sheila Thomsen check and reattribution statements
- T. Survey forms for Nine Contributors
- U. Anna Newton survey
- V. Catherine Radecki survey
- W. James Pettit survey
- X. John Kremer survey
- Y. Sheila Thomsen survey
- Z. Alyssa D. Humphreys survey

02 "07" 025 "4056



FEDERAL ELECTION COMMISSION  
WASHINGTON D.C. 20463

June 22, 1998

**CERTIFIED MAIL RETURN RECEIPT REQUESTED**

Patrick J. Buchanan  
1017 Savile Lane  
McLean, VA 22101

Re: Buchanan for President, Inc. - Inquiry Pursuant  
to 26 U.S.C. § 9039(b) (LRA # 466)

Dear Mr. Buchanan:

On June 16, 1998, the Federal Election Commission (the "Commission") authorized the Office of General Counsel to conduct an inquiry of the Buchanan for President, Inc. (the "Committee") pursuant to 26 U.S.C. § 9039(b) and 11 C.F.R. § 9039.3. Enclosed is the Legal and Factual Analysis that summarizes the basis of the Commission's decision. See 11 C.F.R. § 9039.3(b)(1).

The Commission's inquiry will include a verification of certain reattributed contributions, and may also include additional discovery as delineated at 11 C.F.R. § 9039.3(b)(2). Upon examining the information obtained in this inquiry, the Office of General Counsel will submit a report to the Commission summarizing its findings, which will be considered in Executive Session. The information obtained from the inquiry may be used as a basis for an additional repayment determination. 11 C.F.R. §§ 9038.2(f); 9039.3(a)(2). If the Commission determines that the Committee must make an additional repayment to the United States Treasury, the procedures outlined in 11 C.F.R. §§ 9038.2, 9038.4 and 9038.5 will apply. You will be notified of the results of the inquiry and given the opportunity to respond to any additional repayment determination. If the Commission determines that no action is necessary, it will notify you by letter as required by 11 C.F.R. § 9039.3(b)(4).

If you have any questions, please contact Kim Bright-Coleman, Associate General Counsel at (202) 694-9530 or (202) 694-1650.

Sincerely,

*Joan D. Aikens*

Joan D. Aikens  
Chairman

Enclosure

ATTACHMENT A  
Page 1 of 5



FEDERAL ELECTION COMMISSION  
999 E Street, N.W.  
Washington, D.C. 20463

LEGAL AND FACTUAL BASIS  
FOR INQUIRY PURSUANT TO 26 U.S.C. § 9039(b)  
OF BUCHANAN FOR PRESIDENT, INC.

I. INTRODUCTION

Patrick J. Buchanan was a candidate for the Republican Party presidential nomination in the 1996 primary election. Buchanan for President, Inc. (the "Committee") was Mr. Buchanan's authorized committee. The Committee received \$10,983,475 in public funds under the Presidential Primary Matching Payment Account Act ("Matching Payment Act"). 26 U.S.C. § 9031 *et seq.* The Federal Election Commission (the "Commission") is conducting an audit of the Committee's receipts, disbursements, and qualified campaign expenses pursuant to 26 U.S.C. § 9038(a).

On June 16, 1998, the Commission authorized the Office of General Counsel to conduct an inquiry pursuant to 26 U.S.C. § 9039(b) and 11 C.F.R. § 9039.3 to determine whether the reattributions of certain contributions to the Committee were proper. The information obtained from the inquiry may be used as a basis for a repayment determination based on matching funds received for improperly reattributed contributions. 26 U.S.C. §§ 9038(b)(1); 9039(b); 11 C.F.R. §§ 9038.2(b)(1)(iii); 9039.3(a)(2) and (b)(4).

II. BACKGROUND

The Commission's audit of the Committee, pursuant to 26 U.S.C. § 9038, revealed a number of questionable contributions. The Audit staff identified several instances where contributions were reattributed to persons who may not have owned the contributed funds.<sup>1</sup> Each retribution is set forth in a signed writing where the new contributor states that the reattributed funds constitute a "personal contribution" to the Committee represented by "personal funds." The writings also state that the individual maintains "equitable ownership" of the account from which the original contribution was drawn.

---

<sup>1</sup> For example, the Audit staff cites a cashier's check for \$8,000 which was given to the Committee in November 1995 and apparently reattributed to eight members of the same family in January 1996. In another instance, contributions from one individual totaling \$7,225 which were made to the Committee between April 1995 and April 1996, were reattributed to nine individuals who have no apparent relation to the original contributor. Moreover, questions were raised by reattributions of the entire amount of contribution checks from the original contributor to other individuals even though the funds were drawn from the original contributor's bank account.

The writing appears to be a form prepared by the Committee that was provided to the original contributors with a form letter informing them about the matching fund process and the \$250 maximum matchable amount. The form letter informs the contributors that if their "contribution can be partially attributed to your spouse, or other member of your family, the Committee can submit it for additional matching funds." The form letter was apparently sent to contributors who had made contributions in excess of the \$1,000 contribution limit, and to contributors who had made contributions in lawful amounts between \$250-\$1,000. See 2 U.S.C. § 441a(a)(1)(A). It is possible that reattribution was suggested to the latter group in order to maximize the amount of funds that could be matched. The form letter does not state that excessive contributions can be refunded to the contributor.<sup>2</sup> 11 C.F.R. § 110.1(k)(3)(ii)(A). Many of the reattributed contributions may have been submitted for matching and may have been improperly matched.

### III. 26 U.S.C. § 9039(b) INQUIRY

The Commission has initiated an inquiry under 26 U.S.C. § 9039(b) and 11 C.F.R. § 9039.3 to clarify whether the contributions were the personal funds of the retributees and whether the retributees intended to donate funds to the Committee. To the extent that the inquiry reveals that any of the retributees did not own the contributed funds or lacked donative intent to contribute, the retributions would have been improper and the reattributed - contributions would not have been matchable.<sup>3</sup> See 11 C.F.R. §§ 9034.2 (a)(1); 9034.2(c)(1)(i). *Guideline for Presentation in Good Order ("Guideline")* (August 1991) at Chapter V Exception Code G-3 at page 65 and Appendices 10,11 and 21. Thus, the inquiry may reveal that the Committee received matching funds for nonmatchable contributions which should be repaid to the United States Treasury. See 26 U.S.C. § 9038(b)(1); 11 C.F.R. § 9038.2(b)(1)(iii).

The Commission may conduct an inquiry under 26 U.S.C. § 9039(b) ("9039 inquiry") based on information obtained under the Commission's continuing review obligation, information received by the Commission from outside sources, or information otherwise ascertained by the Commission in carrying out its supervisory responsibilities. 11 C.F.R. § 9039.3(a)(1). Issues concerning the matchability of contributions are well within the purview of the Commission's authority to conduct 9039 inquiries; indeed, the Commission's regulations on matching fund submissions provide that audits of a committee's submissions may be

<sup>2</sup> When contacting a contributor concerning the retribution of a contribution, the treasurer must inform the contributor of the contribution limitations and of the option to request the return of the excessive portion of his contribution. 11 C.F.R. § 110.1(k)(3)(ii)(A); see Advisory Opinion ("AO") 1985-25 (requiring committee to revise a proposed letter seeking retributions of excessive contributions to inform the contributor of the option of receiving the refund of the excessive portion of the contribution).

<sup>3</sup> If a contribution on its face or in the aggregate exceeds the contribution limitations, the committee must return the contribution to the contributor or deposit the contribution in a designated campaign depository and obtain a written redesignation or reattribution from the contributor within 60 days. 11 C.F.R. § 103.3(b)(3). If the contributor decides to retribute the contribution to another contributor, a written reattribution must be signed by each contributor and such reattribution must indicate the amount of the contribution to be attributed to each contributor. 11 C.F.R. § 110.1(k)(3)(ii)(B). If no written redesignation or reattribution is obtained within 60 days, the committee must refund the contribution. 11 C.F.R. §§ 110.1(b)(5)(ii) and 110.1(k)(3)(i).

2025 APR 10 10:59 AM

conducted pursuant to section 9039. See 11 C.F.R. §§ 9036.4(d); 9039.3(a)(2) and (b)(4). Information revealed by a 9039 inquiry may serve as the basis for initial or additional repayment determinations, including a repayment determination based on matching funds received for nonmatchable contributions. 26 U.S.C. § 9038(b)(1); 11 C.F.R. §§ 9038.2(b)(1)(iii); 9039.3(a)(2) and (b)(4).

The primary issue in this 9039 inquiry is whether the reattributions and associated matching payments were proper. Reattributed contributions made to presidential campaigns of candidates receiving matching funds can be matched if the committee receives a writing signed by each contributor stating that the reattributed contribution constitutes the personal funds of the new contributor. 11 C.F.R. § 9034.2(c)(1)(ii);<sup>4</sup> *Guideline* at Appendices 10, 11 and 21. The writing should establish that the contribution is a gift of money made for the purpose of influencing the result of a primary election. 11 C.F.R. § 9034.2(a)(1); see AO 1984-27 (revising a presidential primary committee's verification form to include language stating that contribution "is made with donative intent to make a gift and is made for the purpose of influencing the result of a presidential primary election."). Contributions made without the requisite donative intent are not matchable. 11 C.F.R. § 9034.3(i).

The contributions in question appear on their face to have been properly reattributed since the new contributors submitted signed writings stating that the money was theirs and that they intended to make a contribution. 11 C.F.R. § 9034.2(c)(1)(ii). However, the available information indicates that the funds may not have belonged to the new contributors. The funds were originally contributed by checks drawn on accounts apparently belonging to only the original contributors. In most instances, the names and addresses on the checks from the original contributions were those of the original contributors, and the retributees names are not listed on the face of the checks. While not conclusive, the absence of the retributees' names and addresses on the checks raises questions about whether the retributees were account holders for the bank accounts or had any ownership interest in the contributed funds.<sup>5</sup>

In their retribution writings, the new contributors claim to have "equitable ownership" in the accounts used for the original contributions. The term "equitable ownership" appears in the regulations governing matchability of contributions drawn on an escrow or trust account. 11 C.F.R. § 9034.2(c)(2).<sup>6</sup> Contributions in the form of checks drawn on an escrow or trust

<sup>4</sup> 11 C.F.R. 9034.2(c)(1)(ii) applies when it is not apparent from the face of the check that each contributor is a joint tenant of the account from which the check is drawn.

<sup>5</sup> But see 11 C.F.R. § 9034.2(c)(1)(ii) (retributees may submit a written statement that the contribution represents their personal funds).

<sup>6</sup> In addition, the Commission's regulations use the term "equitable interest" in defining a candidate's personal funds spent on his or her election: "any assets which, under applicable state law, at the time he or she became a candidate, the candidate had legal right of access to or control over, and with respect to which the candidate had either legal and rightful title or an equitable interest." 11 C.F.R. § 110.10(b)(1); see AO 1991-10 (candidate's spouse would not make contribution where candidate obtained loan based on equity in one-half of jointly owned house and withdrew one-half of funds from joint investment account.). The Explanation and Justification for 11 C.F.R. § 110.10 states that the use of the term "equitable interest" applies to an ownership or

22 OCT 02 09:40:00

account are matchable if the contributor has equitable ownership in the account and the check is accompanied by a statement, signed by each contributor to whom all or a portion of the contribution is being attributed which states that the contributor has equitable ownership of the account and the account represents the personal funds of the contributor, and also includes the check number, amount and date of contribution. 11 C.F.R. § 9034.2(c)(2)(ii). However, the reattribution checks that were matched do not appear to have been drawn on an escrow or trust account, and there is insufficient evidence to ascertain whether any of the reattributed contributions were related to escrow or trust accounts.

While each new contributor signed a statement that the "contribution represents my personal funds and my personal contribution to Buchanan for President," it is not clear whether the reattributees had the requisite donative intent to make a contribution. For example, the reattributions do not state explicitly that the new contributors have "donative intent," nor that the contributors are making the contributions "to influence an election." See AO 1984-27 (the Commission concluded that a form must state that the contribution "is made with donative intent to make a gift and is made for the purpose of influencing the result of a presidential primary election."); see also 11 C.F.R. §§ 9034.2(a)(1) and 9034.3(i). Moreover, several of the reattributions appear to have been signed by minors, and several reattributions appear to have been signed in the same handwriting. These discrepancies raise additional questions about the reattributions.

**IV. DECISION TO CONDUCT INQUIRY PURSUANT TO 26 U.S.C. § 9039(b)**

For the foregoing reasons, the Commission has decided to open an inquiry pursuant to 26 U.S.C. § 9039(b) and 11 C.F.R. § 9039.3 in order to determine whether reattributions of contributions to Buchanan for President, Inc. were properly made and, if not, whether Buchanan for President, Inc. owes any repayment to the United States Treasury for matching funds received for nonmatchable contributions. 26 U.S.C. § 9038(b)(1). The Commission may use the information from the 9039 inquiry for a separate additional repayment determination supplementing any repayment determinations that may arise from the audit report. 11 C.F.R. §§ 9038.2(f); 9039.3(a)(2) and (b)(4).

---

pecuniary interest that is not one of legal title, but makes clear that the criteria of legal and rightful title and equitable interest must be linked with legal right of access to or control over such funds. 48 Fed. Reg. 19020 (April 27, 1983). While 11 C.F.R. § 110.10(b)(1) and AO 1991-10 concern the personal funds of a candidate and his or her spouse, the reattributions at issue do not appear to have been made to the original contributor's spouse. Moreover, the reattributions do not state that the reattributees had both an equitable interest and a legal right of access to or control over the contributed funds. See 11 C.F.R. § 110.10(b)(1).

SEARCHED \_\_\_\_\_ INDEXED \_\_\_\_\_  
SERIALIZED \_\_\_\_\_ FILED \_\_\_\_\_  
MAY 5 1983  
FBI - MEMPHIS

EE 07 025 4061

VSD:dyg



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

July 23, 1999

**CERTIFIED MAIL RETURN RECEIPT REQUESTED**

Patrick J. Buchanan  
c/o John J. Duffy, Esq.  
Steptoe & Johnson LLP  
1330 Connecticut Avenue, N.W.  
Washington, D.C. 20036

Re: Buchanan for President, Inc. - Repayment  
Determination (LRA # 512)

Dear Mr. Buchanan:

On July 15, 1999, the Commission determined that Patrick J. Buchanan and Buchanan for President, Inc. (collectively, "the Committee") must repay \$63,750 to the United States Treasury pursuant to 26 U.S.C. § 9038(b)(1) and 11 C.F.R. § 9038.2(b)(1)(iii). See 11 C.F.R. §§ 9038.2(f); 9039.3(a)(2). The determination is based on the Commission's inquiry into the matchability of certain reattributed contributions under 26 U.S.C. § 9039(b) and 11 C.F.R. § 9039.3. Enclosed is the Notice of Repayment Determination, which sets forth the legal and factual reasons for the repayment determination. This repayment must be made to the Secretary of the Treasury within 90 calendar days of your receipt of this Notice. 11 C.F.R. § 9038.2(d).

If the Committee disputes the Commission's determination that a repayment is required, the Commission regulations at 11 C.F.R. § 9038.2(c)(2) provide you with the opportunity to submit in writing, within 60 calendar days after service of the Notice, legal and factual materials to demonstrate that no repayment, or a lesser repayment, is required. Moreover, a Committee that has submitted written materials may at the same time request an opportunity to address the Commission in open session based on the legal and factual materials submitted. 11 C.F.R. § 9038.2(c)(2)(ii). The Commission will consider any written legal and factual materials timely submitted and any oral hearing when deciding whether to revise the repayment determination. 11 C.F.R. § 9038.2(c)(3). Such materials may be submitted by counsel. 11 C.F.R. § 9038.2(c)(2)(i)

ATTACHMENT B  
Page 1 of 29

22-07-025-4062

If you have any questions related to matters covered in this Notice, please contact  
DeLanie DeWitt Painter, the attorney assigned to this case, at (202) 694-1650. -

Sincerely,



Kim Bright-Coleman  
Associate General Counsel

Enclosure

Notice of Repayment Determination (with attachments)

22-07-025-4063

ATTACHMENT B  
Page 2 of 29

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )

Patrick J. Buchanan and )  
Buchanan for President, Inc. )

LRA # 512

NOTICE OF REPAYMENT DETERMINATION

I. INTRODUCTION

On June 16, 1998, the Federal Election Commission ("the Commission") opened an inquiry under 26 U.S.C. § 9039(b) and 11 C.F.R. § 9039.3 ("the 9039 inquiry") to determine whether the reattribution of certain contributions to Patrick J. Buchanan and Buchanan for President, Inc. (collectively "the Committee") were proper and whether the Committee received any matching funds for non-matchable contributions. Based upon this inquiry, on July 15, 1999, 1999, the Commission determined that Patrick J. Buchanan and Buchanan for President, Inc. must repay \$63,750 to the United States Treasury for matching funds received in excess of the candidate's entitlement for matched contributions later determined to have been non-matchable. 26 U.S.C. § 9038(b)(1); 11 C.F.R. § 9038.2(b)(1)(iii). Therefore, the Committee is ordered to repay \$63,750 to the United States Treasury within 90 calendar days after service of this determination. 11 C.F.R. §§ 9038.2(c)(1) and (d)(1). This Notice of Repayment Determination sets forth the legal and factual basis for the repayment determination. See 26 U.S.C.

§ 9038(b)(1), 11 C.F.R. §§ 9038.2(c)(1) and (f), 9039.3(a)(2) and (b)(4).

II. BACKGROUND

Patrick J. Buchanan was a candidate for the Republican Party presidential nomination in the 1996 primary elections. The Committee registered with the Commission on February 16, 1995. On May 31, 1995, the Commission determined that Mr. Buchanan was eligible to receive

ATTACHMENT   B    
Page   3   of  29 

4004 530 20 22 07 025 4064

matching funds under the Presidential Primary Matching Payment Account Act, 26 U.S.C. §§ 9031-9042 ("Matching Payment Act"). The Committee received \$10,983,475 in matching fund payments from the United States Treasury.

On January 14, 1999, the Commission considered the Report of the Audit Division on the Committee and determined that the candidate and Committee must repay \$44,791 to the United States Treasury for non-qualified campaign expenses.<sup>1</sup> The repayment determination set forth in this Notice is an additional repayment determination based on facts not used as the basis for the previous determination. See 11 C.F.R. §§ 9038.2(f); 9039.3(b)(4).

### III. SUMMARY OF INVESTIGATION

During the Commission's audit of the Committee pursuant to 26 U.S.C. § 9038, the Commission conducted a sample review of the Committee's matched contributions that revealed potentially significant problems with reattributions.<sup>2</sup> To determine the magnitude of the problem, the Commission conducted an additional sample review. The Commission identified a population of 7,220 matched contributions from all contributors who were associated with any retribution submitted for matching. From this universe, the Commission drew an additional

<sup>1</sup> The Audit Report also included a payment of \$27,431 for stale-dated Committee checks. See 11 C.F.R. § 9038.6.

<sup>2</sup> For example, the audit revealed reattributions to numerous individual retributees, reattributions of the entire amount of contribution checks and possible reattributions to minors. In addition, the retribution documents generally state that the retributee "maintain[s] equitable ownership of the account" from which the original contribution was drawn. See Attachment B. The retribution documents appear to be a form prepared by the Committee that was provided to the contributors with a form letter informing them about the matching fund process and the \$250 maximum matchable amount and suggesting that if their "contribution can be partially attributed to your spouse, or other member of your family, the Committee can submit it for additional matching funds." See Attachment C. It is not clear why the retribution statements use the term "equitable ownership," which appears in the regulations governing matchability of contributions drawn on an escrow or trust account: 11 C.F.R. § 9034.2(c)(2).

ATTACHMENT B  
Page 4 of 29

22 "07" 025 "4065



random sample of 324 items. Forty-seven of these sample items appeared to have been improperly reattributed.<sup>3</sup>

To verify the contributions and reattributions, the Commission sent surveys to contributors who had reattributed all or a portion of their contributions.<sup>4</sup> See Attachment A. The survey asked the contributors to verify the amounts and dates of their contributions, state whether the contribution checks were drawn on an escrow or trust account, and verify the amounts, dates and name(s) of the reattributee(s) for each reattribution. *Id.* In addition, the survey asked each contributor to provide the current mailing address for each reattributee, and indicate whether the reattributee had the right to withdraw funds from the contributor's bank accounts and whether the reattributee gave the contributor any money to make the contribution or reattribution. *Id.* The Commission received responses for 39 of the 47 sample items.<sup>5</sup> Based on the responses, eight of

<sup>3</sup> Originally, the sample size was 325 items, and 49 sample items appeared improperly reattributed. However, as discussed *infra* at note 7, one item was subsequently deleted from the sample because it was refunded. Moreover, one of the sample items was not valid because it would have been an error in the original matching fund submission.

<sup>4</sup> Surveys were sent to a total of 57 contributors, including 43 contributors associated with the 47 sample items, one contributor associated with a sample item that was subsequently deleted, one contributor associated with a sample item that was not valid, five contributors with numerous reattributions, and seven spouses of contributors who also reattributed contributions. The surveys requested information about all of each individual's contributions and reattributions. However, the Commission's repayment determination is based only upon the 47 sample items, not the other reattributions.

<sup>5</sup> The Commission did not obtain information concerning the remaining eight sample items because two of the samples were related to contributors who are now deceased and six sample items are associated with four contributors who refused to respond to the survey, including one contributor who answered some introductory questions in a telephone conversation but refused to continue. Sample items for which there was no response, or for which there was an incomplete response to the survey were not treated as errors. Commission staff contacted several contributors by telephone to clarify responses or obtain complete information and also contacted a number of reattributees to obtain additional information.

ATTACHMENT B  
Page 5 of 29

22.07.025.4055

the sample items appear to have been matchable, and 31 of the sample items should not have been matched and are considered "errors."

In addition, two contributors stated in a letter dated May 17, 1999 that they requested refunds of their contributions totaling \$2,000 from the Committee after receiving correspondence and a telephone call from Commission staff "because of an apparent misunderstanding about a form we were sent by the campaign after we made the contributions." Attachment D. The contributors each made a \$1,000 contribution and subsequently reattributed \$750 of that contribution to three reattributees in \$250 amounts. Although the reattribution forms were completed, it does not appear that the two contributors intended to reattribute their contributions. The Committee refunded the contributions with two \$1,000 checks made payable to the two contributors rather than to the reattributees and the checks were accompanied by a note stating "I am sorry about the misunderstanding." In addition to the repayment amount calculated based on the sample review, the matching funds approved totaling \$1,634 based on these individuals' contributions and reattributions must be repaid because the contributions have been refunded.<sup>7</sup>

26 U.S.C. § 9038(b)(1); 11 C.F.R. § 9038.2(b)(1)(iii).

<sup>6</sup> The survey responses for the 31 "errors" indicated that the reattributee did not have the right to withdraw funds from the contributor's bank accounts; thus, the contributed funds appear to have belonged to the contributor rather than to the reattributee. While responses from contributors of 10 of these sample items and telephone conversations with several reattributees indicated that some reattributees may have given contributors money to make the contributions or reattributions, it is not clear that these reattributions were proper because the contributors and reattributees provided no additional information and it appears that some of these reattributions may have been to minors. See 11 C.F.R. § 110.1(i). Moreover, depending on the circumstances, these transactions could have resulted in non-matchable contributions if they involved a contribution in the name of another, or the reattributees lacked the donative intent to make a contribution because they were giving the contributor funds for some other reason, such as a gift. See 2 U.S.C. § 441f; 11 C.F.R. §§ 9034.3(e) and (i).

<sup>7</sup> A reattribution of \$250 of one of these contributions was originally one of the sample items. Because it has been refunded, this item is not being treated as an error and has been deleted from the sample. In addition, one reattributee is not reflected in the Committee's database as a matched contribution, although a reattribution form for \$250 was filled out in her name. It appears that this reattribution may have been attributed to one of the two

2025-02-27 09:02:40

#### IV. BASIS FOR REPAYMENT DETERMINATION

The Commission has determined that Patrick J. Buchanan and the Committee must repay \$63,750 to the United States Treasury for matching funds received in excess of the candidate's entitlement based on matched contributions later determined to have been non-matchable.

26 U.S.C. § 9038(b)(1); 11 C.F.R. § 9038.2(b)(1)(iii). The repayment amount includes \$62,116 for matching funds related to improper reattributions and \$1,634 for matched contributions that were later refunded. The Commission calculated the percentage of non-matchable contributions related to improper reattributions in the total population ("error rate") and the associated repayment amount based on the survey information concerning the 47 sample items. The Commission projected an error rate of 9.57% non-matchable items in the population with a sampling error of ±3.69% and a confidence level of 95%.<sup>9</sup> See Attachment E. The Commission calculated a repayment amount of \$62,116 for non-matchable contributions based on the projected error rate applied to the total population.<sup>9</sup> *Id.* The repayment of \$1,634 for refunded contributions is based upon the total amount of matching funds paid for the refunded contributions  $(5 \times \$250 \times .928) + (2 \times \$250 \times .948)$ .<sup>10</sup>

---

original contributors. Thus, the contributions and reattributions were submitted for \$1,750 in matching funds, rather than \$2,000.

<sup>9</sup> The population consisted of 7,220 matched contributions from contributors associated with any reattribution submitted for matching. The sampling error of ±3.69% is consistent with the tolerable sampling error of 4% used in the review of matching fund submissions, and the Commission generally uses a 95% confidence level in sample projections.

<sup>9</sup> It is not clear whether the eight sample items for which there was no response, or an incomplete response, to the survey were related to improper reattributions. Thus, it is possible that the Committee received more than \$62,116 in matching funds based upon non-matchable contributions related to improper reattributions.

<sup>10</sup> The Committee submitted the contributions and reattributions for a total of \$1,750 in matching funds, \$250 for each of the two original contributors and \$250 for each of five reattributees. See 26 U.S.C. § 9034(a). The contributions were in two matching fund submissions with different error rates, based on the sample review of the

ATTACHMENT B  
Page 7 of 29

2025-07-07 09:40:52

The use of statistical sampling to project certain components of a large universe is a legally acceptable technique. See, e.g., *Georgia v. Califano*, 446 F. Supp. 404 at 409 (N.D. Ga. 1977) (use of statistical sampling to audit Medicaid overbilling was not arbitrary and capricious where it was the "only feasible method of audit." review of individual claims would be a "practical impossibility" and Georgia had the opportunity to challenge the statistical sample). The "[p]rojection of the nature of a large population through review of a relatively small number of its components has been recognized as a valid audit technique." *Id.* Moreover, courts have generally deferred to agency expertise in upholding the use of statistical sampling.<sup>11</sup> See, e.g., *Chaves County Home Health Service v. Sullivan*, 931 F.2d 914 (D.C. Cir. 1991), cert. denied, 112 S.Ct. 407 (1993) (upheld use of sampling audit to recoup Medicaid overpayments to health care providers).

Statistical sampling has generally been upheld when audits of the universe of cases would be "impossible." *Michigan Dep't of Educ. v. U.S. Dep't of Educ.*, 875 F.2d 1196, at 1205-1206 (6th Cir. 1989) (upheld use of sample of 259 out of a total of 66,368 payment authorizations to determine amount of disallowed expenditures of federal funds by a vocational rehabilitation

---

submission; two were matched at a rate of 94.8% and five were matched at a rate of 92.8%. Thus, the total amount of matching funds approved for the refunded contributions was \$1,634 ( $5 \times \$250 \times .928$ ) + ( $2 \times \$250 \times .948$ ).

<sup>11</sup> Courts have deferred to agency expertise in considering challenges to an agency's accounting rules. In *A.T. & T. Co. v. United States*, the Supreme Court stated that it could not overrule an agency's accounting system unless it is "so entirely at odds with fundamental principles of correct accounting as to be the expression of a whim rather than an exercise of judgment." 299 U.S. 232, 236-37 (1936). The Commission's use of sampling is consistent with accepted accounting principles and would be entitled to judicial deference.

ATTACHMENT B  
 Page 5 of 29

02.07.025.4065

program). There is "no case law that states how large a percentage of the entire universe must be sampled." *Id.* at 1205. In *Ratanasen v. California*, the court approved:

the use of sampling and extrapolation as part of audits in connection with Medicare and other similar programs provided the aggrieved party has an opportunity to rebut such evidence. To deny public agencies the use of statistical and mathematical audit methods would be to deny them an effective means of detecting abuses in the use of public funds. Public officials are responsible for overseeing the expenditure of our increasingly scarce public resources and we must give them appropriate tools to carry out the charge.

11 F.3d 1467 at 1471 (9th Cir. 1993)(use of random sample of 3.4% to calculate Medi-Cal overbilling by doctor held valid). The *Ratanasen* court noted that other courts approving sampling methods "made no mention of a statistical 'floor' which auditors must exceed" to satisfy due process. *Id.* at 1472.

Statistical sampling is necessary in this inquiry because verification of each of the thousands of matched contributions related to reattributions would be pragmatically impossible. Moreover, it is appropriate to calculate a repayment based on non-matchable contributions using the same statistical sampling technique that is used to review matching fund submissions. The Commission has used a dollar unit sampling method in its review of matching fund submissions since 1980 See 11 C.F.R. § 9036.4(b). Moreover, the Committee will have an opportunity to seek administrative review of the repayment determination. 11 C.F.R. § 9038.2(c)(2).

The Commission may determine that portions of matching fund payments made to a candidate were in excess of the aggregate amount of the candidate's entitlement and must be repaid. 26 U.S.C. § 9038(b)(1); 11 C.F.R. § 9038.2(b)(1). For example, payments made on the basis of matched contributions later determined to have been non-matchable are subject to repayment. 11 C.F.R. § 9038.2(b)(1)(iii). Contributions are not matchable if they are reattributed to persons who did not own the contributed funds or lacked donative intent to

contribute. See 11 C.F.R. §§ 9034.2(a)(1); 9034.2(c)(1); 9034.3(i); *Guideline for Presentation in Good Order* ("Guideline") (August 1991) at Chapter V Exception Code G-3 at page 65 and Appendices 10, 11 and 21. Reattributed contributions made to presidential candidates who receive matching funds can be matched if the committee receives a writing signed by each contributor stating that the reattributed contribution constitutes the personal funds of the new contributor. 11 C.F.R. § 9034.2(c)(1)(ii);<sup>12</sup> *Guideline* at Appendices 10, 11 and 21. The writing should establish that the contribution is a gift of money made for the purpose of influencing the result of a primary election. 11 C.F.R. § 9034.2(a)(1).

The Commission's regulations provide that if a contribution, on its face or in the aggregate, exceeds the contribution limitations, the committee treasurer may obtain a written reattribution from the contributor within 60 days. 11 C.F.R. §§ 103.3(b)(3); 110.1(k)(3). A contribution is reattributed if the treasurer asks the contributor whether the contribution is intended to be a joint contribution by more than one person, informs the contributor that he or she may request a refund of the excessive portion, and within 60 days, the contributors provide a written reattribution, signed by each contributor, which indicates the amount to be attributed to each contributor if equal attribution is not intended. 11 C.F.R. § 110.1(k)(3)(ii).

The available information indicates that the Committee received matching funds for non-matchable contributions. The contributions appeared to be matchable when they were submitted for matching because the reattributees signed writings stating that the money was theirs and that they intended to make a contribution. See 11 C.F.R. § 9034.2(c)(1)(ii). The reattributions also generally appear to have been completed within 60 days. See 11 C.F.R. § 110.1(k)(3)(ii).

<sup>12</sup> Section 9034.2(c)(1) applies when it is not apparent from the face of the check that each contributor is a joint tenant of the account from which the check is drawn.

ATTACHMENT B  
 Page 10 of 29

22-07-025-4071

Nevertheless, the responses to the survey indicate that many of the reattributions were improper. The funds were contributed by checks drawn on the accounts of the original contributors, and the checks did not list the names of the reattributees. See 11 C.F.R. §§ 110.1(k); 9034.2(c)(1). Most of the original contributors stated that the reattributees did not have the right to withdraw funds from their accounts. There is insufficient evidence to verify whether any of the reattributees gave the original contributors funds to make the contributions or reattributions. Other possible problems with the reattributions include that some of the reattributees may have been minors, the contribution or retribution may have been made in the name of another, there is no evidence that the treasurer informed contributors that they could request a refund of the excessive portion of their contributions,<sup>13</sup> and the reattributees may have lacked the donative intent to make a contribution even if they gave money to the contributor if those funds were given to the contributor for some purpose other than to contribute. See 2 U.S.C. § 441f; 11 C.F.R. §§ 110.1 (k)(3) and (i); 9034.3(e) and (i).

Moreover, the survey responses and contacts with contributors raise questions about whether the contributors and reattributees sufficiently understood the nature of the transactions to make proper reattributions. For example, the May 17, 1999 letter from two contributors stating that they requested refunds because of a "misunderstanding about a form we were sent by the campaign" indicates that they may not have understood the significance of their reattributions to six other individuals. See Attachment D. Several individuals who called staff of this Office for clarification of the survey did not appear to understand the meaning of "retribution." Other contributors' statements to staff of this Office raised questions about whether Committee

---

<sup>13</sup> The form letter apparently sent by the Committee does not notify contributors that they could request a refund. See Attachment C.

representatives gave contributors incorrect instructions about how to reattribute contributions. For example, one contributor, who reattributed \$8,000 to eight of his children, stated that after he made the original contribution, the Committee called him and asked if he had children and whether they had bank accounts. Although he told the Committee representative that his children did not have bank accounts, the Committee sent him reattribution forms for his children.<sup>14</sup> Another contributor stated that Committee representatives told her that it was acceptable to reattribute funds to anyone living in the same household. She reattributed funds to her adult daughter who resides with her, and her daughter signed the form, although the money was not her daughter's money. See 11 C.F.R. §§ 9034.2(a)(1) and (c)(1). Other contributors stated that they reattributed a portion of their contributions to minor children, including one contributor's seven-year-old son and another contributor's 13 year-old daughter. To the extent that the reattributees were minor children, it is not clear whether the reattributions were proper.<sup>15</sup> See 11 C.F.R. § 110.1(i).

In addition, telephone contacts with a number of reattributees support the Commission's conclusion that the reattributions were improper and resulted in non-matchable contributions. None of the reattributees stated that he or she had the right to withdraw funds from the original contributor's account. Several had no recollection of giving the original contributor any funds to make the contribution or reattribution. One individual stated that her son-in-law paid the money for her and told her about it later. Another did not recall giving the original contributor any of

<sup>14</sup> This contributor was not related to one of the 47 sample items.

<sup>15</sup> Minor children may make contributions if the decision to contribute is made knowingly and voluntarily by the minor child, the funds contributed are owned or controlled exclusively by the minor child, such as the child's income, the proceeds of a trust for which the child is the beneficiary or a savings account opened and maintained exclusively in the child's name; and the contribution is not the proceeds of a gift for the purpose of providing the funds to be contributed and is not in any way controlled by any other individual. 11 C.F.R. § 110.1(i).

22 07 025 4073



the \$350 attributed to him. Those who indicated that they gave or may have given funds to the original contributors stated that they gave cash, rather than checks.<sup>16</sup> For example, one individual stated that he gave cash to the local fundraiser for the candidate. Another individual stated that he is an auto technician who does work for the contributor, who in turn does things for him such as donating the funds to the candidate. However, none of the reattributees had documentation or other evidence to verify that funds were given to the original contributor to make the contribution or reattribution.

Further, the use of the phrase "equitable ownership" in many of the reattribution statements also raises questions, because it appears that the Committee and contributors incorrectly applied the matchability rule for contributions drawn on an escrow or trust account to contributions that were not drawn on escrow or trust accounts. See 11 C.F.R. § 9034.2(c)(2). Several contributors and reattributees did not appear to understand the meaning of the term.

Finally, the matching funds totaling \$1,634 based on contributions that were subsequently refunded must be repaid because the refunded contributions are not matchable: 26 U.S.C. § 9038(b)(1); 11 C.F.R. § 9038.2(b)(1)(iii). The Commission's regulations provide that committees must submit a list of all refunds with their threshold submission and with subsequent matching fund submissions. See 11 C.F.R. §§ 9036.1(b)(6); 9036.2(b)(1)(iv); *Guideline* at 14, 31. The fact that the contributors requested the refund also negates the donative intent necessary for matchability. See 11 C.F.R. § 9034.3(i). Thus, the Committee must repay the \$1,634 in matching funds paid for the refunded contributions.

<sup>16</sup> If these individuals had given currency directly to the candidate, the contributions would not have been matchable. See 11 C.F.R. § 9034.3(j). Moreover, cash contributions in excess of \$100 would have exceeded the limitations on currency contributions at 2 U.S.C. § 441g.

ATTACHMENT B  
PAGE 13 of 29

22 "07" 005 "4074

V. CONCLUSION

Therefore, the Commission has determined that Patrick J. Buchanan and Buchanan for President, Inc. (collectively "the Committee") must repay \$63,750 to the United States Treasury for matching fund payments received in excess of the candidate's entitlement based on matched contributions later determined to have been non-matchable. 26 U.S.C. § 9038(b)(1); 11 C.F.R. § 9038.2(b)(1)(iii). The repayment amount includes \$62,116 for matching funds related to improper reattributions and \$1,634 for matched contributions that were later refunded. Patrick J. Buchanan and Buchanan for President, Inc. is ordered to repay \$63,750 to the United States Treasury. 11 C.F.R. §§ 9038.2(c)(1) and (d)(1).

Attachments

- A. Example of survey-form (completed by David M. Drew)
- B. Example of reattribution statement (completed by David M. Drew, *et al.*, dated October 21, 1995)
- C. Buchanan for President, Inc. form letter to contributors
- D. Letter from Tara and Stephen Hamilton to [Delanie] Painter dated May 17, 1999
- E. Memorandum from Robert J. Costa to Lawrence M. Noble dated July 12, 1999

ATTACHMENT B  
Page 14 of 29

## QUESTIONNAIRE

David M. Drew - LRA #466

Documents reviewed by the Federal Election Commission indicate that you made the following contribution to Buchanan for President, Inc. (the "Committee") during the 1996 presidential primary election campaign, and that all or a portion of this contribution was reattributed to the individuals listed below.

Date	Amount
09/05/95	\$1,000

Please answer the questions by checking the appropriate box:

1. I made the contribution listed above.

YES	NO
<input checked="" type="checkbox"/>	<input type="checkbox"/>

If your answer is no, please list your contributions below by date and amount.

---



---



---

2. The contribution was made by a check drawn on an escrow or trust account.

YES	NO
<input type="checkbox"/>	<input checked="" type="checkbox"/>

3. I reattributed the following amounts of my contribution to the following individuals on the following date:

Name	Amount	Date	Yes	No
Claudia Drews	\$250	10/21/95	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Paul Marbach	\$250	10/21/95	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gwen Marbach	\$250	10/21/95	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If any of the above information is incorrect, please note corrections.

22-07-025-4076

List any other individual to whom you reattributed any portion of any contribution and the amount and date of the reattribution.

Name \_\_\_\_\_  
Address \_\_\_\_\_  
Reattribution Date \_\_\_\_\_  
Amount Reattributed \_\_\_\_\_

4. Please provide the current mailing address for Claudia Drew.

POB 7352  
York PA 17404

Claudia Drew had the right to withdraw funds from any of your bank accounts.

YES	NO
<input checked="" type="checkbox"/>	<input type="checkbox"/>

Did Claudia Drew give you any money to make the contribution or reattribution?

YES	NO
<input type="checkbox"/>	<input checked="" type="checkbox"/>

5. Please provide the current mailing address for Paul Marbach.

382 Richlandtown Pike  
Quakertown, PA 18951

Paul Marbach had the right to withdraw funds from any of your bank accounts.

YES	NO
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Did Paul Marbach give you any money to make the contribution or reattribution?

YES	NO
<input type="checkbox"/>	<input checked="" type="checkbox"/>

6. Please provide the current mailing address for Gwen Marbach.

382 Richlandtown Pike  
Quakertown, PA 18951

22 07 025 4077

Gwen Marbach had the right to withdraw funds from any of your bank accounts.

YES	NO
	<input checked="" type="checkbox"/>

Did Gwen Marbach give you any money to make the contribution or reattribution?

YES	NO
	<input checked="" type="checkbox"/>

22.07.025.4078

PO Box 7352  
York PA 17404

Concerning the contribution of \$1000, check #5871, deposited into Buchanan For President on 9/03/95, I verify that:

1) \$250 of the above mentioned contribution represents my personal funds and my personal contribution to Buchanan For President, and that I maintain equitable ownership of the account.

Signature David M. Drew Date 10/21/95  
Mr. David M. Drew

Occupation physician Employer self

2) \$250 of the above mentioned contribution represents my personal funds and my personal contribution to Buchanan For President, and that I maintain equitable ownership of the account.

Signature Claudia M. Drew Date 10/21/95  
Claudia Drew  
Please Print or Type Name Here

Occupation housewife Employer self

3) \$250 of the above mentioned contribution represents my personal funds and my personal contribution to Buchanan For President, and that I maintain equitable ownership of the account.

Signature Paul J. Margach Date 10-21-95  
PAUL J MARGACH  
Please Print or Type Name Here

Occupation Auto Technician Employer Ford Sales Dodge

4) \$250 of the above mentioned contribution represents my personal funds and my personal contribution to Buchanan For President, and that I maintain equitable ownership of the account.

Signature Gwen Margach Date 10-21-95  
Gwen Margach  
Please Print or Type Name Here

Occupation housewife Employer self

If the above statement is not true, please so note.

OCT 24 1995

02.07.025.4079

# Buchanan *for* President

Date

Name  
Add1  
Add2  
CSZ

Dear Name.

Thank you for your contributions totaling \$amt. It is the support and generosity of individuals such as yourself which will ensure the success of our America First campaign.

Presidential candidates are entitled to receive federal matching funds from the Treasury's Matching Payment Account in an amount up to \$250 per contributor. This, in effect, doubles the impact of your contributions for the first \$250.

If your contribution can be partially attributed to your spouse, or other member of your family, the Committee can submit it for additional matching funds. To expedite this matter, I have enclosed the form necessary and kindly ask that you complete and return it to us as soon as possible. Enclosed is a postage-paid envelope for your convenience.

I apologize for any burden and appreciate your cooperation and continued support.

Sincerely,

Scott B MacLenzie  
Treasurer

enclosures

ATTACHMENT   B    
Page   19   of   29  

GO PAT GO • GO PAT GO • GO PAT GO • GO PAT GO • GO PAT GO • GO PAT GO • GO PAT GO • GO PAT GO

0804 520 70 22

Attachment

STEPHEN AND TARA HAMILTON  
30 DATER LANE  
SADDLE RIVER, NJ 07458

May 17, 1999

Federal Election Commission  
Washington, DC 20463  
Attention: Bonnie DeWitt Painter

By Certified Mail

Re: LRA #512  
Stephen and Tara Hamilton

Dear Ms. Painter:

We have received correspondence and a telephone call from the FEC regarding contributions we made to Buchanan '96. Being unfamiliar with these matters, we referred the matter to an attorney and the Buchanan campaign itself.

However, in the meantime (at our request) the Buchanan campaign has refunded our respective \$1,000 contributions because of an apparent misunderstanding about a form we were sent by the campaign after we made the contributions. Copies of the refund checks are enclosed. We understand that the campaign will be adjusting its account with the FEC directly.

Trusting this satisfies the FEC's request for information, we remain

Yours sincerely,

*Tara & Stephen Hamilton*  
Tara and Stephen Hamilton

RECEIVED  
MAY 21 10 27 AM '99

FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL

1804 520 70 22



# Buchanan 2000

May 10, 1999

Dear Stephen & Tara,

I am sorry about the  
misunderstanding and am pleased to  
obey your request of a refund.

My best.

Ray Buchanan

PO Box 2000  
Dunn Loring, VA 22027

HQ 703.734.2700

Fax 703.734.2705

Website [www.gopatgo2000.org](http://www.gopatgo2000.org)

E-mail [hq@gopatgo2000.org](mailto:hq@gopatgo2000.org)

© 1999 Buchanan 2000, Steve B. McKenzie, Treasurer

ATTACHMENT B  
Page 21 of 29

**BUCHANAN FOR PRESIDENT, INC.** 5/10  
PH 703-648-1988  
8882 ELM STREET, STE. 210  
MC LEAN, VA 22101

1026

00-780/680  
BRANCH 07200

DATE 5/10/99

PAY TO THE ORDER OF TARA J. HAMILTON

\$ 1000.00

ONE THOUSAND

1000 DOLLARS

**FIRST UNION**  
First Union National Bank  
McLean, Virginia  
RT 024007004

FOR Contribution Refund

Ray Buchanan

⑆000000 10 26⑆ ⑆056007604⑆ 2000003789⑆ 3 2⑆

**BUCHANAN FOR PRESIDENT, INC.** 5/10  
PH 703-648-1988  
8882 ELM STREET, STE. 210  
MC LEAN, VA 22101

1025

00-780/680  
BRANCH 07200

DATE 5/10/99

PAY TO THE ORDER OF STEPHEN C. HAMILTON

\$ 1000.00

ONE THOUSAND

1000 DOLLARS

**FIRST UNION**  
First Union National Bank  
McLean, Virginia  
RT 024007004

FOR Contribution Refund

Ray Buchanan

ISSUANCE  
Page 22 of 29



FEDERAL ELECTION COMMISSION  
WASHINGTON, DC 20461

July 12, 1999

**Memorandum**

**To:** Lawrence M. Noble  
General Counsel

**Through:** James A. Pehrkon  
Staff Director

**From:** Robert J. Costa  
Assistant Staff Director  
Audit Division

**Subject:** Buchanan for President, Inc. - Inquiry Pursuant to 26 U.S.C. §9039 (b) -  
Response to Request for Assistance (LRA #512)—CORRECTION

Attached is a corrected version of our July 2, 1999 memorandum which detailed results of your survey and discussed the projected non-matchable amount. One item, a contribution redistributed to Jerome Bowe, should have been categorized as "would have been error in regular submission" and thus not included for purposes of this projection.

The attached memorandum contains the corrected figures - the projected amount of non-matchable contributions changed from \$64,618 to the corrected figure of \$62,116.

If you have any questions, please contact Wanda Thomas or Rick Halter at 694-1200.

**Attachment: Buchanan for President, Inc. - Inquiry Pursuant to 26 U.S.C. §9039 (b) -  
Response to Request for Assistance (LRA #512)—CORRECTION,  
[including corrected Attachments #1 & #2]**



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20461

July 12, 1999

Memorandum

**To:** Lawrence M. Noble  
General Counsel

**Through:** James A. Pehrkon  
Staff Director

**From:** Robert J. Costa  
Assistant Staff Director  
Audit Division

**Subject:** Buchanan for President, Inc. - Inquiry Pursuant to 26 U.S.C. §9039 (b) -  
Response to Request for Assistance (LRA #512)-CORRECTION

The Audit staff reviewed the surveys returned to the Office of General Counsel in response to the March 1999 mailing of surveys to contributors who had not responded to the previous mailings. The Audit staff used the same procedure as was employed in the review of responses from the previous mailings to determine whether contributions were properly reattributed. We considered a reattribution *unacceptable* if the original contributor indicated that the reattributee did not have the right to withdraw funds from the contributor's bank accounts, regardless of whether the response from the original contributor indicated the reattributee gave the contributor money to make the contribution. In its Memorandum of April 1, 1999, the Counsel's office agreed with this approach. In addition, the Counsel's office informed the Audit Staff that non-responses to the survey should not be counted as errors in projecting the error rate. Based on our review, we calculated that the projected dollar value of the errors is \$62,116. This projection is based on 31 confirmed errors out of 47<sup>1</sup> identified in our sample<sup>2</sup>. The error rate is 9.57% with a sampling error of  $\pm 3.69\%$ .

<sup>1</sup> Initially there were 49, however one item was deleted when the contributor requested and received a refund for her contribution (see Attachment 2, item 48, Hamilton, Tara J.) and one item was determined to not be a valid sample item (see Attachment 2, item 52, Sorrentino, Richard).

<sup>2</sup> For a detailed description of the sampling procedure, please refer to the October 22, 1997 memorandum to Lawrence M. Noble from Robert Costa.

See Attachments 1 and 2 for a detailed summary of the responses from the surveys. As noted on Attachment 2, page 2, there were 8 sample items for which no response or an incomplete response was received. No response was received from 6 contributors, and for 2 contributors the response indicated that those individuals were deceased. Although not quantifiable for projection purposes, the 6 non-responses, in light of the 31 exceptions, raise a question of whether those six items would have also resulted in exceptions if completed responses had been received.

The problem with unacceptable reattributions was further amplified when the reattribution of 17 items that were not included in the sample review because they either were or would have been errors in the original submissions were examined. The number of unacceptable reattributions increases to 48, indicating an error rate of 14.81% and a sampling error of  $\pm 4.67\%$ .

It should be noted that based on advice from the Counsel's office, neither the Title 2 nor the Title 26 aspects of this issue were addressed in the Audit Report approved by the Commission on January 14, 1999.

If you have any questions concerning this matter, please contact Wanda Thomas at 694-1200.

Attachments as stated

Buchanan for President, Inc.

(Assignment)

Review of Reattributed ContributionsSummary of Sample Review

(Subject)

	No. of Sample Occurences
1 Population (Buchanan.\$99) - 7220 Contributions	
2 Initial Sample	200
3 Less:	
4 Sample contribution refunded	1
5 Sample item in regular submission	1
6 Would have been errors in regular submission	14
7 Not reattributed Contributions	124
8 Usable sample items	60
9 Expanded Sample	125
10 Less:	
11 Selected in initial sample but did not meet criteria for review	3
12 Would have been errors in regular submission	5
13 Not reattributed Contributions	65
14 Usable sample items	52
15 Total Usable Sample-Items	<u>112</u>
16 Total Acceptable Reattributions per initial review	65
17 Sample Errors:	
18 Reattribution of Business Check	2
19 Reattribution to person with different surname	22
20 Reattribution to person with same surname but not spouse	25
21 Total Errors from Initial Review (Excludes refunded sample contribution)	<u>47</u>
22 Combined Results from all Mailings	
23 Responses confirm errors (1st Mailing)	20
24 Acceptable Reattributions Based on Response to 1st Mailing	<u>5</u>
25 Revised Total Errors after Response to 1st Mailing	42
26 Responses confirm errors ( 2nd Mailing)	9
27 Acceptable Reattributions Based on Response to 2nd Mailing	3
28 Non-responses or partial response to either mailing (per OGC non-errors)	8
29 Responses to follow-up phone surveys	2
30 Revised Total errors	<u>31</u>

22-07-025-402

ATTACHMENT - 13  
Page 27 of 39

**Buchanan for President, Inc.**  
(Assignment)  
**Review of Responses to OGC's Mailings**  
(Subject)

	Original Contributor	Sample Reattributed	Date	Sample Amount	Occur	yes/no		Error Amount	Not An Error	Comments
						w/d rights	Gift for Contrib.			
<b>Unacceptable Reattributions</b>										
1	Brown, Tom	Brown, Carita	09/20/95	250.00	1	no	NA	250.00		Per investigator's telephone conversation
2	Brown, J D	Brown, Patrick F.	04/11/96	100.00	1	no	yes	100.00		
1	Davis, Alene B.	Bush, Marie	02/05/96	100.00	1	no	blank	100.00		Marie is donor's sister-in-law, based on letter (form not completed)
	Davis, Mary Frances Purcell	Davis, Jane F.	08/10/96	200.00	1	no	unclear	200.00		
5	Tomberg, Christine	Doehner, Constance	05/08/96	250.00	1	no	no	250.00		Per investigator's telephone conversation
6	Swanson, Erma L.	Fox, Rodrick J.	08/21/95	250.00	1	no	unclear	250.00		
7	Headlee, Richard H	Headlee, Tara	02/17/96	250.00	1	no	no	250.00		
8	Cianlons, Ann	Hickson, Robert	09/19/95	250.00	1	no	no	250.00		
9	Hoffman, Frederic L	Hoffman, Michael	02/15/96	250.00	1	no	no	250.00		
10	Humphreys, Alyssa D	Humphreys, Stuart	04/19/96	250.00	1	no	no	250.00		Stuart is 7 yrs old; phone solicitor's suggestion
11	Jeffries, Kathleen	Jeffries, Calvin	09/17/96	250.00	1	no	yes	250.00		No w/d rights; gave money to original donor. Sample item in regular submission but not an error. See Review criteria (flow chart MF 2/1 (2))
12	Jones, Owen A	Jones, Augusta	07/27/95	250.00	1	no	yes	250.00		
13	Berlus, David	Kalson, Charles L.	03/19/96	250.00	1	no	no	250.00		
14	Kirmse, Laura L	Kirmse, Christina	02/16/96	250.00	1	no	no	250.00		
15	Kremer, John W	Kremer, David	07/08/96	115.00	1	no	no	115.00		
16	Drew, David M	Marbach, Paul J.	09/05/95	250.00	1	no	no	250.00		
17	McCoy, Dennis	McCoy, Michael	05/09/96	200.00	1	no	yes	200.00		No w/d rights; gave money to original donor.
18	McLaughlin, Richard A	McLaughlin, Keats C.	08/05/96	250.00	1	no	no	250.00		
19	Radecki, Catherine	McMahon, Jean	02/19/96	250.00	1	no	no	250.00		
20	McCutchen, Sr, Joe	Napurano, Lisa	04/19/96	125.00	1	no	no	125.00		
	Newton, Anna L.	Newton, Andrew	05/28/96	100.00	1	no	blank	100.00		Can't remember if money given for contribution no response to "w/d rights" question
22	Pettil, Jr, James A.	Pettil, Emily Jane	08/30/95	250.00	1	blank	no	250.00		
23	Harbaugh, Kimberly S.	Phillips, Joseph M.	02/28/96	250.00	1	no	yes	250.00		
24	Jesfer, Erma	Shaw, Robert	01/28/96	50.00	1	no	no	50.00		
25	Sheerin, Thomas	Sheerin, Brett	11/03/95	225.00	1	no	no	225.00		
26	Sheelin, David K	Sheelin, Michael	02/27/96	250.00	1	no	yes	250.00		
27	Conlona, Patricia	Silva, Patricia	05/09/95	250.00	1	no	yes	250.00		
28	Thomsen, Sheila M	Thomsen, David A.	04/11/96	250.00	1	n/a	n/a	250.00		per response, all attributed to Sheila and David J
29	Watkins, Barbara L	Watkins, William F.	06/15/95	250.00	1	no	yes	250.00		
30	Watkins, Barbara L	Watkins, William F.	06/15/95	250.00	1	no	yes	250.00		
31	Sidan, Frank	Zaremba, Ann	05/08/96	50.00	1	no	yes	50.00		No w/d rights; gave money to original donor.
	<b>Total Errors</b>			<b>6,515.00</b>	<b>31</b>			<b>6,515.00</b>		

## Buchanan for President, Inc.

(Assignment)

## Review of Responses to OGC's Mailings

(Subject)

Original Contributor	Sample Recipients	Date	Sample Amount	Occurs	yes/no		Error Amount	Not an Error	Comments
					w/ rights	Over \$ for Contr.			
<b>Acceptable Reattributions</b>									
32	Trendl, Anne	Aulry, Stephen G.	11/24/95	200.00	1	yes	no		200.00
33	Bellinger, Geraldine	Brown, Theron	03/11/96	250.00	1	yes	yes		250.00
	Henzel, Richard	Henzel, Matthew R.	11/07/95	230.00	1	yes	no		230.00
	Urbik, Jerome A	Kern, Laura	09/26/95	150.00	1	yes	yes		150.00
36	Jarnevic, Donal P	Yarnevich, Mary Della	04/15/96	200.00	1	yes	blank		200.00
37	Huck, Susan	Bedell, Julie H.	06/02/96	125.00	1	yes	yes		125.00
38	Nigro, MD, Samuel A	Nigro, Jon A.	08/18/90	150.00	1	yes	yes		150.00
39	Tomborg, Christine	Orasol, Lucien	06/13/96	250.00	1	yes	no		250.00
	Total				8				
<b>Incomplete or Non-response</b>									
40	Cocoros, George	Cocoros, C.B.	03/07/95	250.00	1	n/a	n/a		Per returned questionnaire, George Cocoros is Deceased
41	Coxey, Clark L.	Cook, Brenda	04/12/95	100.00	1	n/a	n/a		No response received
42	Hitcherson, Cheryl	Hitcherson, Elsie	03/04/96	250.00	1	n/a	n/a		No response received
43	Roedel, Mary K	Roedel, Clare B.	11/02/95	100.00	1	n/a	n/a		No response received
44	Slad, Elia	Hanauer, Larry	10/18/95	250.00	1	n/a	n/a		No response received
45	Slad, Elia	Slad, Andrea	10/18/95	250.00	1	n/a	n/a		No response received
46	Slad, Elia	Slad, Mrs Jerome C.	01/24/95	250.00	1	n/a	n/a		No response received
47	Tarrant, George	Durkin, T R	07/10/95	250.00	1	n/a	n/a		Deceased
	Total				8				
<b>This item was refunded to the contributor.</b>									
	Hamilton, Tara J	Hamilton, Mark	03/21/95	250.00	1	n/a	n/a		The Committee refunded the contribution on 5/10/99
<b>These items did not meet the criteria for review.</b>									
49	Bryson, Craig	Bryson, Nathaniel	11/06/95	250.00	1	no	yes		w/ error in req. submission (cashier's check \$8,000)
50	Huck, Susan	Bedell, Julie H.	12/28/95	100.00	1	n/a	n/a		Not a retribution
51	Roxge, Mary Ella	Mynhier, Alma	09/18/95	250.00	1	n/a	n/a		w/ error in req. submission- no response received
52	Sorrentino, Richard	Bowe, Jerome	05/04/95	100.00	1	no	no		w/ error in req. submission- amt submitted > \$250

ATTACHMENT - B  
Page 28 of 29



ATTACHMENT B  
Page 29 of 39

**Buchanan for President, Inc.**

(Assignment)  
**Review of Responses to OGC's Mailings**  
(Subject)

Original Contributor	Sample Reattributed	Date	Sample Amount	Occurs	yes/no		Error Amount	Not an Error	Comments
					yes	no			
<b>Incomplete or Non-Responses Not Involving Original 47 Sample Errors</b>									
53	Bryson, Kathleen				yes, no	yes, yes			
	Cianflone, John				no	yes			
	McCoy, Dorothy				no	no			
	Walsh, Howard J				yes	yes			
56	Walsh, Howard J				yes	blank			
57	Brown, Sandra								No response received
58	Cordova, Wayne								No response received
59	Hamilton, Stephen								The Committee refunded the contribution on 5/10/99
60	Nelson, Ernest								No response received
61	Powell, Donald								No response received
62	Powell, Rita								No response received

Total listed above 62  
 Names listed above more than once:  
 Huck, Susan - lines 37 and 50 -1  
 Slad, Etha - lines 44 -46 -2  
 Tomberg, Christine lines 5 and 39 -1  
 Watkins, Barbara L -lines 29-30 -1  
 Number Questionnaires mailed 57

060h" 520" 40" 22

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of:

Patrick J. Buchanan and )  
Buchanan For President, Inc. ) LRA # 512

Federal Election Commission  
999 E Street, N.W.  
9th Floor Meeting Room  
Washington, D.C. 20463  
(202) 694-1650

Wednesday,  
March 1, 2000

The parties met, pursuant to notice at 10:08 a.m.

BEFORE: DARRYL R. WOLD,  
Chairman

APPEARANCES:

For the Commission:

Chairman Darryl R. Wold  
Commissioner David M. Mason  
Commissioner Scott E. Thomas  
Commissioner Karl J. Sandstrom  
James A. Pehrkon, Staff Director

For the Office of General Counsel:

Lawrence M. Noble, General Counsel  
Rhonda J. Vosdingh, Assistant General Counsel  
Delanie DeWitt Painter, Attorney

For the Audit Division of the Federal Election Commission:

Robert J. Costa, Assistant Staff Director  
Joseph F. Stoltz, Deputy Assistant Staff Director  
Wanda J. Thomas, Audit Manager

Heritage Reporting Corporation  
(202) 628-4888

22.07.025.4091

summarily deemed improper, when it should not have been counted since it was unresponsive.<sup>26</sup> John W. Kremer responded that he did not make the reattributions in question, yet his reattributions were counted as errors.<sup>27</sup> Sheila M. Thomsen's reattribution to her husband, drawn on their joint account, was counted as an error.<sup>28</sup> But by the FEC's definition, a reattribution to a person holding a joint account with a contributor is proper. The many erroneous determinations revealed by the survey responses indicate that this entire Repayment Determination is rife with mistakes and cannot stand.

The FEC's refusal to provide the Committee with more complete information regarding its sampling method and the "survey" process prevents the Committee from effectively challenging the Repayment Determination. Moreover, a determination that employs methods of questionable validity and reliability, is characterized by the untimely production of relevant information, the outright refusal to produce such material, and is rife with errors, violates the most fundamental principles of due process and fairness and cannot be affirmed by the Commission.

Respectfully submitted,

  
\_\_\_\_\_  
John J. Duffy  
Counsel for Buchanan/for President, Inc.

<sup>26</sup> See Repayment Determination at 3, n.5 ("Sample items for which there was no response, or for which there was an incomplete response to the survey were not treated as errors.") (emphasis added).

<sup>27</sup> Survey Response of John W. Kremer, LRA #466 at 2 (Exhibit E).

<sup>28</sup> Survey Response of Sheila M. Thomsen, LRA #466 (Exhibit F).

interviews conducted with these contributors.<sup>22</sup> As a result, the Committee is effectively precluded from challenging the determination of error for these contributors.

The survey response of Anna Newton provides an example of why additional information should be made available to the Committee. Ms. Newton responded that she did not understand the meaning of "retribution" in the survey.<sup>23</sup> With no information aside from this, the Committee can only assume that Ms. Newton's lack of understanding persisted, rendering her unable to provide informed responses to the FEC. It is clearly unfair to base an "error" determination on an uninformed response, yet the FEC did so. Without additional information, the Committee cannot develop a complete understanding of whether the contributors comprehended the meaning of "retribution," and whether a contributor's lack of knowledge prompted survey responses that lead to an "error" determination by the FEC, where in actuality, the retribution was proper.

Other survey responses reveal that the Commission's error determinations are questionable or simply wrong. For example, Catherine Radecki indicates that her reattributed contributions were drawn on an escrow or trust account.<sup>24</sup> Yet, based on no other information that the Committee is aware of, her attributions were deemed improper. This determination is incorrect if Radecki's account is held in trust for any of the reattributees, but we have no information about this possibility. For one of James A. Pettit, Jr.'s reattributions, he failed to indicate whether the reattributed had access to his bank account.<sup>25</sup> This retribution was

---

<sup>22</sup> See October 8, 1999 Letter from Joel Roessner to John Duffy at 1.

<sup>23</sup> Survey Response of Anna Newton, LRA #466 at 2 (Exhibit B).

<sup>24</sup> Survey Response of Catherine Radecki, LRA #466 at 1 (Exhibit C).

<sup>25</sup> Survey Response of James A. Pettit, Jr., LRA #466 at 2 (Exhibit D).

ATTACHMENT E  
PAGE 9 OF 10

The FEC simply concluded that lack of equitable ownership of a bank account precluded a proper reattribution, failing to consider the possibility of equitable ownership of the funds within the bank account. The Committee's review of survey responses reveals that 10 of the 28 "improper" reattributors, more than one-third, reported receiving money from reattributees, apparently contemporaneously with the reattribution decision, to justify the reattribution.<sup>20</sup>

Stated differently, at least one-third of "improper" attributees were apparently the equitable owners of the reattributed contribution. The Audit Staff states that there is "insufficient evidence to verify" whether the reattributees in fact gave money to the contributors,<sup>21</sup> other, of course, than the statements of the respondents, which the Audit Division is for this limited purpose prepared to ignore or deem unreliable. All of their other statements, i.e., those that support the Audit Division's position, receive full credit. While the statements of the contributors may be the only evidence that reattributees gave money to the contributors to justify reattributions, there is, on the other hand, no evidence that they did not. In evidence as in life, something always prevails over nothing.

The "survey" process used by the FEC to "verify" errors raises numerous questions as to validity, reliability, due process and fairness as well. The Committee has been given only the survey response forms for the contributors whose reattributions were deemed "improper." The FEC refuses to provide any further information regarding the additional

---

<sup>20</sup> The survey of contributors specifically asked if the contributor had received any money from the reattributee to make the contribution or reattribution in question. If equitable ownership of the contribution money is irrelevant, however, the Committee is very curious about why the FEC asked this question of contributors in the first place.

<sup>21</sup> Repayment Determination at 9.

the Committee lacks sufficient information to thoroughly evaluate whether such a method is valid and reliable.

Moreover, the sampling error calculated by the FEC casts doubt on the reliability of its method. The "error rate" for reattributed contributions was determined to be 9.57%, with a sampling error of  $\pm 3.69\%$ . This sampling error amounts to nearly 33% of the error rate. Thus, even accepting the Audit Division's approach, it is impossible to accept, consistent with the requirements of due process, the application of the 9.57% error rate to "total population" to determine the amount of repayment due. At best, the Audit Division can use no more than a 5.88% error figure (9.57% - 3.69%), since this is the largest figure that the Audit Division's methods can truly establish.

In addition, the Audit Division has defined "errors" as reattributions by a contributor to a person who "did not have the right to withdraw funds from the contributor's bank accounts," and refused to consider the responses of contributors indicating that the reattributee gave the contributor the money to make the donation.<sup>18</sup> This definition flatly contradicts regulations providing that contributions are matchable if reattributed to persons who owned the contributed funds who had the requisite donative intent, and highlights the unfairness of the Commission's determination.<sup>19</sup>

---

Nonetheless, the Committee does not concede that such material is "protected from disclosure," and renews its request for any documents including memoranda, oral contacts, questionnaires, etc., that form the basis of the Audit staff's factual conclusions in the Repayment Determination. As explained above, the lack of such information severely limits the Committee's ability to meaningfully rebut the Repayment Determination.

<sup>18</sup> See Memorandum from Robert J. Costa, Assistant Staff Director, Audit Division, FEC, to Lawrence M. Noble, General Counsel, FEC (July 12, 1999) at 1.

<sup>19</sup> See Repayment Determination at 7 (citations omitted).

preliminary review of Repayment Determination documents raises questions regarding the validity and reliability of the sampling method.<sup>15</sup>

As an initial matter, the Repayment Determination referred to the method as the "dollar unit sampling" method.<sup>16</sup> The Committee has received no documentation, such as a handbook or manual, explaining precisely the "dollar unit sampling" method.<sup>17</sup> Consequently,

---

overpayment." Webb, 49 F. Supp. 2a at 1123 (quoting Illinois Physicians Union v. Miller, 675 F.2d 151, 156 (7<sup>th</sup> Cir. 1982)). The Committee has been effectively deprived of such an opportunity. The Committee made repeated requests for information and materials related to the Audit Staff's use of statistical sampling in the Repayment Determination. These requests were refused.

Then, on Friday, October 8, 1999, counsel for the Committee unexpectedly received a telephone call from the Commission indicating that some documents would be provided; the documents arrived in our office at nearly 4.p.m. The documents were provided by the FEC to counsel late in the afternoon on the eve of the Columbus Day holiday weekend, one business day before the Committee's response to the Repayment Determination was due. The Committee has not been afforded a sufficient opportunity to closely review these documents, and moreover, has been deprived of a reasonable opportunity to review the documents with an expert in statistical sampling. Consequently, the Committee's ability to effectively respond remains severely limited. For this reason, the Committee requests the opportunity to supplement its response to the Repayment Determination if necessary, after it has conducted a more thorough review of the documents.

<sup>15</sup> The methodology employed by the FEC to examine reattributed contributions consisted of a statistical sampling and contributor investigation/survey process that was used to arrive at an "error rate" of 9.57% ( $\pm$  3.69%) for reattributed contributions. The Commission then extrapolated the "error rate" to project a \$62,116 "dollar value of the errors" for the entire population of contributions.

<sup>16</sup> See Repayment Determination at 7; see also October 22, 1997 Memorandum from Robert Costa to Lawrence Noble at 2 (explaining that "DUS" was used to select the 325 sample items). No other materials provided to the Committee make mention of "DUS."

<sup>17</sup> Indeed, the FEC's production consisted of two memoranda and 28 survey responses "related to the sample items which were considered [by the FEC] to be improperly reattributed." See Letter from Joel J. Roessner, Attorney, FEC to John J. Duffy, Counsel for Buchanan for President, Inc. (dated Oct. 8, 1999) at 1 (Exhibit A). The FEC continues to refuse to produce any additional materials related to its communications with contributors on the basis that such communications are "protected from disclosure." Id. The FEC cites no authority for its asserted protection from disclosure, making it difficult for the Committee to contest the assertion.

(Continued...)

the State Tax Commission become arbitrary and capricious and lack a rational basis."<sup>10</sup> The outcome was the same in Names in the News v. New York State Tax Commissioner.<sup>11</sup> The sampling method employed in Chartair, Mohawk, and Names in the News, calculating the amount of tax due in a "test period" and extrapolating the test period amount to arrive at an amount due over a period of years, is an exact analogue to the method used by the FEC. As the court noted in Allen v. Comm'n'r of Social Services, for example, acknowledging the holdings in the tax cases, "[we] perceive[d] no reason to depart from such logic in the [Medicaid] case ... The mere fact that [the] records are voluminous and that a review thereof would be time-consuming for the Department does not, in our view, justify the use of the sampling method."<sup>12</sup> Consequently, the Committee does not agree that sampling, as opposed to a more complete review, was warranted in its case.

Moreover, in the cases upholding statistical sampling, the courts have made clear that sampling comports with due process only if the methods used are "valid and reliable,"<sup>13</sup> and the subject of the audit has had a full opportunity to review the methods used and the records and information on which the determination has been based. Unfortunately, the Committee has received so little information about the method employed by the FEC that the Committee cannot definitively address either the validity or reliability of the method.<sup>14</sup> Yet, even the Committee's

---

<sup>10</sup> 429 N.Y.S.2d 759, 760 (N.Y.App. Div. 1980).

<sup>11</sup> 429 N.Y.S. 2d 755 (N.Y.App. Div. 1980).

<sup>12</sup> 500 N.Y.S. 2d 204, 206 (N.Y.App. Div. 1986).

<sup>13</sup> Webb v. Shalala, 49 F. Supp. 2a 1114, 1124 (N.D. Ark. 1999) (citing Ratanasen v. California, 11 F.3d 1467, 1472 (9<sup>th</sup> Cir. 1993) and Michigan Dep't of Educ., 875 F.2d at 1206).

<sup>14</sup> Courts have stated that "the use of statistical sampling and extrapolation" is not fair or proper where the aggrieved party is not given an "opportunity to rebut" the "determination of

(Continued...)



thousands of claims submitted each month by each state.<sup>5</sup> (emphasis added). Similarly, in Michigan Dep't of Educ. v. U.S. Dep't of Educ.,<sup>6</sup> the U.S. Department of Education was faced with examining a universe of 66,368 claims, an order of magnitude approximately 10 times the 7,220<sup>7</sup> contributions involved here.

Indeed, in the more analogous context of taxation cases, courts have repeatedly disapproved the use of statistical sampling, rejecting arguments that complete audits of business records spanning several years were burdensome, impractical or inconvenient. In Chartair, Inc. v. State Tax Comm'n, the court appeared to disapprove sampling as a matter of fairness, stating that an "honest, conscientious taxpayer who maintains comprehensive records as required has a right to expect that those records will be used in any audit to determine his ultimate tax liability."<sup>8</sup> The court declared that sampling would be warranted only where a taxpayer's inadequate recordkeeping made it impossible to conduct a complete audit.<sup>9</sup> Similarly, in Mohawk Airlines v. Tully, the court explained that "where, as here, records are readily available from which the exact amount of tax due can be determined, the estimate procedures adopted by

---

<sup>5</sup> Id. at 409-10.

<sup>6</sup> Michigan Dep't of Educ. v. U.S. Dep't of Educ., 875 F.2d 1196, 1999 (6<sup>th</sup> Cir. 1989).

<sup>7</sup> Repayment Determination at 2. The Commission claims that the audited population consisted of "7220 matched contributions from all contributors who were associated with any reattribution submitted for matching." This is inconsistent with the figure of 7,278 identified as the audited population in an October 22, 1997 memorandum from Robert J. Costa to Lawrence M. Noble. Memorandum from Robert J. Costa to Lawrence M. Noble (Oct. 22, 1997) at 2. As a result of this inconsistency, the Committee cannot be sure of exactly how the universe of audited contributions was defined and why it changed between 1997 and 1999.

<sup>8</sup> 411 N.Y.S. 2d 41, 43 (N.Y. App. Div 1978).

<sup>9</sup> Id. at 43.

received if the Audit Division can show that particular discrete and identifiable contributions were improperly reattributed.

The Audit Division has not, however, made any such demonstration. Rather, it has relied upon an investigation of only a small sample (324) of the universe of reattributed contributions (7,220), which amounts to approximately 4%. Its "investigation" of this sample led it to conclude that 31 of the sample items (9.57%) should not have been matched.<sup>3</sup> It then "calculated" a repayment amount of \$62,116 for non-matchable contributions based on the projected error rate applied to the total population. (The Committee has not been able to locate in the limited material supplied to it an explanation of the calculation of the repayment amount.)

The Audit Division's decision to use a "sampling" technique to justify onerous repayment determinations fails to meet the requirements of due process. The courts have made clear that sampling comports with due process only in a small number of cases in which it is the only feasible method of audit and where a full audit would be a practical impossibility.<sup>4</sup> This is a stringent test, and nowhere in the Notice of Repayment Determination does the Audit Division attempt to demonstrate that it meets it.

The cases cited by the Audit Division have upheld the use of statistical sampling in situations in which the universe of claims to be audited were far in excess of the universe presented here. In Georgia v. Califano, for example, the audited population consisted of "many

---

<sup>3</sup> The Audit Division concedes that 10 of the 31 contributions on which its error rate is based may have been reattributed to persons who did indeed provide funds to the contributor, thus making them the owners -- in law and equity -- of the amounts attributed to them. Nevertheless, in an extraordinary example of administrative arrogance, the Audit Division has included these items as errors because it had not done sufficient investigation to determine if the persons who gave the money to the contributors had a donative intent, although the Audit Division had no apparent reason to conclude that they lacked such an intent

<sup>4</sup> See Georgia v. Califano, 446 F. Supp. 404, 409 (N.D. Ga. 1977).

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Patrick J. Buchanan and )  
Buchanan for President, Inc. )  
 )

RESPONSE TO  
NOTICE OF REPAYMENT DETERMINATION

Buchanan for President, Inc. ("the Committee") has received from the Audit Division of the Federal Election Commission a second Notice of Repayment Determination and pursuant to 11 C.F.R. § 9038.2(c)(2), it submits this letter in response.<sup>1</sup>

The Committee also requests an oral hearing on this matter as permitted by 11 C.F.R. § 9038.2(c)(2)(ii).

The Audit Division recommends that the Committee repay \$62,116 of the matching funds paid to the Committee. The Audit Division alleges that these matching funds were paid in connection with contributions that were "improperly reattributed" to a party other than the original contributor.<sup>2</sup> The Committee does not dispute that it must repay matching funds

<sup>1</sup> The Committee's response was originally due on September 27, 1999. The Committee requested and received an extension until October 12, 1999.

<sup>2</sup> The remaining \$1,634 repayment is sought for matching funds paid in connection with contributions that were subsequently refunded to two specific contributors. The Committee does not understand the basis of this calculation or the rationale for requiring the repayment of only a portion of the matching funds apparently received in connection with these contributions. The Audit Division's calculation appears to be based on its recognition that it has previously reduced the amounts of matching funds received by the Committee for "projected errors" based on a statistical analysis of the Committee's submissions. The Committee could understand if the Audit Division determined that no repayment was required because the present "errors" fell within the number of submission "errors" projected for the original submission. It sees no rationale for reducing the amount of the repayment by a figure that represents the projected error rate that was applied to the initial submissions.

007. 520. 70. 02. 07. 025. 4100

STEPHENS & JOHNSON LLP

ATTORNEYS AT LAW

John J. Duffy  
202.429.8020  
jduffy@stephens.com

RECEIVED  
FEDERAL ELECTION  
COMMISSION MAIL ROOM

OCT 12 1999

1338 Connecticut Avenue, NW  
Washington, DC 20036-1798

Telephone 202.429.3000  
Facsimile 202.429.3902  
www.stephens.com

LHA 512

October 12, 1999

Via HAND DELIVERY

The Honorable Scott Thomas  
Chairman  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

**Re: Buchanan for President, Inc. : Response to Notice of Repayment  
Determination and Request for Oral Hearing**

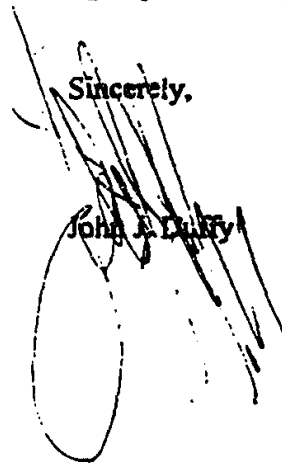
Dear Chairman Thomas:

On behalf of Buchanan for President, Inc. (the "Committee"), we submit herewith its response to the Audit Division's Notice of Repayment Determination.

The Committee requests an oral hearing as permitted by 11 C.F.R. § 9038.2(c)(2)(ii).

Sincerely,

John J. Duffy



ATTACHMENT F  
Page 1 of 10

WASHINGTON


PHOENIX

LOS ANGELES

22-07-025-4101

If you have any questions, please feel free to contact the attorney assigned to this matter.  
Delanie DeWitt Painter, at (202) 694-1650.

Sincerely,



Joel J. Roessner  
Attorney

EE 07 025 4402



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20461

October 8, 1999

**HAND DELIVERY**

John J. Duffy, Esquire  
Steptoe & Johnson LLP  
1330 Connecticut Avenue, NW  
Washington, D.C. 20036

Re: Buchanan for President, Inc. - Repayment Determination (LRA #512)

Dear Mr. Duffy:

This is in response to your letter dated August 24, 1999, received by facsimile transmission on August 25, 1999. You requested documents related to the Commission's July 15, 1999 determination that your clients, Patrick J. Buchanan and Buchanan for President, Inc. (collectively, "the Committee") must repay \$63,750 to the United States Treasury. See 26 U.S.C. § 9038(b)(1); 11 C.F.R. § 9038.2(b)(1)(iii). Specifically, you requested: 1) a memorandum dated October 22, 1998 from "Lawrence Noble to Robert Costa referenced in footnote 2" of Attachment E to the Notice of Repayment Determination; 2) a memorandum dated April 1, 1999 from the Office of General Counsel to Robert J. Costa and 3) "any documents including memoranda, oral contacts, questionnaires, etc. that form the basis of the Audit Staff's factual conclusions that certain of the 48 sample items appear to be 'improperly reattributed.'" In response to your request, this Office is forwarding the following documents:

Footnote 2 of Attachment E to the Notice of Repayment Determination refers to a memorandum dated October 22, 1997 (not 1998) from Robert J. Costa to Lawrence M. Noble, rather than from Mr. Noble to Mr. Costa. Since this appears to be the document you are requesting, a copy of it is enclosed. Also enclosed is a memorandum from Kim-Bright Coleman to Robert J. Costa dated April 1, 1999. This Office has also enclosed copies of the surveys completed by contributors related to the sample items which were considered to be improperly reattributed.

This Office is not providing to you copies of reports prepared by our investigators, which are protected from disclosure. Likewise, communications between the Audit staff and this Office, to the extent that such communications might be within scope of your inquiry, are not provided as they are also confidential and protected from disclosure. Copies of the contribution checks or reattribution statements, which should be in the Committee's records, are not included.

ATTACHMENT D  
Page 1 of 2

**STEPTOE & JOHNSON LLP**

1330 Connecticut Avenue, NW  
Washington, DC 20026-1795

Telephone 202.429.3000  
Facsimile 202.429.3922  
www.steptoelaw.com

John J. Duffy  
202.429.8020  
jduffy@steptoelaw.com

August 24, 1999

Ms. Delanie DeWitt Painter  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Dear Ms. Painter:

In connection with the Commission's recently approved Notice of Repayment Determination for Buchanan for President, Inc. (26 U.S.C. §9039(b)b), I would appreciate it if you could send me a copy of certain material referenced in Attachment E of Agenda Document 99-78 and, in particular, the memorandum of 4/1/99 from the Counsel's office to Robert J. Costa, Assistant Director, as well as the 10/22/98 memo from Lawrence Noble to Robert Costa referenced in footnote 2 to that document. I would also like to receive a copy of any documents including memoranda, oral contacts, questionnaires, etc. that form the basis of the Audit Staff's factual conclusions that certain of the 48 sample items appear to be "improperly reattributed." I believe this information is necessary for me to make an informed evaluation of and response to this additional Notice of Repayment Determination. Your prompt response to this request would be appreciated.

If you have any questions concerning this matter, please don't hesitate to give me a call.

Sincerely,

  
John J. Duffy

ATTACHMENT C  
Page 1 of 1

Doc. #800695 v 01 08/24/99 5 35 PM

WASHINGTON

PHOENIX

LOS ANGELES

MOSCOW

ALMATY

22 "07" .025" 4104

APPEARANCE (cont'd.):

For the Buchanan For President, Inc.:

John J. Duffy, Esquire  
Rhonda M. Rivens, Esquire  
Steptoe & Johnson LLP  
1330 Connecticut Avenue, N.W.  
Washington, D.C. 20036-1795  
(202) 429-8020

Angela B. Buchanan  
Buchanan For President, Inc.  
6862 Elm Street, Suite 210  
McLean, Virginia 22101  
(703) 848-1996

2025-07-07

Heritage Reporting Corporation  
(202) 628-4888



P R O C E E D I N G S

(10:08 a.m.)

MAN WOLD: Good morning. This special open Federal Election Commission will please come

the presence of the quorum -- all being present except for Vice Chairman Commissioner Elliott. We'll announce their meeting.

The Commissioners, however, will have the transcript of this meeting, as well as those present.

The agenda today is an oral hearing requested by President, Inc., the authorized Committee regarding the candidacy of Pat Buchanan for nomination for the 1996 election cycle.

The Committee has requested this opportunity to discuss the Commission in open session concerning the determination contained in the Notice of Repayment approved by the Commission on July 15, 1999. The repayment determination arose from the inquiry under its statutory authority in 26 and in § 9039.3 of the Commission's

The Commission conducted the inquiry to determine Heritage Reporting Corporation (202) 628-4888

EE 07 025 4106

1 whether the reattribution of certain contributions that had  
2 been made to the Committee were proper, and if not, whether  
3 the Committee had received any matching funds for non-  
4 matchable contributions.

5 Following the inquiry, the Commission determined  
6 that the Committee had received matching funds in excess of  
7 the candidate's entitlement, and that the Committee must,  
8 therefore, repay \$63,750 to the United States Treasury.

9 The repayment determination is made up of two  
10 distinct portions: \$1,634 for matched contributions that  
11 were later refunded, and \$62,116 for matching funds related  
12 to improper reattributions. The repayment amount of \$62,116  
13 for improper reattributions was based on the examination of  
14 a sample of contributions and a projection based on that  
15 sample.

16 The repayment determination is an additional  
17 repayment determination based on facts that were not used as  
18 the basis of the Commission's previous and separate  
19 determination that arose out of the report on the audit  
20 conducted by the Commission under the authority of 26 U.S.C.  
21 §9038.

22 The sole purpose of this meeting is to give the  
23 Committee an opportunity to address the Commission, and to  
24 demonstrate that no repayment or a lesser repayment is  
25 required.

Heritage Reporting Corporation  
(202) 628-4888

2025 SEP 10 11:07 AM

1 This is not an adversarial or trial-like hearing.  
2 The Committee will have 30 minutes to present its arguments.  
3 At the conclusion of the Committee's presentation, each  
4 Commissioner will have an opportunity to ask questions.

5 I will then ask the General Counsel and the Audit  
6 Division if they have any questions. After this hearing,  
7 the Committee will have five days in which to submit  
8 additional materials for the Commission's consideration.

9 The Commission will then make a repayment  
10 determination following an administrative review, and issue  
11 a statement of reasons in support of that determination.

12 The Committee is represented this morning by  
13 Counsel John J. Duffy, and his colleague, Rhonda M. Rivens,  
14 and by Angela Bay Buchanan. Welcome.

15 I remind you that the presentation should not  
16 exceed 30 minutes, and must be limited to those matters  
17 raised in the Committee's written response to the  
18 Commission's repayment determination.

19 Mr. Duffy, please begin.

20 MR. DUFFY: Thank you, Mr. Chairman. I want to  
21 first start off by thanking the Commission for its kind  
22 accommodation of our expert's schedule by postponing this  
23 meeting, which was previously scheduled for an earlier time,  
24 and I greatly appreciate that.

25 I also want to thank the Office of General

Heritage Reporting Corporation  
(202) 628-4888

1 Counsel. It's made a significant effort in the past several  
2 weeks to accommodate many of our requests for additional  
3 documents, which developed as a result of our expert's  
4 analysis.

5 They have not given us all the documents we have  
6 asked for, but they have been prompt in giving us those  
7 documents that they did not object to giving us, and so I  
8 appreciate that very much.

9 I want to basically address my remarks today to  
10 the Commission's survey and the results of that survey, and  
11 I want to start off by questioning the use of a survey in  
12 this situation at all.

13 In our written presentation, we made an argument  
14 that the constitutional standards of due process do not  
15 permit surveys except in extreme cases where the  
16 extraordinary number of matters that need to be examined are  
17 so great that it would be completely impossible to do that.

18 That isn't the case, here. Although there are  
19 7,220 contributions -- matched contributions in the universe  
20 that is identified to the FEC, in fact, the FEC has been  
21 able in its sample to quickly eliminate 85 percent of those.  
22 So, basically the universe that they have to survey or -- is  
23 somewhere around 1,000 items.

24 So, the question here is, whether or not -- where  
25 you have 1,000 items, and what you are really doing is

Heritage Reporting Corporation  
(202) 628-4888

1 sending out a questionnaire to various people, and getting  
2 it back as to the nature of their understanding of the  
3 reattribution process, and whether or not certain factual  
4 matters are correct or incorrect. That isn't what I would  
5 describe as a number that is so burdensome and onerous as to  
6 justify sampling.

7 As a general rule in my 25 years of working with  
8 administrative agencies, I hesitate to make constitutional  
9 arguments to the agency itself, but I think that from that  
10 constitutional concept of due process comes a policy issue  
11 that is, I think, very appropriate for the Commission to  
12 examine.

13 That is the question of when is the Commission  
14 going to use sampling, and when is the Commission going to  
15 use what we might describe as the ordinary method of  
16 actually auditing all of the matters that it claims are  
17 inaccurate?

18 I think that's an important issue, and its a  
19 particularly important issue for committees like ours, which  
20 are in a deficit position.

21 There are I think issues which are raised in the  
22 audit process, which require expertise. However, most  
23 committees have the expertise necessary to defend themselves  
24 in an audit process, but few committees have available to  
25 them, without outside consultants, expertise to defend

Heritage Reporting Corporation  
(202) 628-4888

22 07 025 410

1 themselves in a survey.

2 A survey basically is a method of producing  
3 evidence, which is not -- does.-- depends upon a significant  
4 amount of expertise in the process of surveying. I think  
5 that the Commission ought to give consideration to when its  
6 appropriate to do these surveys, and when its not  
7 appropriate to do these surveys, and to give some guidance  
8 on that.

9 I think that, in this situation, the Commission  
10 has decided or the staff has decided on an ad hoc basis,  
11 that this is an appropriate survey -- appropriate situation  
12 in which a survey should be used, or sampling should be  
13 used.

14 I don't agree with that, here, and I don't -- I  
15 urge the Commission to give serious consideration to --  
16 instead of approaching these things on an ad hoc basis, to  
17 approach it in a rulemaking basis -- to say to people, who  
18 are subject to the Commission's authority, when is it  
19 appropriate for us to use these techniques?

20 When is it not appropriate for us to use these  
21 techniques, and to make some determination as to when the  
22 audit staff should or should not use sampling techniques in  
23 an effort to seek repayment of money?

24 Now, the Commission has in its regulations a  
25 provision noting that when matching funds are being

Heritage Reporting Corporation  
(202) 628-4888

1 distributed in a first instance, it will use sampling as a  
2 method of determining how much of the matching fund request  
3 will be granted, but it has no similar regulations with  
4 respect to audits, and I would suggest that in these  
5 situations further guidance is needed.

6 Again, I would suggest that as a policy matter in  
7 a situation as we have here, where there is a limited number  
8 of -- truly limited number of items that were of concern or  
9 potential concern, it could have been subject to audit and  
10 should have been subject to audit.

11 Now, passing on to the next point, its our view  
12 and the view of our experts that the FEC's method here is  
13 fatally flawed, and that this sample does not -- is not  
14 reliable, and does not provide a basis for making the  
15 conclusion that the audit staff reaches.

16 To be valid, a sample must be representative of  
17 the entire population that is being sampled. So, we have  
18 the entire population of matched contributions and the  
19 sample is drawn from that.

20 Random, the sample -- the method of doing this is  
21 to create a random sample, and the reason is that randomness  
22 is desirable, because it produces a sample that is  
23 representative. That is, its a sample that represents the  
24 totality of the universe that is being examined.

25 Now, while a sample of 324 items is large enough

Heritage Reporting Corporation  
(202) 628-4888

1 according to our expert to be expected to be representative  
2 of the population, this sample of 324 items is not  
3 representative of the population. =

4 To the contrary, it is clear that if you test the  
5 sample, it's not a random sample, and consequently, it is  
6 not a representative sample. One way of doing this is to  
7 examine the average contribution amount of the universe and  
8 the sample.

9 CHAIRMAN WOLD: Mr. Duffy, let me interrupt you.  
10 I see that your associate is going to show us some  
11 information on the charts.

12 MR. DUFFY: Yes..

13 CHAIRMAN WOLD: Are those charts -- will they be  
14 available to us for the record?

15 MR. DUFFY: Actually, we have copies of these  
16 charts for you -- for each of you, and you very cleverly --

17 CHAIRMAN WOLD: That would be -- I anticipated  
18 you?

19 MR. DUFFY: Yes -- anticipated me. Exactly.

20 CHAIRMAN WOLD: Thank you.

21 MR. DUFFY: Ms. Buchanan wanted to know whether or  
22 not she should flip the charts. She has this -- always had  
23 this desire to be like Vanna White.

24 (Laughter.)

25 CHAIRMAN WOLD: She would make a good substitute.

Heritage Reporting Corporation  
(202) 628-4888



1 MR. DUFFY: If you look at the first chart here,  
2 there's a cover page, "Summary Charts," and then there's the  
3 first chart.

4 What our expert did was, he took the population  
5 that the Commission -- and information on the population the  
6 Commission provided us with, and he calculated the average  
7 contribution amount for the population as a whole, and that  
8 was \$90, but when you calculate the average contribution  
9 amount for the sample, you come up with \$155.

10 Now, that by itself, is an indication of bias in  
11 the sample. If this sample was random and, therefore,  
12 representative, you would expect that the average in the  
13 sample would be equal to or very close to \$90, but it isn't.  
14 It's significantly different.

15 Our expert has calculated that there's only one in  
16 10,000 chance that this sample is random or representative.  
17 It is established, I think, in a variety of cases -- and I  
18 won't go through them individually here today, but it's in  
19 our written presentation -- that in order for a sample to be  
20 relied on as evidence, it must be random or representative  
21 of the universe as a whole.

22 Because this method is demonstratively or the  
23 sample is invalid and unreliable, the entire analysis must  
24 be thrown out, and in our view the repayment demand cannot  
25 stand.

Heritage Reporting Corporation  
(202) 628-4888

1 We do not suggest here -- and I want to make this  
2 clear although this, I think, should be obvious to all -- we  
3 are not contending that the audit staff cherrypicked these  
4 items.

5 We are simply suggesting that--whatever method they  
6 used, has produced an obviously unrepresentative sample, and  
7 consequently this sample cannot be used as a basis for a  
8 repayment determination.

9 Now, our expert told me that this was all I needed  
10 to say, and I then needed to pack up my material and leave.

11 CHAIRMAN WOLD: Thank you for your presentation.

12 (Laughter.)

13 MR. DUFFY: Yes. There's a but, here, Mr.

14 Chairman.

15 CHAIRMAN WOLD: Oh, I'm sorry. Go ahead.

16 MR. DUFFY: I indicated that I thought that I had  
17 30 minutes, and I love to hear myself talk, and I thought I  
18 would take a few more minutes to explain some other issues  
19 that we think are important, here.

20 One of them is, we believe that the survey process  
21 was also unfair and unreliable because it combined a written  
22 survey instrument with follow-up phone calls and  
23 conversations which were not made, as far as we can  
24 determine, pursuant to any list of written questions.

25 Nor were any detailed notes taken of the

Heritage Reporting Corporation  
(202) 628-4888

EE-07-025-445

1 responses. At least, none of that was in material that was  
2 produced for us. This is very important because it's well-  
3 recognized that in order to ensure that no bias creeps into  
4 a sample, if you have a follow-up phone call, that phone  
5 call must be made very carefully pursuant to written  
6 questions.

7 I'm reading now from the Guidelines here -- in IRS  
8 Manual §1282.52. It says that, "Clarity is essential.  
9 Ambiguous questions result in ambiguous results and useless  
10 data. The IRS also insists that whenever there is" -- and  
11 this has been supported in a number of courts -- "whenever  
12 there are surveys, and there are oral follow-ups, those  
13 follow-ups must be made pursuant to sheets of written  
14 questions, and careful notes must be taken as to what the  
15 actual answers are."

16 This is another reason, I think, for policy  
17 determination by the Commission on the sample purpose. The  
18 Commission must recognize that there are certain situations  
19 where sampling is more appropriate than they are in other  
20 situations.

21 This, in my view, is one of the situations where  
22 sampling is inappropriate, because in order to determine the  
23 facts the audit staff was required, in its own mind, to have  
24 contact with individuals and to obtain information from  
25 them.

Heritage Reporting Corporation  
(202) 628-4888

1           That might be appropriate in a Commission  
2 investigation, and in fact, these people are always referred  
3 to in the audit staff documents as investigators. We're not  
4 -- the Commission obviously has an obligation to  
5 investigate, but an investigation is different than creating  
6 an evidentiary sample.

7           A sample must be done pursuant to strict  
8 guidelines in order to avoid bias. Those guidelines were  
9 simply not followed here in the approaches the audit staff  
10 took.

11           Now, there are other anomalies in the Commission's  
12 analysis. I'm not going to detail them, here. They are in  
13 our written presentation, but those anomalies, I think, also  
14 give us concern because they -- they suggest that additional  
15 errors could have crept into this approach.

16           Let me -- let me now go beyond my expert's  
17 recommendation. His recommendation is that the way the  
18 sample was conducted is flawed -- so flawed -- so obviously  
19 flawed that there's no way that it could be -- form the  
20 basis of an appropriate repayment determination.

21           I am now going to venture into the area where I  
22 assume that, in fact, the sample is appropriate and give you  
23 reasons why even if the sample is appropriate -- shall I  
24 repeat we don't think it is -- we still have an argument  
25 that the repayment determination must be reduced.

Heritage Reporting Corporation  
(202) 628-4868

1 Can we just draw to the Counter-Proposal area?

2 Yeah. Let's do Number 3, first.

3 If you'll turn to the chart we have given you --  
4 Counter-Proposal #3. Counter-Proposal #1 is just the bold  
5 assertion I've made several times, which is because of  
6 sample bias we have -- no repayment obligation can be based  
7 on this evidence.

8 No. 3 is a slightly different proposal. It  
9 assumes both the representativeness of the sample and the  
10 appropriateness of the audit staff's determination of the  
11 error rate. That is, the number of -- the number of  
12 inappropriate reattributions.

13 Even if we don't -- and I'm going to get to this  
14 in a minute -- we do not agree that the error rate is  
15 correctly calculated.

16 We have several reasons for reaching that  
17 conclusion, but even if the error rate were correctly  
18 calculated so that even if the sample was not flawed, which  
19 it is, and even if the error rate was correctly calculated,  
20 which as I will say in a minute, it's not, still the FEC's  
21 decision to use 9.5 with a margin of error as 3.69% --  
22 that's its calculation -- to use the 9.57% figure seems to  
23 me to be wrong -- completely wrong.

24 I have argued in my written presentation that the  
25 FEC should, as a matter of policy, used the lower bound of

Heritage Reporting Corporation  
(202) 628-4888

1 its error estimate, which is 5.88, which we calculate by  
2 subtracting 3.69 from 9.57.

3 Now, the Commission in using these samples in  
4 order to ask people to return money, the Commission has  
5 basically calculated a range of potential errors. The high  
6 range is 9.57 up to 3.69, which is the margin of error, or  
7 9.57 minus 3.69. The range is 5.88 plus something  
8 around 13.

9 The Commission audit staff has no way of knowing  
10 where in that range the actual error rate falls. What it's  
11 simply doing is taking the mid-point of the two extremes.  
12 That's its estimate, but it's got no greater security that  
13 it's not further this way than this way.

14 The only thing the audit staff can really tell the  
15 Commission, and the only conclusion the Commission, in my  
16 view, can really reach is that, at a minimum -- based on  
17 their analysis -- there are, at least, 5.88% errors. That  
18 is, the lower end of the range is the only one that can be  
19 firmly determined.

20 Statistically, it can be said that if those  
21 calculations are correct, that it is -- that we are clear  
22 that it is -- the error rate is, at least, 5.88%.

23 Now, that -- we hear the polls and statistics have  
24 now become a much greater part of our lives than they were  
25 in the past. They are useful in a number of situations, and

Heritage Reporting Corporation  
(202) 628-4888

1 they are appearing constantly now on television in the  
2 assessments of the potential vote tallies of various  
3 candidates.

4 You will always hear -- when these error ranges or  
5 the margin of error overlap -- you will hear people say it's  
6 a statistical dead heat. There's no way we can tell who's  
7 in the lead, because the margins of error overlap.

8 That means that within that margin of error, they  
9 don't know which number is correct for either candidate.  
10 That's the same thing that is present here.

11 The Commission only knows that the error rate is  
12 somewhere between 5.88 -- the low range -- and approximately  
13 13 -- the high range. It doesn't know which of these  
14 numbers is correct.

15 Therefore, it seems to me when asking for money  
16 back from people and using a sampling method, the Commission  
17 should be conservative. It should say, what we can know  
18 from this survey is that at least 5.88% of these matches  
19 were errors, and therefore, you should repay that amount,  
20 because that we're confident of.

21 Now, I think that that's important. This is, and  
22 I'm -- I don't -- we have not been able to find any cases in  
23 which courts have considered the constitutionality of this  
24 issue from a due process point of view.

25 I'm not sure that that's really all that relevant

Heritage Reporting Corporation  
(202) 628-4888

1 today. What is relevant, I think, is fairness -- fairness  
2 to committees -- committees who are concluding their  
3 business and who have limited funds.

4 The Commission should certainly get back all  
5 matching funds that are not appropriately -- that were not  
6 appropriately given to the committee. We don't deny that.

7 If there was a full audit, and we were able to  
8 determine exactly how much -- how many of these matches were  
9 improper, then it would be clear to us exactly how much  
10 money we had to repay, but I don't think that the Commission  
11 should estimate how much we should repay.

12 I think it should say we want the Committee to  
13 repay what we're confident the Committee owes, and what  
14 we're confident the Committee owes is the lower end of this  
15 range. We know that it must owe at least that.

16 If we use that, then we will reduce the repayment  
17 to \$38,174, using the lower bound of the FEC's error rate  
18 estimate.

19 Finally, I want to talk about what we consider  
20 errors in the calculation of the error rate. The error rate  
21 of cost is based upon the Commission's conclusion that out  
22 of its sample, 31 errors were identified.

23 One of the Commission -- the documents that we  
24 have presented obviously -- they really fall into two  
25 categories.

Heritage Reporting Corporation  
(202) 628-4888



1           Category 1 is, the Commission sent out written  
2 forms to individuals to survey them and ask them questions  
3 about the reattributions that they had indicated had been  
4 made or were appropriate to make.

5           Then, when these forms came back, a number of  
6 these people -- approximately, I think, nine of them --  
7 indicated that they had actually given cash to the  
8 contributor, and therefore, in their view, the reattribution  
9 was appropriate.

10           They said, "Well, we gave them money," not before  
11 the contribution was made, but when the reattribution was  
12 made.

13           Now, the audit staff has concluded that that's a  
14 violation -- that that's an error -- that that's not an  
15 appropriate reattribution, and it has asked us to  
16 demonstrate all sorts of things in order to conclude that  
17 that is appropriate, but with all due respect, I don't see  
18 why that's not appropriate.

19           It's not a contribution in the name of another  
20 because the reattributee is taking responsibility for this  
21 contribution.

22           It is not a cash contribution, because the money  
23 is being presented to the Commission in the form of a check.  
24 Its only violation is that it doesn't fall neatly into some  
25 category that has previously been recognized as appropriate.

Heritage Reporting Corporation  
(202) 628-4888

1 Each one of these produces a variation in the  
2 error rate of about several thousands of dollars. So, one  
3 of our concerns, here, is that there are a number of points  
4 here where the Commission has made a determination that  
5 things are errors which we frankly don't believe are errors.

6 Now, if you took all of the individuals, who we  
7 believe are -- reattributions are proper, and where the  
8 Commission or the audit staff disagrees, there is a  
9 reduction in the error rate to approximately 6.79%, and a  
10 reduction in the amount of the repayment determination by  
11 \$18,000.

12 That would be assuming all of the other objections  
13 that I've made to the survey are -- are dismissed by the  
14 Commission. So, we're not -- we're talking about some  
15 significant concerns here.

16 In addition, and I reiterate, some of the  
17 arguments we have made in our written presentation about  
18 specific individuals on which the audit staff has responded  
19 to are arguments which flow out of the survey process -- and  
20 particularly the oral follow-up to the survey process that  
21 the Commission used.

22 It sent people out to ask people questions without  
23 apparently -- and I'm going to say apparently because we've  
24 asked for documents that haven't been produced -- apparently  
25 any guidance as to what they were to say to these people.

Heritage Reporting Corporation  
(202) 628-4888

1 Then those people came back and apparently reported their  
2 results.

3 That may be an appropriate investigation, but it's  
4 not an appropriate sampling approach. So, when you have  
5 asked these questions there's a high possibility that you  
6 have biased the responses that are coming back to you.

7 We, as a Committee, have no way of knowing whether  
8 those responses were biased or not. We don't have any --  
9 there are no -- there's no paper trail, I guess, is the way  
10 to put it of how these responses or how these conversations  
11 were conducted.

12 Now, I don't disagree that the Commission -- if it  
13 was doing a full audit -- could go out and investigate these  
14 matters, because that's what a full audit is about, but I do  
15 object to the idea that they have decided to avoid a full  
16 audit and the burdens that it would place on them by using  
17 the sampling method, but not following the rules that govern  
18 this method of creating evidentiary base for their  
19 conclusions.

20 So, for these various reasons we think that the  
21 repayment determination -- the Commission should vote to --  
22 no repayment is required, or that there is significant  
23 reductions in that repayment that would be required.

24 Now, to the extent I can, I will respond to  
25 questions. We do not have our expert here, and the reason

Heritage Reporting Corporation  
(202) 628-4888

02-07-025-1124

1 is that our expert is in California, and we are a deficit  
2 committee, and there's just no way we can afford that -- to  
3 fly him in on the expectation or the possibility that there  
4 will be a question and on the good possibility that I will  
5 not be able to respond to, but he is available and will be  
6 available to answer any of your questions in a written  
7 presentation during the five-day follow-up.

8 Of course, if there is some need for him to be  
9 examined, we would be prepared to make him available in some  
10 method other than appearance, if possible -- that is, video  
11 or teleconference, or something along those lines, because  
12 this is -- this is something that flows out of two issues.

13 When we started this -- and I'll be honest with  
14 the Commission -- when we started on this road, there was a  
15 strong belief on the part of a number of people that we  
16 should not make an objection to this, because it was just  
17 too expensive to object, because we would need a statistical  
18 expert on it.

19 But I think the Committee ultimately concluded  
20 that we did need to make an objection, not only because of  
21 our need to avoid a repayment determination, but also our  
22 need to make sure that the law on this issue developed  
23 appropriately.

24 I think that that's a problem here, and I think  
25 that this type of approach is one that's very difficult for

Heritage Reporting Corporation  
(202) 628-4888

02.07.025.425

1 campaigns to respond to, and we thought that, what the hell,  
2 We're in a deficit position, anyway.

3 CHAIRMAN WOLD: What's a few more dollars?

4 MR. DUFFY: What's a few more dollars? Thank you  
5 so much.

6 CHAIRMAN WOLD: Mr. Duffy, thanks very much. Your  
7 timing is very good. It's almost exactly 30 minutes. Thank  
8 you. I appreciate your brevity.

9 We'll turn now to questions from the  
10 Commissioners. I had one or two that I wanted to start  
11 with.

12 Mr. Duffy, in your original response to the Notice  
13 of Repayment Determination, you made some issue about  
14 whether you or the Committee had been provided with  
15 sufficient information in which to -- as you said --  
16 thoroughly evaluate whether the sampling method was valid or  
17 reliable.

18 I understand that subsequent to that time,  
19 additional information has been provided, but what is your  
20 position now on whether you have sufficient information?  
21 Are you still lacking information that you think the  
22 Commission should have provided to you, or where are we on  
23 that? Is that presently an issue?

24 MR. DUFFY: Yes. If you'll just let me pause for  
25 a minute to consult the actual brains behind the operation.

Heritage Reporting Corporation  
(202) 628-4888

EE 07 005 4126

1 (Counsel confers with Ms. Rivens.)

2 Let me just say that initially we requested  
3 information, and we did not get the information we thought  
4 we needed. Subsequently, I think we were able to pinpoint  
5 the information better after we got our expert on board.

6 He was able to ask for more defined documents.  
7 Then we did get many of those documents. We still don't  
8 have -- I'm told by my associate, Ms. Rivens -- we still  
9 don't have a computer model that would allow us to get a  
10 better understanding of how the Commission has actually  
11 conducted this survey.

12 Of course, we have not gotten any material about  
13 the follow-up telephone calls.

14 CHAIRMAN WOLD: I understand. I should have  
15 qualified that. I understand you don't have that.

16 MR. DUFFY: We, again, the extent to -- the more  
17 information we have about how the audit staff has conducted  
18 this, the easier it is for our statistician to examine the  
19 issues.

20 So, I understand that we still have a need for a  
21 model or a base which would provide us with a way of --

22 CHAIRMAN WOLD: -- of how the sample was selected?

23 MR. DUFFY: Yeah, right. Is that the -- oh. I'm  
24 told that what is needed is a manual of how the computer  
25 program actually runs and some explanation of how the

Heritage Reporting Corporation  
(202) 628-4888

1 computer program actually works that -- that selected their  
2 sample.

3 CHAIRMAN WOLD: All right. Thank you. And did  
4 the Committee make any effort itself to contact these people  
5 that were selected and were subject to the investigation by  
6 the Commission?

7 MR. DUFFY: We did not. We did not do that before  
8 the audit, and we did not do that after the audit. The  
9 reason for that is, that we -- when the Commission started  
10 out on this, we received telephone calls from people who  
11 were being contacted.

12 We attempted to avoid talking to them about this.  
13 In fact, we wouldn't talk to them about it. The reason that  
14 we wouldn't talk to them about it is, we did not want to  
15 bias their answers that they were going to be giving.

16 We didn't want people to say to us, "Look. What  
17 should we answer on this form?" because we thought that  
18 would be inappropriate either because the Commission was  
19 doing an investigation, or the Commission was doing the  
20 sample.

21 In either case, it wouldn't have been appropriate  
22 for us to intervene and give assistance to these  
23 individuals. We wanted them to answer -- and in many cases  
24 if you -- focus on -- the Committee's point of view, we sent  
25 out material to these individuals in the first instance --

Heritage Reporting Corporation  
(202) 628-4888

1 written requests which they signed indicating that the  
2 situation -- the factual situation was such that  
3 reattribution was appropriate.

4 We asked them if this was the factual -- and they  
5 came back and said, yes, it is. So, we had information from  
6 them which was positive. We assumed that we would be better  
7 off if they answered these things without prompting or  
8 interference by us, which could, frankly, be indicated to be  
9 a biasing of whatever their answers were.

10 After, we didn't want to call them, either,  
11 because to be honest with you, they're tired, exhausted,  
12 hostile. All right?

13 And the idea that we would go to them and get  
14 competing documents from them -- that is, documents which  
15 basically said, "I didn't say that to the FEC" -- I was not  
16 planning to touch that, and my client was not planning to do  
17 that because it was not worth, frankly, the  
18 -- the candle.

19 It was just going to be a situation where they  
20 were going to be dragged into a contest, and we didn't want  
21 to do that.

22 CHAIRMAN WOLD: I can understand there would be  
23 good reasons either to do it or not to do it -- some  
24 arguments on both sides of that question.

25 I just wanted to be clear on what the sources of

Heritage Reporting Corporation  
(202) 628-4888



1 information are that we have to go on here, and whether --  
2 if there was new information that you had obtained, I wanted  
3 to have that clearly identified. If there's not, that's  
4 fine. Then we go on with what we do have here.

5 Thank you. Mr. Thomas?

6 COMMISSIONER THOMAS: Thank you, Mr. Chairman.

7 Well, welcome again. Here we go. I wanted to, first of  
8 all, to inform you that the fact that you didn't bring what  
9 you're describing as your expert doesn't suggest to us that  
10 we don't have an expert in front of us.

11 You are an expert in the area of campaign finance  
12 and we want to acknowledge that. I recall going back many,  
13 many years on one of the early Reagan committee audits with  
14 you when I was that 12-year-old in the Office of General  
15 Counsel. Ron Robertson, and you, and Ed Weinfeld, and I and  
16 some others, we had some long go-arounds about what to do  
17 about what looked like excessive contributions.

18 So, you hung in there all those years as have I.

19 MR. DUFFY: Reasonable people can draw their own  
20 conclusion of our sanity.

21 CHAIRMAN WOLD: We've had those questions arise.

22 (Laughter.)

23 COMMISSIONER THOMAS: Well, I was just kind of  
24 curious where your argument takes us in a sense that you  
25 don't much care for the sampling approach that we applied.

Heritage Reporting Corporation  
(202) 628-4888

02.07.025.4130

1           You would have, I guess, felt more confident in  
2     the results, if we had done a 100% review of these  
3     transactions, but I'm sure you appreciate that from our  
4     perspective that puts everyone in a rather awkward situation  
5     because if we were to go out and actually investigate each  
6     one of these contributions that appears to involve  
7     retribution that would have us as the government getting  
8     into an awful lot of people's business and while it might  
9     turn out to be accurate in some sense, more certain in some  
10    sense than using some statistical sampling. It presents us  
11    with an unacceptable approach in some areas, because it does  
12    put us in the business of asking hundreds, perhaps,  
13    thousands perhaps, of donors about some rather ancient  
14    transaction.

15           So, if we were to somehow buy your advice that  
16    100% analysis would be better and we're to decide that we  
17    want to go back now, and talk to each and every one of these  
18    donors, and all the reattributees, would we still find  
19    ourselves being challenged by you for having changed course  
20    this late in the process?

21           MR. DUFFY: Well, I'm certainly not going to waive  
22    any statute of limitations argument that I could possibly  
23    create.

24           So, if you're talking about that as a challenge,  
25    then I'm not prepared now to say no, but if you're talking

Heritage Reporting Corporation  
(202) 628-4888

1 about whether I would challenge it because of the method, I  
2 would say that I would not challenge it because of the  
3 method.

4 I mean, your -- obviously, as part of your duties  
5 to ensure compliance with the Federal Election Campaign Act  
6 of 1971 as amended, you have to ask people questions that  
7 they may not want to answer and that they may be reluctant  
8 to answer.

9 That's part of your obligation. It may be  
10 inconvenient for them to answer them, but the opposite of  
11 that is to not do anything, to not audit these issues or to  
12 address these issues in some other fashion in terms of an  
13 analysis when you're giving people money.

14 In other words, what you're saying -- what the  
15 Commission is really saying here, is that reattributions  
16 fall into a number of categories.

17 Some are obvious on their face as being proper or  
18 likely to be proper -- husbands and wives who have the same  
19 bank account even if they don't have the same names.

20 When you start deviating from husbands and wives  
21 with the same joint bank account, then you get into these  
22 other areas of complication.

23 The Commission, in its initial analysis, did not  
24 raise any issue about these other types of reattributions.  
25 That would be one method of dealing with it.

Heritage Reporting Corporation  
(202) 628-4888

22.07.025.4432

1           You could say whoa. These are a problem and have  
2 to be treated differently than other reattributions. You  
3 could say we won't have any reattributions of this sort.  
4 You could do all of these things by rulemaking.

5           Or you could do nothing, assuming that the problem  
6 was not sufficient or that there were countervailing reasons  
7 for you not to audit. But what has been done here is that  
8 you created a survey process which basically is opaque.

9           I mean, it can't be penetrated except with the  
10 greatest difficulty by committees. There's no -- it's not  
11 transparent.

12           There's no basis -- there's no record of how you  
13 reached the conclusion that surveys were appropriate here,  
14 or how, or what standards you'll apply to these surveys, or  
15 how these surveys will be conducted.

16           That's all something that you have decided -- that  
17 the audit staff has decided in camera. I don't think that's  
18 appropriate.

19           I think that what has to happen here -- and when  
20 you use a survey process, remember what you're doing.  
21 You're creating, as the courts have said repeatedly, a body  
22 of evidence, which in order to be relied on must be -- in  
23 order for the survey process to be relied on as evidence, it  
24 must be conducted in a scientifically valid fashion to avoid  
25 inaccuracies in the responses to the audit inquiry.

Heritage Reporting Corporation  
(202) 628-4888

1 We either have to do that analysis up front, that  
2 is, have a process which we all agree to initially, and then  
3 we go ahead with it -- that's how you would do that by  
4 rulemaking -- or we have to pick apart these things each  
5 time they come out, and that's a labor-intensive issue.

6 We don't know how they're done. We have to obtain  
7 that by inductive reasoning from the documents we receive,  
8 and it's very expensive to have experts come in and look at  
9 the survey, and say it shouldn't be done that way.

10 So, I don't think you can say we have an audit  
11 obligation. It's too much of a problem to do the audit, so  
12 we'll just guess, and then we'll tell you to pay that amount  
13 of money.

14 Then, you have a choice -- you, the Committee.  
15 You can either get up on your high horse, spend a bunch of  
16 money, and attack the survey -- hey, that's the type of  
17 people I represent -- or you can say, "Hey. The hell with  
18 this. Pay the 66,000 and let's get this thing closed down."

19 We don't want to do that. It would be a prudent  
20 course, but we're not going to do that because we think that  
21 would be wrong. We don't think it's correct to do that.

22 We don't think you can estimate -- we don't think  
23 the law allows you to estimate how much we owe. You have to  
24 prove how much we owe.

25 COMMISSIONER THOMAS: By that, you're not saying

Heritage Reporting Corporation  
(202) 628-4888

1 we can't use the statistical sample that you give, if we  
2 were to satisfy all the standards you --

3 MR. DUFFY: I'm not saying that. I mean, the  
4 courts have said that there are -- there is a situation --  
5 there are situations where statistical sampling is  
6 appropriate.

7 I'm saying that, one, this isn't an appropriate  
8 situation because the universe that you would have to  
9 actually send survey forms to, or you would have to contact  
10 in some fashion, was only 1,000 people.

11 COMMISSIONER THOMAS: Could you explain that? I  
12 want to make that distinction. We're talking about the  
13 population being over 7,000. You've mentioned that it may be  
14 in the 1,000 range.

15 MR. DUFFY: Right. We have -- maybe a -- let me  
16 just get up here.

17 CHAIRMAN WOLD: Excuse me, Mr. Duffy. Let me ask  
18 our Commission Secretary, is that microphone over there  
19 live, do you know, at the podium?

20 COMMISSION SECRETARY: Yes.

21 CHAIRMAN WOLD: The one at the podium? Mr. Duffy?

22 MR. DUFFY: Yes?

23 CHAIRMAN WOLD: If you could use -- would it be  
24 possible for you to use that microphone at the podium there?

25 MR. DUFFY: I think I can explain this without a

Heritage Reporting Corporation  
(202) 628-4888

1 demonstration. Let's see if I can, okay?

2 What I've done here is -- what we have here is,  
3 the Commission has a significant number of contributions  
4 that have been matched -- 7,220. All right?

5 Then it took a sample, which we don't think is  
6 representative, but it's a sample of 324. Then it looked at  
7 those -- that sample of 324, and started throwing out  
8 contributions as being okay.

9 I mean, it looked at the matchable contributions,  
10 and excluded certain contributions from the sample  
11 suggesting that those contributions, because they were  
12 between husbands -- they were on accounts that their --  
13 husband and wife accounts; or they were reattributions  
14 between a husband and wife, whatever. They weren't going to  
15 do anything further on those.

16 They were saying that from their point of view,  
17 those were okay. So, they got themselves down, and then  
18 their -- if you look on -- this is the oral hearing document  
19 that was submitted to you -- Agenda Item -- right.

20 Attachment 1 to the Staff's Memorandum to the  
21 Commission, all right? That's page 26 of 29. You can see  
22 what they did. -

23 They started out with a population. They sampled,  
24 they eliminated things from the population, they added an  
25 additional sample, they eliminated from that sample, they

Heritage Reporting Corporation  
(202) 628-4888

1 got down to "Total Errors from the Initial Review" -- out of  
2 47, which is 15% of where they started. Those are the  
3 people they actually sent survey forms to.

4 So, what I'm saying is, you can do the same thing  
5 with 7,220. I mean, you get rid of 85% of that, and that's  
6 where I get my 1,000 figure.

7 You could look at them in -- in your office and  
8 say, "No, these are okay. These are okay," and you only  
9 have 1,000 where the reattributions are not the type of  
10 reattributions that one would consider to be clearly  
11 appropriate.

12 So, in that situation, I think then you would send  
13 out a questionnaire or some device to all of them as part of  
14 your investigation, and say, what's the issue here? You  
15 might find some people respond, and some people not respond,  
16 and I mean, you conduct investigations like this all the  
17 time where -- it may not have to do with reattribution, it  
18 has to do with some serious violations of law, but you do an  
19 investigation, and from that investigation you decide  
20 whether or not there's a problem. Then you proceed on that.

21 That's what I mean by full audit. You come up  
22 with these answers by tracking down the issues, and  
23 resolving them in your own mind, and then presenting that  
24 evidence for the Committee to rebut, but you have concluded  
25 based on the evidence in your own mind that the Committee

Heritage Reporting Corporation  
(202) 628-4888



1 has done something wrong or that something wrong has been  
2 done.

3 Okay? Whether it's the Committee's fault or the  
4 people reattributing it, someone has done it wrong. That is  
5 an appropriate investigation, but you've sent out samples,  
6 you've followed up.

7 You haven't -- you're using a method which is  
8 easier for you. I don't deny that, but it's not valid.  
9 You're not doing it in a valid way, and I don't think it's  
10 appropriate because in my view, when you want money back  
11 from somebody, you have to show that that money has been  
12 inappropriately given to them.

13 I think we deserve to have that laid out for us in  
14 cases where it can be. Now, the cases that have been cited  
15 by the audit staff and the Office of the General Counsel are  
16 cases where there's 30,000 items a month.

17 So, obviously, that's impossible to survey. We  
18 all agree with that. That's not the case, here.

19 COMMISSIONER THOMAS: Thanks. If I could just --

20 CHAIRMAN WOLD: Certainly. Go ahead.

21 COMMISSIONER THOMAS: -- as to sort of the  
22 practical aspect of this, inquire from either one of you,  
23 Ms. Buchanan you probably have a better sense for it in some  
24 way, what was going on at the campaign in terms of giving  
25 advice to donors about the option of reattribution?

Heritage Reporting Corporation  
(202) 628-4888

1           It's kind of unclear to me whether there was some  
2 sort of standard advice that was given to donors where a  
3 contribution had come in, and where there was a possibility  
4 perhaps, of reattributing some of what appeared to be  
5 otherwise excessive contributions.

6           MR. DUFFY: Let me tell you what I learned because  
7 I asked that question when this came up, and they told me  
8 that they basically sent things out to people -- forms out  
9 to people.

10           They inquired whether there was -- that when  
11 contributions came in that were thought to be matchable --  
12 or not matchable -- were thought to be potentially  
13 reattributable, forms were sent out.

14           Then those forms were returned. If people asked  
15 questions about them, basically they were referred to the --  
16 it was told to me that the form was -- they were referred  
17 back to the form, and the language that appeared on the form  
18 was -- that was used as part of the explanation of  
19 matchability.

20           Now, no one provided me with a script of the --  
21 not unlike the Commission on the other side of the coin  
22 here. That campaign did not have a script as to what it  
23 allowed -- how these requests for further information were  
24 to be answered.

25           Some people didn't ask questions. They got the

Heritage Reporting Corporation  
(202) 628-4888

0207025439

1 form or they got the letter suggesting that -- asking if  
2 this was potentially -- asking if this contribution was, in  
3 fact, suitable for reattribution, and they said yes, and  
4 sent it in.

5 They didn't call us. They didn't ask a question.  
6 They just sent it in. If questions were asked, I was told  
7 that they followed the form -- simply reiterated what the  
8 standards were on the form.

9 I'm not sure who received these calls, and my  
10 understanding -- I don't believe, and I don't know that  
11 there was an actual mechanism set up for making sure that  
12 people said -- gave correct answers.

13 So, I can't say that because I don't -- we haven't  
14 found any documents that would suggest that there was a  
15 script, or that people said, whenever questions are asked,  
16 say the following, or probe into it, or whatever.

17 I'm not suggesting that -- I guess the question  
18 here is, the Committee feels that it sent out requests to  
19 intelligent people that asked questions that were -- the  
20 questions we were supposed to ask under the guidance of FEC  
21 regulations, and their answers were something that we could  
22 rely on.

23 CHAIRMAN WOLD: Ms. Buchanan?

24 MS. BUCHANAN: What I can add to that is that the  
25 -- the letters were sent as -- there was a computer with all

Heritage Reporting Corporation  
(202) 628-4888

1 the information in it, when the contribution came in. I'm  
2 sorry? This is the right mike --

3 CHAIRMAN WOLD: Try to speak into those.

4 MS. BUCHANAN: All right. I'm sorry. When the  
5 contributions came in and they were put into a computer,  
6 there was a code given of some type at some stage, which  
7 would indicate that this would be a potential reattribution  
8 contribution.

9 Then, twice a month or so or whatever it was that  
10 was determined, these letters just went out en masse. This  
11 was not a, "Call up the contributor. What do you think?  
12 Could you contribute this?"

13 So, they just went out automatically, and then the  
14 people sent them in. When we became aware of the problem, I  
15 asked John personally to talk to different people on the  
16 staff. These were people that were on the Treasury staff,  
17 so they did not work directly for me.

18 There was nothing that came back to him, I don't  
19 believe -- certainly, not to me -- that would indicate  
20 anything other than reaffirming what was on these forms.  
21 That's the best knowledge that we have.

22 One other thing is, when we were -- when this  
23 first came to us, I called John and asked if we should -- we  
24 had a lot of phone calls from people who had received these  
25 letters from you all -- as to what to do, and how should we

Heritage Reporting Corporation  
(202) 628-4888

1 answer this and all, and his words for me is, you don't do  
2 anything unless you wish to interfere in a Federal  
3 investigation.

4 I said, "I understand, sir," and that was the end  
5 of that. So, that is why we just didn't touch it. We  
6 haven't talked to anybody, and I specifically instructed  
7 everyone.

8 Of course, at the time we didn't have an active  
9 staff -- the people who might get these calls -- to direct  
10 them to one fellow, who was an attorney, who was working on  
11 the -- helping someone to direct all calls to him that he  
12 was to somehow just explain to them to do what you think is  
13 right to fill it out honestly or whatever, and then to  
14 give -- if there's any further questions, just send them to  
15 Mr. Duffy.

16 So, we really haven't had anything to do with  
17 these contributors. So, I don't really know what they would  
18 have said as to, "This is what you said, first, or second,  
19 or anything." I just don't know.

20 MR. DUFFY: Right. We didn't, as I explained  
21 before, I didn't represent the Committee during the election  
22 campaign. I restrict my representation of Committee to the  
23 maximum extent possible to the post-election period.

24 Having served once as a campaign counsel, I  
25 decided that that was the fastest way to Federal prison I

Heritage Reporting Corporation  
(202) 628-4888

1 could imagine, and I decided to avoid it.

2 So, I only take campaigns in the post-election  
3 period, so I had -- when I was contacted by Ms. Buchanan  
4 about these concerns, they derived from the FEC  
5 investigation, okay?

6 I advised as she said. I told her that it's an  
7 investigation, and when there's an investigation ongoing,  
8 you don't sit around trying to nobble the witnesses. That's  
9 not the way you do it.

10 So, we didn't contact -- people contacted us, and  
11 in fact in one case, people contacted us and demanded that  
12 we refund their contribution, and the Committee was  
13 concerned about their concerns.

14 They were -- we attempted to explain to them the  
15 situation, but they wanted their contribution back, and so  
16 we gave it to them, and that brings me to another point.

17 I don't believe that there -- there's something in  
18 the document that has been supplied to you by the General  
19 Counsel and the audit staff that on that issue, that  
20 contribution was not matchable once the party asked for it  
21 to be refunded, and I don't agree with that.

22 I mean, the question of whether a person has  
23 donative intent or not has to take place when the donation  
24 is made, and the Commission has been rigid on that else all  
25 hell will break loose.

Heritage Reporting Corporation  
(202) 628-4888

1 I mean, after the candidate has not won, lots of  
2 people would like their money back, okay? And they call up.  
3 That doesn't mean you can -- you have to give them their  
4 money back.

5 Once we give them their money back, I don't  
6 disagree that the matching funds have to follow, but when we  
7 -- just the mere fact that they've asked for it does not  
8 negate their donative intent, and does not undercut the  
9 appropriateness of matching funds.

10 CHAIRMAN WOLD: Thank you. Commissioner Thomas?

11 COMMISSIONER THOMAS: No, that's fine.

12 CHAIRMAN WOLD: Okay. Thank you. Commissioner  
13 Mason?

14 COMMISSIONER MASON: Thank you. Just as a matter  
15 of record, the form you were referring to that requested the  
16 reattributions, do we have that somewhere? Have we seen  
17 that?

18 CHAIRMAN WOLD: Ms. Thomas?

19 MS. THOMAS: Yes. In the agenda document,  
20 attachment 1, page 19 to 29, there's a copy of the letter  
21 that the Committee sent to contributors asking whether or  
22 not their contribution couldn't be attributed to someone  
23 else.

24 Adjacent to that page is a copy of the form that  
25 is returned by the contributor in which the reattributors

Heritage Reporting Corporation  
(202) 628-4888

1 and the original contributor signed stating that these are  
2 reattributed contributions.

3 COMMISSIONER MASON: Is that page to the left?

4 MS. THOMAS: The form is page 18.

5 COMMISSIONER MASON: Page 18 -- that's the  
6 Buchanan committee form.

7 MR. DUFFY: Okay. Wait a minute.

8 COMMISSIONER MASON: Mr. Duffy, you're making a  
9 lot of arguments in the alternative, here. I'll sort that  
10 out later. I just want to make sure we had it, and ask for  
11 it if we didn't.

12 You're-making a lot of alternative -- arguments in  
13 the alternative here, and I understand why and what you're  
14 doing, but it bothers me a little bit in terms of the  
15 process, because one of the things that Commissioner Thomas  
16 was asking about and that is, we've had a lot of discussions  
17 about when, under what circumstances, and what reasons we're  
18 going to contact donors.

19 I think the Commission has been rightly reluctant  
20 to contact donors without some specific need to do so. So,  
21 when you say, well, we think it would be better to contact  
22 them all, and yet you've described to us the state of  
23 confusion, the difficulty we're dealing here with the year  
24 or two at a minimum after the donations would have been  
25 made, people who were -- even at the several-hundred-dollar

Heritage Reporting Corporation  
(202) 628-4888



1 level -- relatively small donors, and of course, a lot of  
2 them are alarmed and bothered at having a federal agency  
3 contact them.

4 They call you. At least one of them wants their  
5 money back. These are the kinds of reasons that I think  
6 drove us to the decision that, no, we didn't want to call  
7 all 7,000 or all thousand, and I hope you realize that.

8 I understand your questions about how the sample  
9 was put together and so on like that, but if you're going to  
10 argue that the only way we ought properly to do this is to  
11 contact everybody, I'm just not sure I can get there, not  
12 because we might not authority to do it, but because I think  
13 the consequences for the campaigns involved, and for the  
14 donors are -- it would need to be thrown into the balance  
15 somewhere.

16 If you have a reaction to that, I'd be happy to  
17 hear it.

18 MR. DUFFY: Well, I don't -- I understand that --  
19 that this is a difficult policy decision for you. I mean,  
20 I'm sympathetic to the idea that being contacted by a  
21 federal agency because you've made a campaign contribution  
22 has a certain chilling effect on the exercise of your First  
23 Amendment rights.

24 I think you were wise and to be commended for your  
25 sensitivity to that. I'm not sure that the alternative is

Heritage Reporting Corporation  
(202) 628-4888

2025.07.02 14:44:54

1 to create a method of estimating the possibility that there  
2 are errors here.

3 I haven't given much thought to alternatives, but--  
4 it seems to me that in a situation where -- what you have  
5 initially done in a situation like this, we may have to fall  
6 back on some method of examining these contributions, as I  
7 said before, at the initial stage, when matching funds are  
8 being given out, and giving greater guidance to the  
9 committees as to what sort of evidence is going to be  
10 required to give the Commission sufficient confidence so  
11 that it does not have to look at these things in the audit  
12 process.

13 In other words, you have two mechanisms for doing  
14 it -- one is to do it up front, and the other is to do it at  
15 the audit process. I think you were wise to say, gee,  
16 calling these people is just wrong, it's the wrong thing to  
17 do. But then that moves me to the front of the process, not  
18 -- to say, well, let's think about how we can view this up  
19 front.

20 COMMISSIONER MASON: But if we tell you at the  
21 front of the process that you have to wait another two or  
22 three months to get your matching funds because you haven't  
23 given us enough information in the initial submission, I  
24 know we'll get screams about that as well.

25 MR. DUFFY: One of the joys of not being in a

Heritage Reporting Corporation  
(202) 628-4888

1 federal agency is we get to scream, and I know because I've  
2 served in the Federal Government that you never do it right  
3 from the point of view of the group that you're regulating --  
4 no matter how much you try to do it, so.

5 COMMISSIONER MASON: Thank you. Let me move to  
6 another question here. You were talking about the telephone  
7 survey follow-up.

8 MR. DUFFY: Right.

9 COMMISSIONER MASON: And I understand your bias  
10 concerns about that, but looking at the sample attachment --  
11 attachment 1, page 26 of 29, there's an indication that  
12 follow-up phone surveys were made to only two -- if I read  
13 it properly, it's at the very bottom of that page -- of the  
14 31 or 47, I suppose, that were counted as errors, and I want  
15 to see if that is accurate.

16 I mean, while I understand your objections as to  
17 phone surveys, if we're only talking about two follow-up  
18 phone calls having been made, it seems that that ends up  
19 being a not particularly substantial issue given the facts  
20 here.

21 MR. DUFFY: Just a second.

22 (Counsel confers with Ms. Rivens.)

23 No, I don't -- I understand that that's correct,  
24 although I -- well, I was under the impression that there  
25 were a larger number of phone calls in order to get

Heritage Reporting Corporation  
(202) 628-4888

22.07.025.4448

1 clarification of certain issues.

2 So, I'm not sure I understand this the way you  
3 understand it, but each of these -- each time you make a  
4 follow-up phone call, you have a problem with biasing that  
5 portion of the sample, and each portion of the sample,  
6 because it is being multiplied by a very large number in the  
7 universe, can introduce a considerable error.

8 So, I'm afraid I can't fully respond to that  
9 because I -- we have not received a complete list from the  
10 staff of the phone calls they made throughout this process,  
11 although I believe they did identify the -- either in their  
12 document or to us -- the phone calls that they made, and the  
13 people that were considered to be errors.

14 MR. DUFFY: Is that right? That's right. That's  
15 right.

16 MS. RIVENS: That's right.

17 CHAIRMAN WOLD: Go ahead.

18 COMMISSIONER MASON: Well, I wanted to move to  
19 another topic, and that is on the issue of reattributions  
20 when cash was given.

21 I guess I follow your legal argument as to why it  
22 was, shall we say, not illegal. As a policy matter, maybe  
23 it ought to be. I mean, this seems to me if we are blessing  
24 a situation in which people are encouraged -- one person is  
25 encouraged to write a check to a presidential campaign, and

Heritage Reporting Corporation  
(202) 628-4888

1 then collect cash from other people, and send in things  
2 after the fact, we're just getting into an area that I can  
3 see lots of problems arising from.

4 I understand that it doesn't appear the campaign  
5 encouraged that or anything, but looking at the survey  
6 results or responses, I don't want to -- no matter what we  
7 do, I don't want to get into a situation where the  
8 Commission says that's a good way of doing business, or even  
9 perhaps a legal way of doing business.

10 MR. DUFFY: I embrace your idea. I agree with you  
11 100%, okay? I think that the -- and I have told the  
12 Committee that if they want my recommendation, they should  
13 not seek matching funds for reattributions that are not, in  
14 fact, between husbands and wives, who can be assumed to have  
15 a joint account.

16 And this idea of seeking reattributions from other  
17 people who have other accounts or potentially other accounts  
18 or whatever, is fraught with danger to not be permitted,  
19 okay?

20 Certainly, it should not be engaged in by the  
21 campaign. My view is that it shouldn't be permitted by the  
22 Federal Election Commission, but that wasn't the situation  
23 in 1996, when this is being conducted.

24 As you know, being people involved with politics,  
25 in a campaign every effort is made to try to act as

Heritage Reporting Corporation  
(202) 628-4888

1 aggressively as you can within the bounds of the law. So, I  
2 am in full agreement with you on that.

3 CHAIRMAN WOLD: Thank you. Commissioner  
4 Sandstrom, do you have questions?

5 COMMISSIONER SANDSTROM: Thank you. Eventually,  
6 I'm eventually going to follow up on that last point, and  
7 what the state of law was in 1996. Before that, I wanted  
8 just to question about your -- in the statement you made  
9 today on your first point about the use of sampling.

10 You said this has only been endorsed in extreme  
11 cases. I understand that might be a little hyperbole on  
12 your part, because I -- in looking at the cases cited having  
13 shepherdized those cases, I never see that as the standard.  
14 It's only in the extreme cases.

15 With respect to the constitutional challenge, let  
16 me ask, do you know of any federally reported case that's  
17 found the use of the statistics -- statistical study -- the  
18 one valid and reliable, leaving that question aside, in  
19 which the court determined that it was a violation of due  
20 process?

21 MR. DUFFY: I think we can say that we haven't  
22 found any case that says that statistical samples, if  
23 properly done, are not appropriate evidence in a federal  
24 case.

25 When I was summarizing the case law as I

Heritage Reporting Corporation  
(202) 628-4888

EE.07.025.4151

1 understood it, I think I was extrapolating from the size of  
2 the samples in those cases, and while the case may not have  
3 said that it was extreme, the size of the samples that we  
4 have seen in these cases are large.

5 If you have seen small samples the size of a  
6 thousand --

7 COMMISSIONER SANDSTROM: Let me ask, was there any  
8 case in which the size of the sample -- and it was  
9 statistically reliable -- was the basis for any federal  
10 court decision you relied upon?

11 MR. DUFFY: No, not for -- not a federal court  
12 decision, no.

13 COMMISSIONER SANDSTROM: It seems to me that most  
14 of the cases, in fact, tend to endorse and particularly  
15 relieves -- administrative agency a major burden, which may  
16 be a cost burden, it may be a burden that it would be  
17 imposing on the regulated community on the way of this sort  
18 of question.

19 So, I can understand the second part aspect with  
20 respect to whether this particular sample is reliable or  
21 not. So, I think that's a separate and distinct argument.

22 The Charter Air, which is the tax case you relied  
23 upon, and you referred to there being many cases of this  
24 character. Now, let me ask, Charter Air, which was in  
25 Supreme Court in New York -- which isn't even Supreme in New

Heritage Reporting Corporation  
(202) 628-4888

1 York -- in that case as I understood the case, the taxpayer  
2 had all -- in his possession -- all of the evidence  
3 necessary to establish his tax liability.

4 Can you tell us today that you have, in your  
5 possession, all the information to establish that these  
6 contributions were properly reattributed?

7 MR. DUFFY: Well, what the -- I don't -- what the  
8 taxpayer had was, he had his records, and we have records,  
9 too. We've given them to the Federal Election Commission.

10 They are these statements which were signed by  
11 individuals indicating that these reattributions were  
12 proper. So, like the taxpayer in Charter Air, we have the  
13 records showing affirmatively that these individuals think  
14 that these reattributions are factually correct.

15 Now, what the FEC is doing is creating rebuttal  
16 evidence to that.

17 COMMISSIONER SANDSTROM: And with respect to our  
18 rebuttal, you don't have, in your possession, conclusive  
19 evidence with respect to that.

20 Let me ask you about the Regulation for a moment  
21 -- 9,034.2.

22 MR. DUFFY: Yes?

23 COMMISSIONER SANDSTROM: This lists all the  
24 contributions, as I understand, that are matchable? Is that  
25 your understanding?

Heritage Reporting Corporation  
(202) 628-4888



1 MR. DUFFY: Right. It gives guidance as to  
2 matchable contributions.

3 COMMISSIONER SANDSTROM: And with respect to the  
4 contributions that you're referring to that should have not  
5 been -- you claim were properly reattributed, do you know  
6 under which section of this regulation that it would be  
7 properly reattributed?

1 MR. DUFFY: Well, we are talking here -- I believe  
2 that the committee's view of this is that 90342(c)(1)(2) and  
3 (1) -- and let's see, (1)(ii) and (2) are probably relevant.

4 MR. SANDSTROM: Okay. If -- can I refer you to  
5 (2)(c) before going into the subsections there?

6 MR. DUFFY: Mm-hmm.

7 MR. SANDSTROM: It says, "The written instrument  
8 shall be payable on demand and to the order of and, of  
9 course, specifically endorsed without qualification to the  
10 presidential candidate or his or her authorized committee.  
11 The written instrument shall contain the full name,  
12 signature of the contributors, the amount, and the date of  
13 the contribution and the mailing address of the  
14 contributors." Then it goes on, of course, to the joint  
15 account. Did these contributions meet those requirements?

16 MR. DUFFY: Sure.

17 MR. SANDSTROM: They had the name of the  
18 contributors and their addresses on it?

Heritage Reporting Corporation  
(202) 628-4888

1 MR. DUFFY: Well, there's -- correct. I mean, I  
2 think that the commission's approach to this in the past, if  
3 I understand it is, if I have a check that's drawn on a  
4 joint checking account, and I submit a statement from the  
5 parties that are -- share that joint checking account, that  
6 the written document provides support for the -- the  
7 reattribution of the contribution.

8 MR. SANDSTROM: And it may be correct that the  
9 audit staff is more generous or even the past practice of  
10 this commission is more generous than what I think the  
11 regulation called for. But as I understand the regulation,  
12 that the contributions you're referring to are not of the  
13 character that fall under (c) (1), (c) (2), or (c) (3) and that  
14 in some cases we're talking about equitable accounts, as I  
15 understand your testimony. And certainly, an equitable  
16 account is not a joint account that falls under (c) (1).

17 MR. DUFFY: I believe that -- oh, I'm sorry.

18 MR. SANDSTROM: And that -- so we're looking at  
19 checks which, you know, do not fit, in my mind, the  
20 regulations. So with respect to Commissioner Mason's point  
21 of view, I think, in fact, the way we avoid these sort of  
22 phone calls is have people comply with the regulation. And  
23 if we are -- been generous in the past, you know, we may  
24 want to take that into consideration. But if you have an  
25 argument that I'm misreading the regulation, what -- it

Heritage Reporting Corporation  
(202) 628-4888

1 requires a matchable contribution, not that -- our gloss on  
2 it or our addition to it or whether the actual language  
3 employed by the regulation would make these matchable. It  
4 would help me on it if you --

5 MR. DUFFY: So can I -- and let me just -- if I  
6 may, Commissioner, your view would be the -- unless my check  
7 contains the full name of myself and my wife, the charming  
8 Cynthia Wyatt, and our mailing address and -- that we have  
9 to have that on the check in order for that check to be --

10 MR. SANDSTROM: It is written in the mandatory  
11 language.

12 MR. DUFFY: Well, I --

13 MR. SANDSTROM: And we understand that we may have  
14 been, in seeking a repayment, somewhat liberal in that and  
15 recognized different sort of instruments, but that comes --

16 MR. DUFFY: I think -- without trying to hold Ms.  
17 Buchanan back here because she's about to -- her point is  
18 going to be, if I can summarize it, that you have gone  
19 beyond being generous. You have written the manuals and  
20 instructions to campaigns that have suggested that this is  
21 the way to obtain this.

22 Your matching fund manual, according to Ms.  
23 Buchanan contains the very procedure, that is sending these  
24 written documents and having them -- so I think that in  
25 terms of your policy, you may be entirely correct, that this

Heritage Reporting Corporation  
(202) 628-4888

1 policy that has been adopted by the commission over time and  
2 in -- and articulated in various manuals and instructions to  
3 candidates and committees is inappropriate and possibly even  
4 illegal.

5 MR. SANDSTROM: That's fine, and I understand your  
6 position there. And it may be, like I say, quite fortunate  
7 for the committee that that's been the position. I'm just  
8 trying to understand my -- explain my understanding of the  
9 regulation today, and I'm not -- I'm not trying to send fear  
10 out to all those who have been audited in the past that I  
11 read the regulations in a way that I think would avoid the  
12 problems that Commissioner Mason does.

13 And -- but I think we do have a particular problem  
14 here when we go so far as to refer to equitable ownership of  
15 accounts and, you know, people making transfers into  
16 accounts. And that takes the regulation in -- I'll have to  
17 call upon the audit staff to probably instruct me a little  
18 bit more about any manuals we have put out and to what  
19 extent we wish they would rely upon a manual that seems not  
20 in accord with our regulation with respect to matchability.

21 I have this concern and I think that's somewhat  
22 Commissioner Mason's concern. So could the audit staff help  
23 me in this respect?

24 CHAIRMAN WOLD: Ms. Thomas?

25 MS. THOMAS: The commission's presentation --

Heritage Reporting Corporation  
(202) 628-4888

1 Guidelines for Presentation in Good Order for matching fund  
2 submissions does provide for committees to seek  
3 reattributions of contributions by allowing the committee to  
4 present with the contribution a separate document that  
5 identifies the contribution by the date, the amount -- and  
6 to attest to the fact that a portion of it is to be  
7 attributed to some other individual.

8 MR. SANDSTROM: Other than a joint tenant on the  
9 account?

10 MS. THOMAS: I don't have the document in front of  
11 me.

12 MR. SANDSTROM: Yeah. That --

13 MS. THOMAS: I believe it says, "Has ownership of  
14 the funds," or something like that.

15 MR. SANDSTROM: See, I understand that.

16 CHAIRMAN WOLD: At this point, let me suggest,  
17 Commissioner, this might be an appropriate line of inquiry  
18 to pursue.

19 MR. SANDSTROM: Yes.

20 CHAIRMAN WOLD: I think you raised a good point,  
21 but I'm not --

22 MR. SANDSTROM: Yeah, I just want to -- before I  
23 pursue the questions of counsel, I want to know what our own  
24 position was with respect to, you now, the regulation. You  
25 know, if we allow people to do it -- the regulation

Heritage Reporting Corporation  
(202) 628-4888

1 contemplates where you're a joint tenant, and maybe the one  
2 aspect, such as the address, was done. But I have trouble  
3 where someone is not a joint tenant, and that may be just  
4 clearly an internal problem that -- knowing it's this form  
5 right now to work out, but at least make you aware that I  
6 have some concern in that regard.

7 MR. DUFFY: Can I just -- Ms. Rivens has suggested  
8 to me, and I'm just suggesting this too. I'm not going to  
9 argue it, that there's that guidance can be obtained also  
10 from 110.1(k) of the commission's regulations on this.

11 MR. SANDSTROM: Yeah. The reference to 110.(k)  
12 doesn't -- 110.(k) does the general attributes, but it  
13 doesn't deal with attribution of matchable funds.

14 MR. DUFFY: Mm-hmm.

15 MR. SANDSTROM: And so I appreciate that  
16 instruction, but I'll look for a greater instruction for my  
17 audit staff on this particular point because this, to me, is  
18 an important point and may be a practice that we should  
19 reexamine.

20 But I do appreciate very much your time here  
21 today, especially with sampling because I understand you can  
22 make an argument about the reliability of our sample. The  
23 question then is, do you believe our sample has introduced  
24 such error that -- into this or the potential such error  
25 into this that the numbers that we achieve with respect to

Heritage Reporting Corporation  
(202) 628-4888

1 repayment are totally unreliable within the larger mirror of  
2 -- do you have a number?

3 MR. DUFFY: Your sample is completely unreliable --  
4 because it is not representative of the population. That's  
5 what my statistician tells me. He says to me, "There's no  
6 argument about that." He says that you cannot test on a  
7 test like average contribution, which is -- I think he used  
8 the term "non-biased mechanism for testing."

9 The -- if this was a representative sample, the  
10 average contribution within the sample would have to be  
11 close to the average contribution in the universe as a  
12 whole. The average contribution, he has told me, in the  
13 universe as a whole, is \$90. The average contribution in  
14 the sample is 155.

15 MR. SANDSTROM: What universe is he taking as a  
16 whole, just the ones we sampled or a sample of all  
17 contributions.

18 MR. DUFFY: No, the whole -- 7,220. That's the  
19 universe.

20 MR. SANDSTROM: But --

21 MR. DUFFY: That's because that --

22 MR. SANDSTROM: Well, let me ask this question  
23 because it seems to me if we're -- some of these are being  
24 attributed to more than one person, correct? Some of them  
25 are like, children. Most of the universe is attributed to

Heritage Reporting Corporation  
(202) 628-4888

1 two people, the spouse and the signee.

2 MR. DUFFY: Right.

3 MR. SANDSTROM: If what's introduced -- these are--  
4 being attributed in many cases to more than two, then we  
5 would -- that's actually a different universe we're talking  
6 about. And the fact that they had a different size  
7 contribution is quite reasonable to conclude that  
8 contributions are being attributed to more people or are  
9 larger in character than those attributed just to two  
10 people.

11 MR. DUFFY: You are -- Commissioner, you are  
12 struggling here with a statistical concept that I hope I'm  
13 going to be able to explain to you. Despite Ms. Thomas's  
14 very kind remarks earlier on, I venture into this morass  
15 only with the greatest of trepidation.

16 MR. SANDSTROM: Plus; I didn't say that you were  
17 an artist.

18 MR. DUFFY: This is the total of matchable  
19 contributions, is the universe that the commission has  
20 selected.

21 CHAIRMAN WOLD: The 7,220, is that right?

22 MR. DUFFY: Right, 7,220. Is that right?

23 MS. THOMAS: Mm-hmm.

24 MR. DUFFY: All right. So I'm on board at least.  
25 What -- the total amount of those that they used at --

Heritage Reporting Corporation  
(202) 628-4888



1 \$649,000, all right. That's the universe. They talk a  
2 sample of 324, okay? When you take the average contribution  
3 in the 7,220, you get a \$90 average contribution. When you  
4 take the average here, you get 155, okay? If this was  
5 representative of this --

6 MR. SANDSTROM: I understand you on that.

7 MR. DUFFY: It would have to be (inaudible), okay?  
8 That meaning that there's a -- that this sample is not  
9 representative. Once you make that statement, everything  
10 else  
11 is --

12 MR. SANDSTROM: See, that's why my question went  
13 to -- with respect to what the universe was. Now I --  
14 you've clarified for me what the universe what. I thought  
15 we talk about -- and end your argument in that respect.

16 MR. DUFFY: And the reason -- the reason I'm  
17 making this point so vehemently is that this is how they  
18 calculated our repayment. They multiplied their error rate  
19 times this number.

20 CHAIRMAN WOLD: Times the 649,000?

21 MR. DUFFY: Right. Right.

22 CHAIRMAN WOLD: Or times the 7,220?

23 MR. DUFFY: Times the 649,000.

24 MR. SANDSTROM: All right. Chairman.

25 CHAIRMAN WOLD: Thank you, Commissioner Sandstrom.

Heritage Reporting Corporation  
(202) 628-4888

1 One more question, Mr. Duffy, about the universe, sir.

2 MR. DUFFY: Yes.

3 CHAIRMAN WOLD: I understand that there are 7,220  
4 contributions in that universe.

5 MR. DUFFY: Mm-hmm.

6 CHAIRMAN WOLD: But what is that universe  
7 comprised of? Is that --

8 MR. DUFFY: We only have the commissions -- what  
9 we understand from their documents is it's all contributions  
10 that were matched, all matched contributions. (Whispering)  
11 I'm sorry. Right. They -- I'm corrected. They define this  
12 as all matched contributions that had some reattribution  
13 connected to them.

14 CHAIRMAN WOLD: All right.

15 MR. DUFFY: Okay. I apologize for that.

16 CHAIRMAN WOLD: I just want to make sure we're on  
17 the same track here and have the same understanding. Thank  
18 you. From our general counsel's office, we have our general  
19 counsel, Lawrence Noble and two staff attorneys, Delanie  
20 Painter and Rhonda Vosdingh. Mr. Noble, do you have any  
21 questions, or does your office have any questions?

22 MR. NOBLE: There's just a couple. Good morning,  
23 Mr. Duffy.

24 MR. DUFFY: Good Morning.

25 MR. NOBLE: Ms. Buchanan. Just to get clear

Heritage Reporting Corporation  
(202) 628-4888

1 information that you don't have -- you say you don't have at  
2 this point -- when we're talking about the sampling, you're  
3 saying that you have most of the information you requested  
4 or all the information you requested except for the manual  
5 with regard to how the sample is selected, correct?

6 MR. DUFFY: May I defer to Ms. Rivens, who's had  
7 actual, you know, discussion with it.

8 CHAIRMAN WOLD: Mr. Duffy, if Ms. Rivens would  
9 like to join you at the table there, that would be perfectly  
10 appropriate to go up.

11 MS. RIVENS: Good morning.

12 CHAIRMAN WOLD: Good morning.

13 MS. RIVENS: According to our expert, what he  
14 says, he still does not have -- it's some kind of computer  
15 manual that would explain to him how the statistical model  
16 worked. He has computer printouts, so, basically, he sees  
17 what the inputs were, the input figures, and what the output  
18 figures are. But he still doesn't have any kind of manual  
19 to give him guidance of exactly how the model works.

20 And the upshot of that is that he is guessing that  
21 he is accurately replicating exactly how the staff performed  
22 its analysis. He's thinking that he's replicating it, you  
23 know, to find out whether there are errors, but he can never  
24 be 100 percent sure of that because he doesn't have what he  
25 describes as a computer manual that would explain to him

Heritage Reporting Corporation  
(202) 628-4888

1 exactly how the model works and how it spits out the output  
2 that it does.

3 MR. NOBLE: So at this point, with regard to  
4 selecting the sample, that's all that you believe you're  
5 missing?

6 MS. RIVENS: That's what he believes he requires.

7 MR. NOBLE: Mr. Duffy.

8 MR. DUFFY: Yes.

9 MR. NOBLE: Or whoever. You made a statement  
10 earlier on that all of these contributions would have been  
11 matchable had they been given directly -- the reattributed  
12 contributions -- had they been given directly to the  
13 campaign. But we don't have any documentation that these  
14 were given by check or any written instrument, do we?

15 MR. DUFFY: I don't recall saying that. It's  
16 possible that I did, but I'm not sure I understand what  
17 you're --

18 MR. NOBLE: Going to the reattributed part of the  
19 contribution --

20 MR. DUFFY: Yeah.

21 MR. NOBLE: You said that you didn't see really a  
22 problem with matching that part of it because this second  
23 donor, if you will, gave the original contributor the money.

24 MR. DUFFY: Right.

25 MR. NOBLE: But we don't know how that money was

Heritage Reporting Corporation  
(202) 628-4888

1 given, do we?

2 MS. BUCHANAN: Just in some instances.

3 MR. DUFFY: In some -- well, we can only rely on --  
4 the information that was obtained from the -- by the audit  
5 staff. The information comes in two forms, one, the  
6 responses to the questionnaires that the audit staff sent  
7 out in which there were notations, it seems to me. Some  
8 people said we gave money.

9 The other information we have is information  
10 contained in the audit report itself which explains that in  
11 some situations people said they gave cash in response,  
12 apparently to some conversation between them and the audit  
13 staff.

14 So what we're saying here is, the commission has  
15 eliminated completely the idea that people could respond  
16 that they had an equitable interest in the account after  
17 having given money to somebody who had the account, and I  
18 don't see why that's the case.

19 It seems to me that I have an equitable interest  
20 in money in Ms. Buchanan's account if I have given her  
21 money, and she -- and either she has put her in the account  
22 or I am giving it to her for the purpose of allowing a  
23 reattribution of contribution that has been made on that  
24 account. I'm just buying, in essence, a portion of her  
25 contribution.

Heritage Reporting Corporation  
(202) 628-4888

02-07-025-4166

1           The commission's regulations are silent on this  
2 issue. I'm not suggesting, as I previously suggested, I  
3 don't think this is something the commission wants to  
4 encourage. I fully agree, but I'm saying that there's  
5 nothing that makes it illegal.

6           MR. NOBLE: You've gotten into the other I want to  
7 get into, is what your definition of equitable interest in  
8 the account was. In citing the -- in the regulations, we  
9 used equitable interest in account in a very specific area,  
10 not just generally with anybody's account.

11           So is your definition -- when you come back to  
12 equitable interest, you're saying that any time the second  
13 contributor gave the first contributor money, that that then  
14 created an equitable interest in the first contributor's  
15 account up to that amount?

16           MR. DUFFY: Well, it makes it a trust account  
17 certainly.

18           MR. NOBLE: It makes it a legal trust account?

19           MR. DUFFY: Absolutely. I mean, I hold -- no  
20 doubt that I hold that a person who has money that they're  
21 holding for me for a particular purpose is a common law  
22 trustee.

23           MR. NOBLE: And you say that that gives the second  
24 giver a equitable interest in that checking account?

25           MR. DUFFY: Absolutely. If I gave Ms. Buchanan

Heritage Reporting Corporation  
(202) 628-4888

1 money, all right, in order to take a portion of a  
2 contribution that she had -- already been made, I'd better  
3 get a portion of that contribution because I have an  
4 equitable interest in the money in her account to the extent  
5 that it is -- has been sent to the candidate as part of a  
6 contribution.

7 If that isn't done, if it's not accomplished in  
8 that fashion, that's a violation, and I can sue under common  
9 law to get that money back. I mean -- but the law impresses  
10 a trust in a number of situations similar to that.

11 MR. NOBLE: In your view that is what the  
12 regulation is talking about when it talks about you maintain  
13 an equitable interest in an account?

14 MR. DUFFY: I'm saying that's what the committee  
15 interpreted it to mean.

16 MR. NOBLE: I see. Now but if that money -- if  
17 that cash was given directly to the campaign, obviously,  
18 that would be matchable, correct?

19 MR. DUFFY: We agree with that.

20 MR. NOBLE: All right. Thank you.

21 CHAIRMAN WOLD: Thank you. Also joining us in  
22 this hearing are our staff director, James Pehrkon and two  
23 representatives of the audit division, Joseph Stoltz and  
24 Wanda Thomas. Mr. Staff Director, do you or the audit  
25 division have any questions?

Heritage Reporting Corporation  
(202) 628-4888

1 MR. PEHRKON: I think we do. Again, good morning.

2 MR. DUFFY: Good morning.

3 MR. PEHRKON: And the only question that I have  
4 is, I'm not familiar with your expert, so could you give  
5 us -- give me a little background?

6 MS. RIVENS: His name is Patrick Goshtigian, and  
7 he is with the Analysis Group/Economics in Los Angeles,  
8 California.

9 MR. PEHRKON: Okay. And any further background on  
10 him?

11 MS. RIVENS: I don't have his CV with me.

12 CHAIRMAN WOLD: Ms. Rivens, is that something you  
13 could provide to us?

14 MS. RIVENS: Yes, certainly.

15 CHAIRMAN WOLD: That would be helpful. Thank you.

16 MR. PEHRKON: I guess the only other question I  
17 had is, you talked about the average amount of the  
18 contribution of this population. There were 7,220. What  
19 about the median size of the contribution?

20 MR. DUFFY: His -- he said that the test, the  
21 unbiased test -- "the mean was an unbiased test," was the  
22 way he put it, that is generally accepted as a mechanism for  
23 checking whether or not a particular sample is -- in this --  
24 in a situation like this is or is not random and, therefore,  
25 is or is not a representative of the universe as a whole.

Heritage Reporting Corporation  
(202) 628-4888



1 I've got the -- he did not mention -- you said the median?

2 MR. PEHRKON: Median, yeah.

3 MR. DUFFY: Median. . And -- but I will certainly  
4 have him respond to that, as to why that wouldn't be  
5 appropriate or what that calculation was if he made that  
6 calculation.

7 CHAIRMAN WOLD: Thank you. Mr. Stoltz?.

8 MR. STOLTZ: Also, with respect to this  
9 calculation over here -- and I certainly have no reason to  
10 doubt that it's accurate -- did your expert discuss how this  
11 calculation might be affected, given that we are dealing  
12 with a dollar unit sampling plan as opposed to the more  
13 traditional variables plan, where a particular transaction  
14 is selected in the variables plan, where a particular --  
15 unit of value is selected in the dollar unit plan? Frankly,  
16 under the dollar unit plan, I would be very surprised if  
17 this is not the result that you got.

18 MS. RIVENS: That is not something that we  
19 discussed, but, obviously, that is something that we could  
20 have him address in our submission in five days, although he  
21 is certainly aware -- I know that he's aware that what this  
22 is is a dollar unit sampling method.

23 MR. STOLTZ: It would be almost impossible for  
24 this to come out the same in a dollar unit selection.

25 Another question, you argue that we should be

Heritage Reporting Corporation  
(202) 628-4888

02.07.025.4170

1 using the lower end of our --

2 MR. DUFFY: I'm sorry?

3 MR. STOLTZ: You were arguing that we should be  
4 using the lower end of the range.

5 MR. DUFFY: Right.

6 MR. STOLTZ: Would you also then suggest that when  
7 we're paying matching funds out, we should be doing the same  
8 thing?

9 MR. DUFFY: That's -- when you pay matching funds  
10 out, you are protecting the fisc of the United States, and  
11 you are balancing that against the possibility that within  
12 the area of the range that you're talking about, the -- that  
13 there are areas in the matching fund submission.

14 That is, it seems to me, entirely a policy  
15 decision that you make depending on your balance as to how  
16 much you want to penalize individuals or restrict  
17 individuals in giving out matching funds.

18 Certainly, an argument could be made that the most  
19 conservative method and the most accurate method in terms of  
20 your obligation to protect the Treasury from being asked to  
21 match contributions that aren't matchable would be to use  
22 the lowest end. That would be the most conservative method.  
23 Whether or not you should do that is really a policy  
24 determination based upon whether or not your goals of -- and  
25 the Congress's goals -- of financing candidates is best

Heritage Reporting Corporation  
(202) 628-4888

1 achieved by using some other number within the range.

2 It seems to me you could argue as well that,  
3 because of the importance of getting money to candidates,  
4 you should use the end of the range that most support money.  
5 Or you could use the end of the range which most -- which  
6 least supports money, okay? That's sort of a policy  
7 decision. .

8 But when you're asking me for money, my view is  
9 that you have got to ask me only for the amount of money  
10 that you have confidence that I have to return to you. I  
11 think that -- right now, as I understand it, the commission  
12 basically uses the mid-point, right?

13 MR. STOLTZ: That's correct.

14 MR. DUFFY: Right. So -- but you could argue that  
15 it would be better for you to assume that the -- in an error  
16 range that the errors were very small, just as we're  
17 proposing. Perhaps, I'm confusing this, but are you -- you  
18 would say use the lowest end of the range, of the error  
19 range, right?

20 MR. STOLTZ: Well, that's what you're saying we  
21 should be using here.

22 MR. DUFFY: Right. Right. If you say there's a  
23 range -- are you doing a range of errors in the matching  
24 fund or just a range of matchable contributions?

25 MR. STOLTZ: It's the same calculation we are

Heritage Reporting Corporation  
(202) 628-4888

1 doing here in the sampling plan.

2 MR. DUFFY: Right. It was 92 percent matchable,  
3 like an example of ours, right, plus or minus something?

4 MR. STOLTZ: That's correct.

5 MR. DUFFY: Right. So you could theoretically  
6 adopt the idea that the highest end of the range was  
7 matchable. That would -- that would advance the cause of  
8 getting more money out to the candidates, okay, while still  
9 being objectively -- but that's a policy determination.

10 Basically, you're saying what -- or you could say,  
11 "I think we need to very, very careful that we not give a  
12 single dollar of matching money," okay, "that isn't  
13 appropriate," in which case, you ought to be using the low  
14 end of the range, okay? But you're making that a policy  
15 decision.

16 What you're doing here is, you're saying to me "I  
17 want money from you." And we're saying, "You only have" --  
18 "You can only get the amount of money from us that you can  
19 get -- absolutely demonstrate we owe you," and that's the  
20 lowest end of the range.

21 MR. STOLTZ: And it just occurred to me that  
22 before we were going to pay you on the mid-point, and we  
23 then later decide that, because of information that we  
24 weren't aware of at the time we paid you, that we paid you  
25 too much. The mid-point would seem to be the consistent way

Heritage Reporting Corporation  
(202) 628-4888

1 to calculate what we overpaid. You may disagree, but --

2 MR. DUFFY: Well -- but it seems to me that the  
3 errors that you're talking about in your initial calculation  
4 are not errors that you're talking about now. You're  
5 talking about separate errors. I mean --

6 MR. STOLTZ: Oh, absolutely.

7 MR. DUFFY: The errors --

8 MR. STOLTZ: They're the same errors.

9 MR. DUFFY: And what you said when you calculated  
10 the first set of errors -- you calculated the first set of  
11 errors based on errors that were obvious on the face of the  
12 documents. And these are not, in your view -- and you've  
13 explained that in your audit document -- obvious in the face  
14 of the document. So I don't agree with that. It makes no  
15 sense.

16 MR. STOLTZ: Okay. Back a little bit to the forms  
17 that were mailed out -- that you talked about. In some  
18 cases -- but not every one, but in some cases, when the  
19 forms were mailed out, the names of the reattributees were  
20 already typed on the form. Was there some sort of contact  
21 with folks before they went out?

22 I mean, one, for example, I have in front of me  
23 were the Brysons, and they had made quite a few  
24 contributions. And the form went out, and the contributions  
25 of Kathleen and Craig were reattributed to what appears to

Heritage Reporting Corporation  
(202) 628-4888

1 be their 10 children. And when it went out, the names were  
2 already typed on the form.

3 MR. DUFFY: I --

4 CHAIRMAN WOLD: Excuse me, Mr. Stoltz. Is that  
5 the document we have in the report that's --

6 MR. STOLTZ: It's not one that you have in your  
7 report.

8 CHAIRMAN WOLD: All right.

9 MR. DUFFY: Where is this? What document?

10 MR. STOLTZ: You may not have that one.

11 MR. DUFFY: Oh, okay.

12 MR. STOLTZ: It's one of the --

13 MR. DUFFY: All I can respond on that is that --  
14 that there's -- that I have been told -- and I think Ms.  
15 Buchanan testified to it or spoken to it -- why exactly the  
16 process that the committee followed was to send out the  
17 letter and the form. And you have the letter and your form.

18 I can't really comment on this individual case  
19 because I haven't personally investigated this individual  
20 case. But, you know --

21 MS. BUCHANAN: If the -- if there's --

22 MR. DUFFY: Well, we have to see that. If you can  
23 just give us a copy of the form, she might have some idea on  
24 this. Okay. So this is the --

25 CHAIRMAN WOLD: Mr. Duffy, could you identify what

Heritage Reporting Corporation  
(202) 628-4888

1 that document is so it can be identified later?

2 MR. DUFFY: Okay. It's Sheet B, and it is a --  
3 apparently, it's a printout that's been supplied to me by  
4 Mr. Stoltz. It's -- it doesn't seem to be further  
5 identified except, it's entitled, "The review of  
6 contributions from Craig and Kathleen Bryson." And these  
7 contributions are here.

8 MS. BUCHANAN: Is there a copy of the check?

9 MR. DUFFY: And I think there's a copy of the --  
10 there's not a copy of the check, but there's a copy of the  
11 document.

12 Why don't you do this? Why don't you look at this  
13 and see if you have any thing to contribute on it because I  
14 certainly don't want to --

15 MS. BUCHANAN: My attorney is very nervous about  
16 me, as you might notice.

17 MR. DUFFY: Well, I just want you to speak  
18 accurately, and I don't think you can -- speaking off the  
19 top of your head is not likely to guarantee accuracy.

20 MR. DUFFY: We'll strike that from the record.

21 MR. MASON: Can I just -- the issue that I think  
22 Joe is trying to get is, were this -- was this all done on  
23 paper, or was there phone solicitation. And I would say, in  
24 addition to whatever is there, there's an indication in our  
25 survey results where one of the contributors said this was

Heritage Reporting Corporation  
(202) 628-4888

9274 520 20 22  
22 07 025 4176

1 to be attributed to a seven year old, per phone solicitor's  
2 suggestion.

3 MS. BUCHANAN: Well, the --

4 MR. MASON: So that's the kind of thing that makes  
5 one wonder whether somebody was making phone calls to the --

6 MS. BUCHANAN: This is the time when the phone  
7 calls were made.

8 MR. MASON: Ms. Buchanan.

9 MS. BUCHANAN: And is that -- if you receive a  
10 contribution for \$2000, obviously, we're just not going to  
11 send a thousand back. We called them up, "Is this a joint  
12 account." And we'd find out, and then we'd fill out the  
13 form appropriately and put it in the computer appropriately.

14 Also, when you aggregate your contributions -- and  
15 so when one person comes in for \$8,000, you know that they -  
16 - obviously, it's been attributed wrong. And you may call  
17 them and say, "How did you mean to give this? Is there  
18 other people involved here," and you go from there.

19 As for the -- you know, what exactly the  
20 conversation that might have been had, if there was some  
21 aggressive young man or woman on the phone that said, "Do  
22 you have a seven year old," that certainly was not policy.  
23 That was certainly not acceptable. I know now, and people  
24 ask me all the time, and I've very clear about that, as I  
25 would have been then. What this one young man or woman may

Heritage Reporting Corporation  
(202) 628-4888



1 have done at one time, I cannot address.

2 But that's -- we do not call people up and ask if  
3 they'll give several contributions under several names. We  
4 get checks, and these letters went out automatically. The  
5 only time you would get on the phone is if you saw  
6 automatically that it was over a thousand, and, obviously,  
7 you're writing a refund, or you're going to find out that  
8 it's okay to reattribute and then send a letter. Was that  
9 okay, counsel?

10 MR. DUFFY: It's okay by me as long as it's --

11 MR. STOLTZ: One last question if I could. The  
12 contribution that you referred to when people called and  
13 wanted their money back -- how was that refunded? Was it  
14 refunded to the reattributees, or to the original  
15 contributor.

16 MR. DUFFY: It was refunded to the original  
17 contributor, and that was because they suggested in their  
18 conversation that they wanted it refunded to the original  
19 contributor. And I took that as some suggestion that there  
20 was a problem with the reattribution, so I didn't see -- we  
21 did not receive telephone calls from the reattributees. We  
22 received a telephone call from the contributor, who said  
23 that he had talked to somebody at the FEC and the FEC had  
24 told him that getting a refund would be a good idea. Now  
25 that's what they told me, they wanted a refund. We gave him

Heritage Reporting Corporation  
(202) 628-4888

1 a refund.

2 CHAIRMAN WOLD: Mr. Stoltz, is that it for you?

3 MR. STOLTZ: That's it for me.

4 CHAIRMAN WOLD: Ms. Thomas?

5 MS. THOMAS: This question is for Ms. Buchanan.

6 You stated that you identified contributions that appear to  
7 or seem like they could be reattributed, and you sent  
8 letters to the contributors asking about that.

9 And your letter that's in the agenda document,  
10 Attachment 1, page 19 -- and it says, "If your contribution  
11 can be partially attributed to your spouse or other member  
12 of your family, the committee can submit it for additional  
13 matching funds.

14 And also, in the commission's guidelines, this  
15 document, "Guideline for Presentation in Good Order," in  
16 which we give you a provision to have reattributions  
17 matched, and we even include an example of a form that you  
18 can send to a contributor asking -- and on this form it  
19 states, "Your contribution of \$X dated (date) and drawn on  
20 check number of the joint account identified as," and  
21 there's a blank, "will qualify for matching only if the  
22 following statement set forth below is true and, if so, is  
23 confirmed by your signature."

24 And the statement is, this is to certify that a  
25 contribution of \$X affected on the instrument described

Heritage Reporting Corporation  
(202) 628-4888

1 above should be attributed to me. The account contains my  
2 personal funds, and my signature appears below."

3 If the committee followed, I guess, what appears  
4 to be your own policy or guidelines for seeking  
5 reattributions of contributions, there were a number of  
6 things that we considered very irregular when we reviewed,  
7 which is what initiated this whole thing.

8 And I just want to give you an example of one that  
9 is particularly egregious just to get your response to it.  
10 One contributor, whose name is Mary Ellen Rogge, R-o-g-g-e,  
11 gave 35 contributions to the committee totaling \$9,325. And  
12 these contributions were subsequently reattributed to nine  
13 different individuals.

14 And there were 30 different reattributions to nine  
15 different individuals. And none of the nine individuals is  
16 named on the face of the instrument on which the  
17 contributions were made, and none of the nine individuals  
18 has the same surname as this person, and there isn't any  
19 indication that there is joint accounts with these people or  
20 that they own the money that is being used to make the  
21 contributions.

22 And while I agree this is a really egregious case,  
23 I can probably sit here for a while and go through a number  
24 of others that we questioned. So I just wondered if you  
25 would respond to that.

Heritage Reporting Corporation  
(202) 628-4888

1 MS. BUCHANAN: I have no information as to why  
2 that woman would have signed a letter reattributing all that  
3 money. I have no idea. She's not a familiar name to me. I  
4 have not discussed it with her, so I have no information to  
5 add to it.

6 MS. THOMAS: I just wanted to mention that in the  
7 case of the contributions that were refunded, contributions  
8 from the Hamiltons -- they were initially two \$1000  
9 contributions that were reattributed to six different  
10 individuals that also didn't have their names imprinted on  
11 the face of the instruments, or there was no other  
12 indication that the funds were owned by those individuals to  
13 make the contributions.

14 I'm just bringing this up because I'm just trying  
15 to understand what the procedure might have been or how the  
16 contributors were informed of what a proper reattribution  
17 is.

18 MR. DUFFY: Well, I guess this is the difference  
19 that we are having here, and this is where we seem to be  
20 leaping from one mechanism to another.

21 If you're going to conduct an investigation of how  
22 this occurred and a full audit of how it occurred, then we  
23 be able because -- we will then be, it seems to me, able  
24 to -- required to talk to these individuals and get  
25 additional information as to how this occurred.

Heritage Reporting Corporation  
(202) 628-4888

1           We can't respond to each of these mechanisms or  
2           how things didn't get done the way we would have liked them  
3           to get done. We have to sort of look at the question of  
4           whether or not we owe this money, okay? My -- you know, if  
5           what you're saying is that you feel that there were  
6           reattributions here that were done inappropriately or that  
7           the mechanism that the committee used of sending out these  
8           documents led to a number of people who are not  
9           sophisticated reattributing things, you may be correct.

10           But I don't see -- people who have the refund did  
11           not contact me directly. Their attorney from Covington and  
12           Burling called me. So this is not -- these are not people  
13           who could be described as three people sitting in a shack  
14           unclear about what they were reading or what they were  
15           reattributing. I mean, these are sophisticated people with  
16           high level attorneys.

17           So I don't know why people are signing these  
18           things and making statements that are, apparently, in their  
19           cases inconsistent. But -- but I guess we have to either --  
20           approach this in one of two ways. Either we can approach it  
21           on the individual basis approach, or we can approach it from  
22           the sample approach. But I don't think we can conveniently  
23           mix the two, and I don't think that the errors in the sample  
24           approach can be justified under your theory that you did, in  
25           fact, in the universe of 7,220 incidents find some really

Heritage Reporting Corporation  
(202) 628-4888

1 'stupid examples of reattribution.

2 I mean, I -- you may have been alerted to it by  
3 this, by some of these issues, and, obviously, it's your  
4 obligation to investigate things. That's why police don't  
5 just sit in their cars eating donuts. They actually get out  
6 and talk to people who look like they are suspicious or  
7 unclear as to what they're doing. And that's appropriate,  
8 and that's what your job is.

9 But you're proceeding on a completely different  
10 basis now, now proceeding on the basis of I am presenting an  
11 objective scientific sample of the population, and in that  
12 case, we think that's flawed.

13 CHAIRMAN WOLD: Thank you. Any further questions?  
14 Any commissioners have any follow-up questions?  
15 Commissioner Sandstrom?

16 MR. SANDSTROM: Just a couple to the auditors  
17 because I'm not a statistician, and I haven't had the  
18 opportunity to read your answer. And I gathered from the  
19 question of our auditors that there are more than one way to  
20 generate a sample. If I randomly generate just on all the  
21 contributions that you received the 7,000, I would get one  
22 number. But if I -- there may be statistically valid ways  
23 of generating a sample that would not necessarily mean that  
24 it has to -- would have to match the average contribution --

25 MR. STOLTZ: That's correct. The sampling

Heritage Reporting Corporation  
(202) 628-4888

1 . technique we used to pay out matching funds, and we also  
2 used the audit process was recommended to us 20 years ago by  
3 the then firm of Ernst & Whinney. The commission hired them  
4 as consultants to come in and analyze the problem and  
5 recommend a particular approach.

6 The approach they recommended is a commonly used  
7 sampling technique known as dollar unit sampling. A couple  
8 of other names too, but that's probably the most common.  
9 What it does is, it selects contributions from -- or selects  
10 sample items -- from the \$649,210. Each dollar is a  
11 separate unit in that population.

12 MR. SANDSTROM or MR. DUFFY: Rather than on the  
13 item?

14 MR. STOLTZ: Yeah, and then, truth be known, it  
15 doesn't really work in dollars, it works in pennies because  
16 that way no one unit in the population can be contained part  
17 within one transaction and part within another.

18 And drawing it that way, the more pennies are  
19 accounted for by a given transaction, the more likely it is  
20 to be selected. What we're evaluating is how many pennies  
21 in there were not matching, not how many contributions. And  
22 that's the way it works.

23 MR. SANDSTROM: That's my only question. I just  
24 wanted to get that on the record.

25 MR. DUFFY: Well, I join Mr. Sandstrom in not

Heritage Reporting Corporation  
(202) 628-4888

1 being an expert in statistics. Our expert with, given the  
2 information he had is confident that this approach, that the  
3 analysis he has done is -- shows that the sample is not  
4 random.

5 The -- the benefit that this approach has, in my  
6 view, is that it -- it seems to me to comport with logic,  
7 which is that -- it seems to me that the amount of -- he's  
8 correct that if you just simply take the average  
9 contributions, it appears that the sample that has been  
10 selected by the commission is weighted, that is, it produces  
11 a number that is in a high range of contributions.

12 Now perhaps that was a useful and appropriate  
13 approach recommended by Ernst & Whinney for doing your  
14 matching fund analysis, which is where Ernst & Whinney first  
15 made this recommendation, if I'm correct.

16 MR. STOLTZ: That's correct.

17 MR. DUFFY: Right. But perhaps -- and I just say  
18 perhaps -- the audit staff has incorrectly applied it in a  
19 situation where they're asking for money back, okay, from  
20 us. And it seems to me here that -- that we are going to  
21 have to respond to the audit staff's view. And I don't know  
22 -- and Rhonda's telling me that we were not -- that we  
23 didn't have information. Is this correct, that we don't  
24 have the information as to how the commission selected the  
25 sample?

Heritage Reporting Corporation  
(202) 628-4888



1 MS. RIVENS: As to how the dollar unit sampling  
2 method works. The explanation that you gave, it was based  
3 on selecting pennies. We didn't have that information,  
4 which is part of the reason why our expert was asking for  
5 some kind of computer manual or something like that that  
6 explained how the model worked.

7 MR. DUFFY: So we don't -- you know, it's entirely  
8 possible and -- that there's a problem here without  
9 statistical analysis explanation. But with all due respect,  
10 it does seem to me hard to suggest that a sample can be  
11 random if a significant element in the sample is different.  
12 I -- and that's just my -- you know, that's just my vision  
13 as a non-statistician. But I'm confident that I can get my  
14 statistical expert to respond to it.

15 CHAIRMAN WOLD: Thank you. Any other questions?

16 A PARTICIPANT: No.

17 CHAIRMAN WOLD: If not, this hearing will be  
18 concluded, and the meeting will be adjourned. Thank you  
19 very much.

20 (Whereupon, at 12:12 p.m., the hearing in the  
21 above-entitled matter was adjourned.)

22 //

23 //

24 //

25 //

Heritage Reporting Corporation  
(202) 628-4888

REPORTER'S CERTIFICATE

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

DOCKET NO. : LRA # 512  
CASE TITLE: In the Matter of Buchanan for President, Inc.  
HEARING DATE: March 1, 2000  
LOCATION: Washington, DC

I hereby certify that the proceedings and evidence are contained fully and accurately on the tapes and notes reported by me at the hearing in the above case before the Federal Elections Commission.

Date: March 1, 2000

June Smith

Official Reporter

Heritage Reporting Corporation

Suite 600

1220 L Street, N. W.

Washington, D. C. 20005

Heritage Reporting Corporation  
(202) 628-4888

**STEPTOE & JOHNSON LLP**

ATTORNEYS AT LAW

1330 Connecticut Avenue, NW  
Washington, DC 20036-1795

Telephone 202.429.3000  
Facsimile 202.429.3802  
www.steptoelaw.com

Rhonda M. Rivens  
202.429.6435  
rrivens@steptoelaw.com

February 7, 2000

Via FACSIMILE - (202) 219-1043

Kim Leslie Bright, Esq.  
Associate General Counsel  
Federal Election Commission  
Washington, D.C. 20463

**Re: Oral Hearing on Behalf of Patrick J. Buchanan and the Buchanan for  
President Committee, Inc.  
(LRA #512)**

Dear Ms. Bright:

Patrick J. Buchanan and the Buchanan for President Committee, Inc. (the "Committee") are in receipt of your letter advising of the rescheduled hearing date regarding the pending Repayment Determination. The Committee greatly appreciates your cooperation in rescheduling the hearing.

In preparation for the hearing, the statistical expert retained by the Committee has identified certain information and materials that would greatly enhance the Committee's ability to make the most informative oral presentation to the Commission. These materials are among the items that the Committee has unsuccessfully requested in the past.<sup>1</sup> As these materials are essential to the Committee's development of an accurate and thorough understanding of the statistical methods employed by the FEC in arriving at its Repayment Determination, the Committee renews its request for this information.

Specifically, the Committee requests that the FEC produce the file containing all sample results, a portion of which was provided in the Repayment Determination as Attachment E, including:

<sup>1</sup> To date, the Committee has received a small subset of the materials that form the basis of the Repayment Determination. The materials produced to the Committee are not adequate to aid the Committee in its effort to understand the FEC's statistical analysis.

ATTACHMENT G  
Page 1 of 3

2007-02-07 09:25:41

Kim Leslie Bright, Esq.  
 February 7, 2000  
 Page 2

- 1) the database containing the population of 7220 observations;
- 2) the database or spreadsheet of sample results containing 325 observations, corresponding to that discussed in Attachment E, page 4 of 7;
- 3) the basis for the calculation of the 3.69% margin of error referenced in Attachment E, page 2 of 7; and,
- 4) an explanation for each of the exclusions from the sample of 325 observations that are noted in Attachment E at page 4 of 7, similar to what is provided at pages 5-7 of Attachment E.

The Committee requests these data because a number of potential errors cannot be investigated based on the information the Committee has obtained regarding the Audit Staff's statistical analysis.<sup>2</sup> For example, the Committee cannot discern whether the FEC properly considered the variance in the amount of each alleged erroneous retribution. It appears from the current information that the FEC implicitly assumed that each alleged error resulted in a \$250 payment to the Committee, the maximum amount of available matching funds. This is clearly not the case, since every retributed contribution did not result in a \$250 match. Indeed, the Committee's initial analysis reflects that at least 15% of the observed "errors" resulted in non-matching funds of less than \$250, suggesting that the \$62,116 repayment amount is clearly too high. The Committee has no way of confirming the presence or magnitude of this bias, however, because the Committee does not have the database containing all of the sample results

The Committee also has questions concerning the method by which the Audit Staff defined its population and drew a sample therefrom. The Audit Staff apparently began its analysis by defining a population of 7220 "matched contributions from all contributors associated with any retribution for matching."<sup>3</sup> The Audit Staff then excluded more than half of this sample because the items were "not retributed contributions."<sup>4</sup> The Committee does not

<sup>2</sup> The FEC has denied the Committee's requests for additional information on the ground that certain information prepared by FEC investigators is "protected from disclosure." See Letter from Joel J. Roessner, Attorney, Federal Election Commission, to John J. Duffy, Counsel for the Committee (October 8, 1999) at 1. Although the Committee does not concede that there is any basis for FEC's privilege defense, the materials now being requested are purely empirical in nature and not the product of any investigative or deliberative process; consequently, they cannot credibly be "protected from disclosure" under any theory of privilege.

<sup>3</sup> Repayment Determination at 2.

<sup>4</sup> Repayment Determination, Attachment E at 4 of 7.

ATTACHMENT G  
 Page 2 of 3

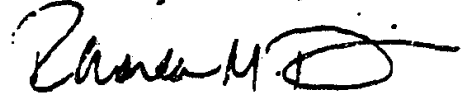
2024233302

Kim Leslie Bright, Esq.  
February 7, 2000  
Page 3

understand why contributions that were "not reattributed contributions" were ever included in the sample, given the FEC's original population definition. Thus, the Committee needs information regarding the basis of the FEC's calculation of a sampling error rate as well as definitions of excluded items.

The information received by the Committee thus far has been sufficient to conduct an initial analysis that casts doubt on core aspects of the FEC's analysis: the population and sample definitions, and the repayment amount derived from the FEC's analysis. As several courts have observed, use of statistical sampling cannot comport with due process unless the methods employed are "valid and reliable"<sup>5</sup> and the opposing party has a full "opportunity to rebut" a government "determination of overpayment."<sup>6</sup> The requested information is necessary to enable the Committee to conduct an analysis of the validity and reliability of the FEC's statistical methods; without this information, the Committee is effectively deprived of the "opportunity to rebut" the Repayment Determination. Therefore, the Committee respectfully requests that the FEC produce the file containing all statistical sample results including specifically, the materials described herein.

Respectfully submitted,



Rhonda M. Rivons

<sup>5</sup> Webb v. Shalala, 49 F. Supp. 2d 1114, 1124 (N.D. Ark. 1999) (citing Ratanasen v. California, 11 F.3d 1467, 1472 (9th Cir. 1993) and Michigan Dep't of Educ. v. U.S. Dep't of Educ., 875 F.2d 1196, 1206 (6th Cir. 1989)).

<sup>6</sup> Webb, 49 F. Supp.2d at 1123 (citing Illinois Physicians Union v. Miller, 675 F.2d 151, 156 (7th Cir. 1982)).

ATTACHMENT G  
Page 3 of 3

0514 520 20 22



FEDERAL ELECTION COMMISSION  
WASHINGTON, DC 20463

February 16, 2000

**HAND DELIVERY**

Rhonda M. Rivens, Esq.  
Steptoe & Johnson  
1330 Connecticut Avenue, N.W.  
Washington, D.C. 20036-1795

Re: Request for Documents - Buchanan for  
President Committee, Inc. (LRA #512)

Dear Ms. Rivens:

This is in response to your letter to Kim Leslie Bright dated February 7, 2000, in which you requested certain documents. You state that these materials will enable you and your statistical expert to better prepare for the oral hearing on behalf of your clients, Patrick Buchanan and the Buchanan for President Committee, Inc. (the "Committee"), pursuant to 11 C.F.R. § 9038.2(c)(2)(ii), scheduled for March 1, 2000. Specifically, you requested:

- 1) the database containing the population of 7220 observations; 2) the database or spreadsheet of sample results containing 325 observations, corresponding to that discussed in [the Notice of Repayment Determination] Attachment E, page 4 of 7; 3) the basis for the calculation of the 3.69% margin of error referenced in Attachment E, page 2 of 7; and, 4) an explanation for each of the exclusions from the sample of 325 observations that are noted in Attachment E at page 4 of 7, similar to what is provided at pages 5-7 of Attachment E.

Materials responsive to your request are enclosed, including a computer diskette containing the information requested in item 1.

Sincerely,

Delanie DeWitt Painter  
Attorney

Enclosure

ATTACHMENT H  
Page 1 of 1

22 " 07 " 025 " 4191

**STEPTOE & JOHNSON LLP**

ATTORNEYS AT LAW

1335 Connecticut Avenue, NW  
Washington, DC 20036-1796

Telephone 202.429.3000  
Facsimile 202.429.3002  
www.steptoelaw.com

Rhonda M. Rivens  
202.429.6496  
rrivens@steptoelaw.com

February 18, 2000

Via FACSIMILE - (202) 219-1043

Delanie DeWitt Painter, Esq.  
Attorney  
Federal Election Commission  
Washington, D.C. 20463

**Re: Oral Hearing on Behalf of Patrick J. Buchanan and the Buchanan for  
President Committee, Inc.  
(LRA #512)**

Dear Ms. Painter:

Mr. Duffy and I appreciate your prompt assistance in the providing materials recently requested by the Committee to enable us to prepare for the oral hearing regarding the Repayment Determination.

After reviewing the materials provided to date, however, the statistical expert retained by the Committee has identified certain information and materials that were previously requested in the Committee's February 7, 2000 letter to Kim Leslie Bright, but were not provided by the FEC in its February 16, 2000 production. Specifically, the Committee does not have an explanation for each of the exclusions from the sample of 325 observations that are noted in Attachment E at page 4 of 7, similar to the explanation provided at pages 5-7 of Attachment E.

The information that the Committee has received to date suggests that the sample utilized by the FEC is biased and not random since there appears to be a significant difference between the size of the average contribution in the population and in the sample. Information regarding the method used to exclude observations from the sample may shed light on potential sample bias. Currently, however, the Committee is unable to discern what method was used to exclude observations.

ATTACHMENT I  
Page 1 of 2  
LOS ANGELES

WASHINGTON

PHOENIX

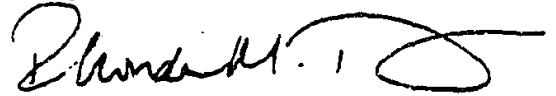
LOS ANGELES

02 07 025 4492

DeJanie DeWitt Painter, Esq.  
February 18, 2000  
Page 2

As noted in our previous requests, several courts have observed that the use of — statistical sampling cannot comport with due process unless the methods employed are “valid and reliable”<sup>1</sup> and the opposing party has a full “opportunity to rebut” a government “determination of overpayment.”<sup>2</sup> The requested information is necessary to enable the Committee to conduct an analysis of the validity and reliability of the FEC’s statistical methods; without this information, the Committee is effectively deprived of the “opportunity to rebut” the Repayment Determination. Therefore, the Committee respectfully requests that the FEC provide an explanation for each of the exclusions from the sample of 325 observations.

Respectfully submitted,



Rhonda M. Rivens

<sup>1</sup> Webb v. Shalala, 49 F. Supp. 2d 1114, 1124 (N.D. Ark. 1999) (citing Ratanasen v. California, 11 F.3d 1467, 1472 (9th Cir. 1993) and Michigan Dep't of Educ. v. U.S. Dep't of Educ., 875 F.2d 1196, 1206 (6th Cir. 1989)).

<sup>2</sup> Webb, 49 F. Supp.2d at 1123 (citing Illinois Physicians Union v. Miller, 675 F.2d 151, 156 (7th Cir. 1982)).

ATTACHED I  
Page 2 of 2

02 FEB 2000 10:03 AM



February 25, 2000

Similarly, the spreadsheet for the extended sample of 125 additional items indicates that three had already been selected in the initial sample of 200 sample items and did not meet the criteria for review (blue), 5 would have been an error in a regular submission (tan), and 65 were not reattributed contributions (red). The phrase "did not meet the criteria for review" in the spreadsheet means that when the item was selected in the initial sample, it was excluded for one of the reasons listed in the legend. Of the three items in the extended sample that had been previously selected in the initial sample and did not meet the criteria for review, two were not reattributed contributions and one would have been an error in the regular matching fund submission.

Sincerely,



Delanie DeWitt Painter  
Attorney

22.07.025.4194



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20461

February 25, 2000

VIA FACSIMILE TRANSMISSION

Rhonda M. Rivens, Esq.  
Steptoe & Johnson  
1330 Connecticut Avenue, N.W.  
Washington, D.C. 20036-1795

Re: Request for Documents – Buchanan for  
President Committee, Inc. (LRA #512)

Dear Ms. Rivens:

This is in response to your letter sent by facsimile transmission on Friday evening, February 18, 2000, in which you requested certain documents on behalf of your clients, Patrick Buchanan and the Buchanan for President Committee, Inc. (the "Committee"). In a telephone conversation late Friday afternoon, you told me that the Committee might send another request for information because your statistical expert needs an explanation of the phrase "did not meet criteria for review" and the reasons why certain observations were excluded from the sample. Your letter states that in response to your February 7, 2000 request for documents, this Office did not provide "an explanation for each of the exclusions from the sample of 325 observations that are noted in Attachment E [of the Notice of Repayment Determination] at page 4 of 7, similar to the explanation provided at pages 5-7 of Attachment E." You request that this Office "provide an explanation for each of the exclusions from the sample of 325 observations."

This Office fully complied with your February 7, 2000 request for documents. The two Lotus spreadsheets of the sample items, provided in both electronic and paper format, list each of the sample items and include an explanation for each of the exclusions from the sample of observations. The spreadsheets are color-coded and include a legend explaining why certain sample items were excluded as non-usable items. The spreadsheet of the initial sample of 200 items indicates that 14 sample items were excluded from review because they would have been an error in a regular matching fund submission (items coded tan), and one was an error in a regular submission (green); therefore, the matchability of these 15 items has already been accounted for during the initial review of the matching fund submissions. In addition, the spreadsheet indicates that 124 sample items were excluded from review because they were not reattributed contributions (red). Finally, one contribution was refunded (blue) on May 10, 1999. Since refunded contributions are not matchable, this contribution was not included for purposes of evaluating the sample results and projecting the dollar value of the errors. A separate repayment amount of \$1,634 was determined for the refunded contributions based on the match rate for the matching fund submissions in which the refunded contributions were included.

ATTACHMENT 1  
Page 1 of 2

**STEPTOE & JOHNSON LLP**

ATTORNEYS AT LAW

1338 Connecticut Avenue, NW  
Washington, DC 20036-1295

Telephone 202 429 3000  
Facsimile 202 429 3002  
www.steptoelaw.com

Rhonda M. Bivens  
202.429.8485

March 2, 2000

**Via FACSIMILE - (202) 219-1043**

Delanie DeWitt Painter, Esq.  
Federal Election Commission  
Washington, D.C. 20463

**Re: Buchanan for President Committee, Inc.  
(LRA #512)**

Dear Delanie:

I received your letter authorizing Buchanan for President Committee, Inc. to obtain an expedited copy of the oral hearing transcript in preparation for our written submission to the FEC. I greatly appreciate your prompt assistance.

To aid the FEC in identifying the additional documents we need to respond to questions raised by the Commissioners and Audit Staff during the oral hearing, we have consulted further with our expert. From my discussions with you and Kim Leslie Bright yesterday after the hearing, I understand that there is no "manual" or other similar document describing the operation of the computer program used by the Audit Staff to conduct its statistical analyses, but that there is a handbook, manual or other material that describes the Dollar Unit Sampling method employed by the Audit Staff in this Repayment Determination. We request that the FEC produce this or any other material describing the Dollar Unit Sampling method used by the Audit Staff. In addition, we also need any internal instructions or materials issued to the Audit Staff that provide guidance regarding how to conduct Dollar Unit Sampling analysis. Finally, we request any documents or materials prepared by Ernst and Whinney that recommend use of Dollar Unit Sampling or describe the purpose or goals of the method.

As the Commissioners and Audit Staff raised a number of questions about the effect of the Dollar Unit Sampling method on our expert's analysis, the requested material is essential to our ability to respond in the most meaningfully possible fashion to these inquiries.

ATTACHMENTS     K      
Page   1   -   2  

WASHINGTON


PHOENIX

LOS ANGELES

20070225 14:56

Debbie DeWitt Painter, Esq.  
March 2, 2000  
Page 2

Sincerely,



Rhonda M. Rivens

22.07.025.4197

SEARCHED INDEXED  
SERIALIZED FILED  
MAR 2 2000  
FBI - MEMPHIS  
K  
2 2



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C.

March 3, 2000

**VIA HAND DELIVERY**

Rhonda M. Rivens, Esq.  
Steptoe & Johnson  
1330 Connecticut Avenue, N.W.  
Washington, D.C. 20036-1795

Re: Request for Documents – Buchanan for  
President Committee, Inc. (LRA #512)

Dear Ms. Rivens:

This is in response to your letter sent by facsimile transmission on Thursday evening, March 2, 2000, in which you requested certain documents on behalf of your clients, Patrick Buchanan and the Buchanan for President Committee, Inc. (the "Committee"). You state:

I understand that there is no "manual" or other similar document describing the operation of the computer program used by the Audit Staff to conduct its statistical analyses, but that there is a handbook, manual or other material that describes the Dollar Unit Sampling method employed by the Audit Staff in this Repayment Determination. We request that the FEC produce this or any other material describing the Dollar Unit Sampling method used by the Audit Staff. In addition, we also need any internal instructions or materials issued to the Audit Staff that provide guidance regarding how to conduct Dollar Unit Sampling analysis. Finally, we request any documents or materials prepared by Ernst & Whinney that recommend use of Dollar Unit Sampling or describe the purpose or goals of the method.

While there is no internal handbook or manual describing the computer program or the dollar unit sampling procedures, we are providing materials that explain dollar unit sampling. Specifically, we are providing two reports prepared by Ernst & Whinney in 1979 concerning the Commission's sampling program, entitled "Report on Study of Selected Sampling Procedure, Federal Election Commission" (Sept. 1979) and "PPS Sampling Implementation Guide, Federal Election Commission" (Sept. 1979). In addition we are providing an excerpt from John H. McCray, Dollar Unit Sampling for Auditors (1978). We are also providing an excerpt from Donald M. Roberts' book, Statistical Auditing (1978). Finally, we are providing computer code from the original computer program used for dollar unit sampling of matching fund submissions at the Commission; the current program is based on this program, but it has been changed over the years to update the program and change the random number generator.

ATTACHMENT 4

Page 1 of 2

22.07.025.4198

We are continuing to examine our files for documents that are responsive to your request, and will forward any additional materials to you on Monday, March 6, 2000. Please contact me at (202) 694-1650 if you have any questions.

Sincerely,

  
Delanie DeWitt Painter  
Attorney

Enclosures (5)

22-07-025-4199



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C.

VIA HAND DELIVERY

March 10, 2000

Rhonda M. Rivens, Esq.  
Steptoe & Johnson  
1330 Connecticut Avenue, N.W.  
Washington, D.C. 20036-1795

Re: Request for Documents – Buchanan for  
President Committee, Inc. (LRA #512)

Dear Ms. Rivens:

On March 3, 2000, this Office provided documents in response to your letter dated March 2, 2000, in which you requested certain documents on behalf of your clients, Patrick Buchanan and the Buchanan for President Committee, Inc. (the "Committee"). We informed you that we were continuing to examine our files for additional responsive documents. We have examined our files further, and are enclosing additional documents.

Your facsimile transmission dated March 2, 2000 requested:

a handbook, manual or other material that describes the Dollar Unit Sampling method employed by the Audit Staff in this Repayment Determination. We request that the FEC produce this or any other material describing the Dollar Unit Sampling method used by the Audit Staff. In addition, we also need any internal instructions or materials issued to the Audit Staff that provide guidance regarding how to conduct Dollar Unit Sampling analysis. Finally, we request any documents or materials prepared by Ernst & Whinney that recommend use of Dollar Unit Sampling or describe the purpose or goals of the method.

In addition, in a facsimile transmission dated March 6, 2000, you requested:

that the FEC attempt to locate a specific document, a "PPS Sampling Operations Manual." Among the materials produced by the FEC this past Friday was the "PPS Sampling Implementation Guide" prepared by Ernst & Whinney in September 1979. Page two of the Ernst & Whinney document makes reference to preparation by the FEC of this "PPS Sampling Operations Manual." . . . [P]lease let us know whether a "PPS Sampling Operations Manual" or other similar document was ever prepared by the FEC. If such a document was prepared, please produce it.

ATTACHMENT  
Page 1 of 2

M

0024 520 20 22

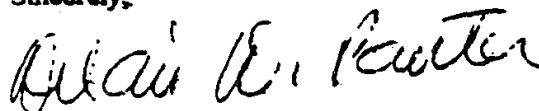
In response to these requests, we are providing a document entitled "Procedures for Reviewing Matching Fund Submission 99 (Sub99)," with several attachments, including a flow chart of the review process. This document, prepared by Audit staff, describes the procedures used to draw and review the sample that is the basis of the repayment determination. Surveys were subsequently sent to contributors associated with the sample items identified as errors through this process. Please note that this is an unofficial internal audit staff document that includes preliminary figures; the correct numbers were previously provided to the Committee in the Notice of Repayment Determination and other documents.

The same dollar unit sampling review process that is used to review matching fund submissions was used to draw the sample that is the basis of the repayment determination. Therefore, we are providing the computer code for the current dollar unit sampling computer program used for review of matching fund submissions and for the sample projection that is the basis of the repayment determination. The computer code has been redacted to delete file names and access logicals. Moreover, we are providing examples of matching fund submission review forms, which describe the procedural steps in the use of dollar unit sampling to review matching fund submissions. Further, to demonstrate the use of dollar unit sampling to review contributions for matchability, we are providing a complete package of the documents used in the review of one of the Committee's 1996 matching fund submissions (Submission 7).

Finally, we have been unable to locate any document titled "PPS Sampling Operations Manual." However, we are providing two related documents prepared by the Commission: a copy of the 1979 *Guideline for Presentation in Good Order*, which was based on the dollar unit sampling system recommended by Ernst & Whinney, and a copy of the 1988 matching fund submission review procedures. The 1988 matching fund submission procedures are similar to the 1979 procedures, which are no longer available.

We have completed our review of our files and do not plan to provide any additional documents. Please contact me at (202) 694-1650 if you have any questions.

Sincerely,



Delanie DeWitt Painter  
Attorney

Enclosures (6)



**STEPTOE & JOHNSON LLP**

ATTORNEYS AT LAW

1330 Connecticut Avenue, NW  
Washington, DC 20036-1755

Telephone 202.429.1800  
Facsimile 202.429.3902  
www.steptoelaw.com

Rhonda M. Rivens  
202.429.5485  
rrivens@steptoelaw.com

March 6, 2000

Via FACSIMILE

Delanie DeWitt Painter, Esq.  
Federal Election Commission  
Washington, D.C. 20463

Mar 6 10 49 AM '00

**Re: Post-Hearing Submission --  
Buchanan for President Committee, Inc. (LRA #512)**

Dear Delanie:

I received the FEC's response to the request of the Buchanan for President Committee, Inc. ("the Committee") for materials related to the Dollar Unit Sampling method employed by the FEC to conduct statistical analysis. Your efforts to address this request are appreciated. Along with the documents produced to us by the FEC on Friday evening, March 3, 2000, you noted that the FEC is "continuing to examine [its] files for documents that are responsive to [the Committee's] request" and will forward any materials to us on Monday, March 6, 2000:

As you are aware, the Committee's post-hearing written submission is due on Wednesday, March 8, 2000. Since the FEC has yet to determine whether it has fully complied with our request for documents, the Committee respectfully requests a short extension of time to file its post-hearing written submission.

The extension is necessary to allow the FEC to produce any additional documents and to permit the Committee's statistical experts to review those documents as well as the materials produced by the FEC on Friday evening. It is of paramount importance that our experts be able to carefully review these documents, as they are related to the FEC's Dollar Unit Sampling method. Since the Audit Staff questioned our expert's conclusions regarding the FEC's statistical analysis and asked about the relationship of the Dollar Unit Sampling method to our conclusions, the extension will permit us to make an informative response to the Audit Staff's inquiries.

ATTACHMENT   N    
Page   1   of   2  

WASHINGTON

PHOENIX

LOS ANGELES

049-05-0000 10:38

Delanie DeWitt Painter, Esq.  
March 6, 2000  
Page 2

As we do not know what the scope or nature of the additional document production will be, we cannot reliably predict how much additional time our experts would need to review these documents. Accordingly, I suggest that we confer on a new submission deadline after the FEC produces the remaining documents.

The Committee also requests that the FEC attempt to locate a specific document, a "PPS Sampling Operations Manual." Among the materials produced by the FEC this past Friday was the "PPS Sampling Implementation Guide" prepared by Ernst & Whinney in September 1979. Page two of the Ernst & Whinney document makes reference to preparation by the FEC of this "PPS Sampling Operations Manual." Although I understand from your March 3, 2000 letter to me that "there is no internal handbook or manual describing the computer program or the dollar unit sampling procedures," please let us know whether a "PPS Sampling Operations Manual" or other similar document was ever prepared by the FEC. If such a document was prepared, please produce it.

Thank you for your consideration of this request.

Sincerely,



Rhonda M. Rivens

ATTACHMENTS   N    
Page   2   of   2  

22.07.025.4203

**STEPTOE & JOHNSON LLP**

ATTORNEYS AT LAW

RECEIVED  
FEDERAL ELECTION  
COMMISSION

1228 Connecticut Avenue, NW  
Washington, DC 20036-1755

Telephone 202.429.3800  
Facsimile 202.429.2802  
www.steptoelaw.com

Rhonda M. Rivens  
202.429.3486  
rrivens@steptoelaw.com

MAR 8 8 45 AM '00

March 7, 2000

Via FACSIMILE - (202) 219-1043

Delanie DeWitt Painter, Esq.  
Federal Election Commission  
Washington, D.C. 20463

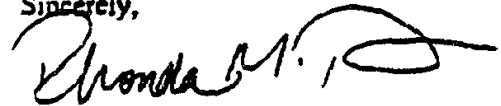
Re: **Buchanan for President Committee, Inc.—  
Repayment Determination (LRA #512)**

Dear Delanie:

Thank you for responding to the Buchanan for President Committee, Inc.'s request for a brief extension of time in which to file its written, post-hearing submission. I understand from our telephone discussion today that you need a proposal of a definite filing date in order to consider the extension request. Accordingly, the Committee proposes to file its written submission five business days after: 1) the Committee receives any additional information the FEC may produce in response to the Committee's March 2, 2000 request for production of documents; or 2) the Committee is notified in writing that the FEC has no additional materials to produce.

Please give me a call if you have questions about this proposal.

Sincerely,



Rhonda M. Rivens

ATTACHMENT 1  
Page 1 of 1

WASHINGTON

PHOENIX

LOS ANGELES

202-07-025-4204

**STEPTOE & JOHNSON LLP**

ATTORNEYS AT LAW

John J. Duffy  
202.429.8020  
jduffy@staptoe.com

1300 Connecticut Avenue, NW  
Washington, DC 20004-1795

Telephone 202.429.3000  
Facsimile 202.429.3902  
www.staptoe.com

March 17, 2000

Via HAND DELIVERY

The Honorable Darryl R. Wold  
Chairman  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

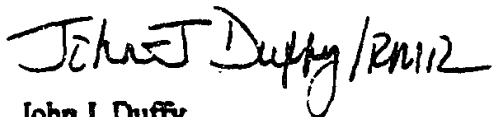
**Re: Buchanan for President, Incorporated (LRA #512)  
Post-hearing Submission**

Dear Chairman Wold:

On behalf of Buchanan for President, Incorporated (the "Committee"), we submit herewith its post-hearing written submission.

This submission is being filed today pursuant to the Committee's agreement with the Office of General Counsel that the Committee's submission would be due five business days after the FEC confirmed that it had completed its production of documents to the Committee. The Committee received the FEC's confirmation on March 10, 2000.

Sincerely,

  
John J. Duffy

Enclosure

ATTACHMENT P  
Page 1 of 41

025, 4205

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Patrick J. Buchanan and ) LRA #512  
Buchanan for President, Inc. )  
 )  
 )

POST-HEARING SUBMISSION

A Notice of Repayment Determination was issued by the Audit Division of the Federal Election Commission to Buchanan for President, Inc. (the "Committee") on July 23, 1999. The Notice sought repayment of \$62,116 of the federal matching funds paid to the Committee in connection with alleged "improper reattributions" of contributions to parties other than original contributors.<sup>1</sup> This Notice of Repayment Determination was the subject of an oral hearing before the Commissioners on March 1, 2000. To respond to questions raised by the Commissioners and Audit Staff during the hearing, and to address information the Audit Staff provided to the Committee after the oral hearing, the Committee files this post-hearing submission.

---

<sup>1</sup> An additional repayment of \$1,634 is sought for matching funds paid in connection with contributions that were subsequently refunded to two specific contributors.

22 " 03 " 025 " 4206

I. The Use of Statistical Sampling in this Case is Inconsistent With Due Process

Courts have made clear that use of the results of statistical sampling methods as evidence by the federal government does not comport with due process unless the statistical sampling methods employed are "valid and reliable,"<sup>2</sup> and the subject of the audit has had a full opportunity to review the methods used and the records and information upon which the determination has been based.<sup>3</sup> Based upon the information provided to the Committee by the FEC, the validity and reliability of the FEC Auditor's sampling analysis has not been established in this case, and the Committee still has not received the documents necessary to allow it to check and rebut the FEC's statistical analysis. For these reasons, the use of sampling violates the Committee's right to due process, and the Repayment Determination cannot stand.

A. The Validity of the FEC's Statistical Analysis Cannot Be Established

As the Committee explained during the oral hearing on this matter, the statistical expert retained by the Committee concluded from his initial review of the FEC's statistical analysis that the sample used by the FEC appeared to be biased, and therefore, an invalid basis for reaching conclusions about the error rate in the population of matched contributions as a whole. The expert arrived at this conclusion based upon an examination of a bias indicator, specifically, a comparison of the mean contribution amount in the population versus the mean

---

<sup>2</sup> Webb v. Shalala, 49 F. Supp. 2d 1114, 1124 (N.D. Ark. 1999) (citing Ratanasen v. California, 11 F.3d 1467, 1472 (9<sup>th</sup> Cir. 1993) and Michigan Dep't of Educ. v. U.S. Dep't of Educ., 875 F.2d 1196, 1206 (6<sup>th</sup> Cir. 1989)).

<sup>3</sup> Webb, 49 F. Supp. 2d at 1123 ("the use of statistical sampling and extrapolation" is not fair or proper where the aggrieved party is not given an "opportunity to rebut" the "determination of overpayment") (quoting Illinois Physicians Union v. Miller, 675 F.2d 151, 156 (7<sup>th</sup> Cir. 1982)).

contribution amount in the sample. An unbiased sample would be expected to have an average contribution amount nearly the same as that in the population. The average contribution amount of the population was approximately \$90, while that of the sample was approximately \$155. The sample taken by the Audit Staff, therefore, appeared to be biased or weighted toward larger contribution amounts.

The Audit Staff asked during the oral hearing whether the fact that the FEC utilized a particular type of sampling, which it described as the "Dollar Unit Sampling" ("DUS") method,<sup>4</sup> affected this conclusion.<sup>5</sup> As the Audit Staff failed to respond to the Committee's numerous requests for information concerning its sampling method, the Committee lacked sufficient information at the time of the hearing to determine whether the sampling method used could produce an unbiased sample despite the appearance of bias noted initially by the Committee.<sup>6</sup>

After the hearing the Audit Staff provided materials prepared by the accounting firm formerly known as Ernst & Whinney that describe in general the sampling method it recommended for use by the FEC.<sup>7</sup> According to these documents, Ernst & Whinney

---

<sup>4</sup> See Notice of Repayment Determination (LRA #512) (July 23, 1999) at 7.

<sup>5</sup> Oral Hearing Transcript at 67.

<sup>6</sup> See Response to Notice of Repayment Determination (Oct. 12, 1999) at 5 (pointing out that in response to its request for information about the basis of the Repayment Determination, the Committee "has received no documentation, such as a handbook or manual, explaining precisely the 'dollar unit sampling' method" used here).

<sup>7</sup> See Letter from Delanie Painter, Office of General Counsel, Federal Election Commission, to Rhonda M. Rivens, Counsel for the Buchanan for President, Inc. (March 6, 2000).

recommended that the FEC use a "PPS sampling plan."<sup>8</sup> Ernst & Whinney described its recommended plan as "involv[ing] the use of two methods, namely, the DUS method and the CAV method."<sup>9</sup> From these documents, the Committee's statistical experts, Professor Dennis J. Aigner and Patrick G. Goshtigian, have determined that DUS, if properly implemented, could produce an unbiased sample. The experts also determined that the apparent anomalous disparity between the average contribution amounts in the population and in the sample could be explained as a manifestation of the DUS method.

If DUS was not correctly implemented, the sample would be invalid. The Audit Staff has failed to provide, however, the information that is necessary for the Committee to determine whether DUS was correctly implemented by the Audit Staff in this case. Without information concerning the selection of the sample in this case, the validity and therefore, the legality of the FEC's analysis here remains in question.

As Professor Aigner and Mr. Goshtigian explain in the attached Joint Statement (hereinafter, "J.S."), proper sample design and execution is critical to the proper implementation of DUS.<sup>10</sup> Specifically, the sample must be designed to assign probability weights to each item in the population according to the fraction that their dollar value is relative to total dollar value. The sample must then be drawn taking into account the probability weight of each item.

---

<sup>8</sup> See PPS Sampling Implementation Guide, prepared by Ernst & Whinney (Sept. 1979) at 2.

<sup>9</sup> Id. at 5.

<sup>10</sup> J.S. at 2 (attached hereto as Exhibit A).



OT24" 520" 40" 24" 22" 07" 025" 4210

The Committee has sought to obtain information from the Audit Staff that reveals whether the sample was properly designed and executed. The Audit Staff has not produced this information. What the Committee has received from the Audit Staff falls into three categories. First, there is general information on what sampling method the FEC should implement, i.e., Ernst & Whinney's recommendation. This information tells us nothing about whether the Audit Staff correctly implemented Ernst & Whinney's recommendation in this case. Second, there is information on the sampling analysis the FEC conducts in other contexts, i.e., several documents related to the initial matching submission review process. Again, this material does not tell us whether the sample was properly designed and executed in our case; it simply is not relevant to what the Audit Staff actually did in this Repayment Determination. Finally, the Audit Staff recently provided an undated document entitled "Procedures for Reviewing Matching Fund Submission 99 (Sub99)" with three attachments, which it characterized as describing "the procedures used to draw and review the sample that is the basis of the repayment determination."<sup>11</sup> However, these materials do not provide information on the critical issues of sample design and execution.<sup>12</sup>

The documents produced by the Audit Staff do not answer the pivotal question of whether DUS was properly implemented here. To demonstrate proper implementation, the

---

<sup>11</sup> See Letter from Delanie Painter, Office of General Counsel, Federal Election Commission, to Rhonda M. Rivens, Counsel for the Buchanan for President, Inc. (March 10, 2000) at 2.

<sup>12</sup> The "Sub99" document only addresses how the Audit Staff labeled sample items as errors; and the "Sub99" attachments supply no other helpful information about sample design and execution, namely, whether probability weights were calculated for each item in the population and whether the sample was then drawn accounting for these weights.

ATTACHMENT P  
Page 6 41

Committee needs materials showing that probability weights were calculated for each item in the population and that the sample was then drawn accounting for these weights.<sup>13</sup> In the absence of these materials, the Audit Staff cannot demonstrate, and the Committee does not have a fair opportunity to rebut,<sup>14</sup> the appropriateness of the Audit Staff's reliance on the sample, and the conclusions about the population that it has drawn from the sample. Since the statistical sampling method cannot be used as evidence under these circumstances, the Audit Staff has not shown the existence of errors to justify the Repayment Determination it has recommended to the Commission.

**B. The Audit Staff's Error Estimate is Unreliable and Therefore is Inconsistent With Due Process**

Statistical sampling must be reliable to comport with due process.<sup>15</sup> Even if the Audit Staff's analysis was accepted as correct, Professor Aigner and Mr. Goshtigian have observed that the analysis is highly imprecise. This imprecision calls into question the reliability of the results of the analysis.

The Audit Staff estimated a 9.57% error rate and +/- 3.69% margin of error at a 95% confidence level.<sup>16</sup> As the Committee's experts explain, this estimate's margin of error,

---

<sup>13</sup> Specifically, Professor Aigner and Mr. Goshtigian state that we need materials such as the input data files in addition to the program execution logs (or other evidence that the FEC's computer programs were run with the proper inputs) and program output files. J.S. at 3.

<sup>14</sup> As discussed above, courts have held that the use of statistical sampling methods by the federal government comports with due process only if the subject of an audit has had a full opportunity to review the methods used and the records and information upon which the determination has been based. Webb, 49 F. Supp. 2d at 1123.

<sup>15</sup> See cases cited supra at note 2.

<sup>16</sup> Notice of Repayment Determination at 5.

which is one-third the size of the estimate, is "quite imprecise by statistical norms."<sup>17</sup> Due process requires a more reliable estimate, however, and cannot be satisfied by a margin of error that is one-third the size of the error rate.

While an acceptable level of precision is a matter of opinion or policy, such an opinion or policy must take into account the purpose of the estimate. Here the purpose of the estimate is to determine an amount that the Committee must repay to the government.

Particularly in this instance, in the interest of fairness the Audit Staff should develop a more precise estimate -- one that didn't produce a large range of possible estimates. The Audit Staff states that its desired level of precision for the error rate is less than 4 percentage points, which it obtained with this sample. While a +/- 4% margin of error may be acceptable for relatively large error rates (e.g., 50%), it creates wide ranges surrounding low estimates such as 10%, or lower. For example, if the Audit Staff had estimated an error rate of 2% with a +/- 4% margin of error, the uncertainty is so large as to render the estimate essentially useless.<sup>18</sup>

To increase the precision of the estimate and satisfy the requirements of due process, the Audit Staff would need to expand the sample as described by Professor Aigner and Mr. Goshtigian.<sup>19</sup> Alternatively, as the Committee suggested in the oral hearing, the Commission could request repayment of the lower bound of the estimate. The Commission would be conservative in requesting \$41,295 as the repayment determination (if there were 31 errors in the sample) because this is the amount that the Commission is reasonably confident does not exceed

---

<sup>17</sup> J.S. at 4.

<sup>18</sup> Id.

<sup>19</sup> Id.

the true population value.<sup>20</sup> The Internal Revenue Service employs this conservative approach when using statistical sampling as an audit technique. When the IRS determines an amount to be repaid to the government based on a sample, it uses the lower bound of its confidence interval to compute the repayment amount.<sup>21</sup> The FEC argues that statistical sampling – guessing – is the best it can do in a situation where individual verification of the repayment amount is “pragmatically impossible.”<sup>22</sup> However, if the FEC is going to guess about how much money is owed to the government, the FEC should be conservative.

During the hearing the Audit Staff asked whether it would be more consistent to seek repayment based on the midpoint of the Audit Staff’s error estimate rather than the lower bound, since matching funds are paid to committees based on the midpoint.<sup>23</sup> Such a policy mixes apples and oranges. The purpose for which matching funds are paid is unrelated to the purpose of repayment determinations. In the payout context, the FEC’s purpose is to promote congressional intent to publicly finance campaigns. Arguments can be made for using either end of the range of error estimates in the payout context. For example, if the FEC desired to promote congressional intent to the fullest extent possible, the FEC could disburse matching funds based on the lower bound of the error estimate, *i.e.*, pay out the greatest possible amount of matching funds.

---

<sup>20</sup> Id.

<sup>21</sup> Id. (citing Statistical Sampling Report (Attachment 1 to IRS Memorandum Re: IRS Statistical Sampling System) (attached as Exhibit A-3)).

<sup>22</sup> Notice of Repayment Determination at 7.

<sup>23</sup> Oral Hearing Transcript at 67-68.

In the repayment context, in contrast, the FEC's purpose is completely different. The FEC is taking away money to which a campaign initially was entitled. Taking away money is a corrective measure that requires that the FEC demonstrate error on the part of the campaign. As explained above, where the FEC cannot demonstrate error with an acceptable degree of precision and reliability, use of the lower bound of the error estimate is warranted.

**C. The Survey Process Was Unfair, Unreliable, and Inconsistent With Due Process**

The Repayment Determination was based on the results of written surveys and oral "interviews" of certain contributors who were part of the sample selected by the Audit Staff. Since sampling comports with due process only where the subject of the audit has had a full opportunity to review the methods used and the records and information on which the determination has been based,<sup>24</sup> the Committee made repeated requests to review any notes or other information memorializing what took place during these "interviews." As noted during the oral hearing, the FEC has refused to the Committee's requests, in effect preventing the Committee from reviewing a critical pillar supporting the Repayment Determination.<sup>25</sup>

The result is that although the Committee knows that certain "erroneous" reattributions were based on these "interviews," the Committee cannot rebut the FEC's findings because the Committee has no knowledge of what was said in the interviews. Moreover, the

---

<sup>24</sup> See note 3, supra.

<sup>25</sup> The FEC has produced only written survey response forms for the contributors whose reattributions were deemed "improper." See Letter from Joel Roessner, Attorney, Federal Election Commission, to John J. Duffy (October 8, 1999) at 1 (appended to the Staff's Memorandum to the Commission for Meeting of March 1, 2000 (Agenda Document No. 00-23) as Attachment 3).

Committee is unable to determine whether the interviews were even conducted properly. The information the Committee has gleaned thus far about the interviews leads to only one conclusion however – the interviews were not properly conducted and thus were inconsistent with due process.

To be statistically valid, survey and interview techniques must be employed which are neither improperly suggestive or coercive.<sup>26</sup> The Committee has no information regarding whether the interviewers were properly trained to conduct the interviews in a fashion that would avoid introducing error or bias into the sample analysis by making improper suggestions or coercing respondents into giving responses favorable to the FEC.<sup>27</sup> Moreover, the

---

<sup>26</sup> "If questions are unfairly worded to suggest answers favorable to the party sponsoring the survey, the element of trustworthiness in the [survey] would be lacking. The same result would follow if interviewers asked fair questions in a leading manner. Zippo Mfg. Co. v. Rogers Imports, Inc., 216 F. Supp. 670, 684 (S.D.N.Y. 1963) (citations omitted).

<sup>27</sup> A court described the characteristics of a competent, scientifically and acceptably conducted survey interview as follows: there was evidence clearly describing "the principles and procedures by which the surveys were conceived and conducted," which was important because "it is well settled that the weight to be given a survey . . . depends on the procedures by which the survey was created and conducted." Zippo, 216 F. Supp. at 681 (citations omitted). The court noted that further indicia of the reliability of the survey were the fact that "[t]he procedures used to avoid sampling errors and errors arising from other sources, the methods of processing, [and] the instructions for the interviewers . . . were also described. Two of the interviewers testified that they were experienced in interviewing, explained the manner in which the interviews were conducted, and stated that they did not know the purpose of the surveys [which prevents interviewers from biasing the survey by improperly suggesting a desired response]. All of the original responses to the questions as reported by these interviewers were made available." Id. at 681-82.

None of this occurred in the Committee's case. While the FEC may argue that the Zippo case is applicable here because it dealt with use of a consumer survey to demonstrate trademark confusion, the fact is that the case is relevant because the survey proponent in Zippo did the same thing the FEC attempts to do here – it seeks to use survey responses as legal evidence. The court in Zippo instructed that if survey data are to be used as evidence, the data must be "trustworthy," that is reliable. None of the indicia of reliability described in Zippo are present here, therefore, the use of survey data by the FEC is inconsistent with due process.

fact that the FEC had to contact several respondents for purposes of "clarification" suggests that the survey itself was not well-designed, i.e., not designed to reduce the incidence of ambiguity in both questions and responses.<sup>28</sup>

At least two of the 31 "errors" the Audit Staff enumerated were apparently established solely by means of these telephone interviews. No written survey responses were produced by the FEC for these two reattributions – they simply appear as errors in the Audit Staff's computer print-outs. These items are: Carlita Brown and Roderick Fox. The Committee strongly protests the inclusion of these items as errors because the Committee has had absolutely no opportunity to rebut these determinations of error. To characterize these items as errors while depriving the Committee of an opportunity to review them violates the Committee's right to due process. These items should not be counted.

The written surveys produced by the FEC also reveal that the FEC was arbitrary in counting certain items as errors based on those written responses. Two examples, contributors Anna Newton and Sheila Thomsen, were cited by the Committee in its Response to the Repayment Determination. Although the FEC recently provided additional information that it supposedly relied upon in counting these items as errors, this additional information fails to

---

<sup>28</sup> The guideline for devising survey questions followed by the IRS instructs that "questions should be carefully constructed in written form, even when they will be used in interviews. . . . Clarity is essential . . . ambiguous questions result in ambiguous answers and useless data." I.R.S. Manual § 1282.52 (IRM 1282) (July 18, 1990) (available on Westlaw at IRM 1282). To the Committee's knowledge, the FEC did not construct written interview questions; if such questions exist, they were never produced to the Committee, despite its request for such information. See Letter from Joel J. Roessner to John J. Duffy (Oct. 8, 1999) at 1. To the extent that the interviews were not conducted according to written questions prepared in advance, it is probable that the interview process introduced a bias into the FEC's analysis, especially since the interviews were not conducted by trained, impartial interviewers.

PE 07 025 4217

demonstrate that these items were "errors," even accepting the FEC's parameters for what it deemed "proper" reattributions.

Ms. Newton responded in the written survey that she did not understand the meaning of "retribution" in the survey.<sup>29</sup> With no information aside from this, the Committee was initially forced to conclude that Ms. Newton's lack of understanding rendered her unable to provide informed responses to the FEC. Uninformed responses, of course, cannot fairly and reasonably form the basis of any determination of error. The Committee was recently informed that the meaning of "retribution" was explained to Ms. Newton in a telephone interview and that because of this explanation and the fact that Ms. Newton also responded "no" to the written survey question of whether her retributee had the right to withdraw from her bank, she was counted as an error.<sup>30</sup> However, Ms. Newton also indicated on her survey that she didn't recall whether her retributee had given her funds for the contribution. The FEC makes no reference to this ambiguity in Ms. Newton's written responses. Consequently, although the Staff made the effort to explain the meaning of "retribution" to her, it appears that no effort was made to clarify whether she received funds from her retributee. To clarify one point and not the other is unfair; Ms. Newton's response remains ambiguous despite the interview and her retribution should have been excluded as non-responsive rather than counted as an error.

In another example of arbitrariness, the written survey response of Sheila M. Thomsen reflected that she made a retribution to her husband, David J. Thomsen, drawn on

---

<sup>29</sup> Survey Response of Anna Newton, LRA #466 at 2.

<sup>30</sup> See Staff's Memorandum to the Commission for Meeting of March 1, 2000 (Agenda Document No. 00-23) at 7.



their joint account.<sup>31</sup> The Staff claims that in a "telephone contact," it was able to "clarify" that the reattribution was instead made to her son, David A. Thomsen.<sup>32</sup> Yet this is in direct conflict with everything written by Ms. Thomsen in her survey response, on which she crossed out the pre-printed reference to "David A. Thomsen" more than once, indicating that it was a typographical error, and repeatedly indicated that her reattribution was to her spouse, David J. Thomsen; she wrote nothing about a reattribution to a son. There is no evidence of a reattribution to her son other than the Staff's notation of the "telephone contact."

In none of the aforementioned instances were notes or transcripts of the telephone interviews made available to the Committee. Yet, this information is of particular importance in situations where, as here, "errors" were established solely by means of these interviews. This lack of information demonstrates that the Committee has not been given an adequate opportunity to rebut the FEC's sampling analysis. Thus, the contributions of Carlita Brown, Roderick Fox, Anna Newton and Sheila Thomsen should not be counted as an errors. Accordingly, the amount of the Repayment Determination should be reduced to \$34,532.47.<sup>33</sup>

---

<sup>31</sup> Survey Response of Sheila M. Thomsen, LRA #466.

<sup>32</sup> See Staff's Memorandum to the Commission for Meeting of March 1, 2000 (Agenda Document No. 00-23) at 7.

<sup>33</sup> This amount was calculated by the Committee's experts using a "T factor" of 1.96 (based on 324 observations and a Normal distribution) and the lower bound of the 95% confidence interval. See J.S. at 3, n.2.

II. The Repayment Determination is Improper Because the FEC Has Incorrectly Defined "Erroneous" Reattributions

The Audit Division has defined "errors" as reattributions by a contributor to a person who "did not have the right to withdraw funds from the contributor's bank accounts." refusing to consider the responses of contributors indicating that the reattributed gave the contributor the money to make the donation.<sup>34</sup> This definition contradicts regulations providing that contributions are matchable if reattributed to persons who owned the contributed funds and possessed the requisite donative intent.

The FEC appears to conclude that only reattributions that comply with 11 C.F.R. § 9034.2(c)(2) are matchable, that is, it simply concluded that lack of equitable ownership of a bank account precluded a proper reattribution, failing to consider the possibility of equitable ownership of the funds within the bank account. The language of the regulations do not support such a requirement. 11 C.F.R. § 110.1(k) provides for reattributions and contains no requirement that the reattributed share the reattributor's bank account. Also, 11 C.F.R. § 9034.2 and 9034.3 describe matchable and non-matchable contributions and contain no requirement that the reattributions be made only between spouses or joint tenants of bank accounts. Section 9034.2(b) requires only that a check be written "on a personal, escrow or trust account representing or containing the contributor's personal funds." An account, whether it is a personal, escrow or trust account, contains a reattributed's personal funds where, as here, the

---

<sup>34</sup> See Memorandum from Robert J. Costa, Assistant Staff Director, Audit Division, FEC, to Lawrence M. Noble, General Counsel, FEC (July 12, 1999) at 1.

retributee paid funds into the reattributor's personal account for the purpose of effecting a joint contribution or reattribution.<sup>35</sup>

This transaction is not an unmatchable contribution in the name of another because the retributee's name is submitted to the FEC in connection with the reattribution. As explained by the Audit Division, the FEC's own guidelines provide for acceptance of a separate writing as sufficient to comply with the writing required by § 9034.2.<sup>36</sup>

The Committee's review of survey responses reveals that 9 of the 31 "improper" reattributors, more than one-fourth, reported receiving money from retributees, apparently contemporaneously with the reattribution decision, to justify the reattribution.<sup>37</sup> Stated differently, at least one-fourth of "improper" retributees were the equitable owners of the reattributed contribution. The FEC states that there is "insufficient evidence to verify" whether the retributees in fact gave money to the contributors,<sup>38</sup> other, of course, than the statements of

<sup>35</sup> As the Committee explained during the oral hearing, under well settled legal principles such a transaction also creates a trust in which the retributee has equitable ownership of the money he or she pays to the reattributor for the purpose of effecting a joint contribution or reattribution. See 89 C.J.S. Trusts § 2 (1955) at p. 712 (the term "trust" describes the relationship in which one person holds "an equitable right, title, or interest in property, real or personal, distinct from the legal ownership thereof."). Additionally, such transactions result in matchable reattributions even if the retributee gave the reattributor cash because the reattributed contribution is not submitted to the Committee in the form of cash.

<sup>36</sup> See Oral Hearing Transcript at 54 (Ms. Thomas: "The commission's . . . Guidelines for Presentation in Good Order for matching fund submissions does provide for committees to seek reattributions of contributions by allowing the committee to present with the contribution a separate document that identifies the contribution by date - and to attest to the fact that a portion of it is to be reattributed to some other individual.")

<sup>37</sup> The FEC's written survey of contributors specifically asked if the contributor had received any money from the retributee to make the contribution or reattribution in question. If equitable ownership of the contribution money is irrelevant, however, the Committee is very curious about why the FEC asked this question of contributors in the first place.

<sup>38</sup> Notice of Repayment Determination at 9.

the respondents, which the FEC, for this limited purpose, is prepared to ignore or deem unreliable. All of the contributors' other statements, i.e., those that support the Audit Division's position, receive full credit. While the statements of the contributors may be the only evidence that reattributees gave money to the contributors to justify reattributions, there is, on the other hand, no evidence that they did not.<sup>39</sup> These items should be counted as proper reattributions.<sup>40</sup>

### III. Conclusion

The use of statistical sampling in this case is inconsistent with due process because the validity of the Audit Staff's sampling in the case has not been established and cannot

---

<sup>39</sup> The FEC also assumes that the Committee must bear the burden of proving that each of the sample items is in fact a proper reattribution in order to reduce the repayment determination. See Staff's Memorandum to the Commission for Meeting of March 1, 2000 (Agenda Document No. 00-23) at 6 ("Because the repayment amount is based on a sampling technique, the Committee may provide sufficient evidence that any or all of the 31 sample items considered to be errors are related to properly reattributed, matchable contributions in order to support its contention that the Commission should reduce the repayment amount.") The FEC cites no regulation for its assertion that the Committee bears this burden in this repayment determination; neither could the Committee find such a requirement. The repayment determination regulations state only that a candidate may submit "materials demonstrating that no repayment, or a lesser repayment, is required." 11 C.F.R. § 9038.2(c)(2)(i). The Committee has done precisely this by demonstrating that the Audit Staff's statistical analysis is unreliable. Contrary to the FEC's suggestion, the Committee does not bear the burden of collecting "documentation . . . such as a copy of a check or other negotiable instrument made payable to the original contributor at the time of the reattribution for the amount reattributed" for each purported error. See Staff's Memorandum to the Commission for Meeting of March 1, 2000 (Agenda Document No. 00-23) at 6-7. The FEC erroneously assumes that the burden on a committee is the same in a repayment context as it is in an initial-submission context. The two situations differ, however, because in the repayment context, a committee has already been given the matching funds, thus repayment is predicated on the FEC demonstrating error on the committee's part. A committee is not required to prove a negative, that is, that it hasn't not done something.

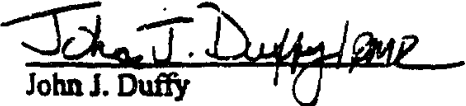
<sup>40</sup> Equitable owners of reattributed funds because the reattributee gave money to the reattributor for the contribution are: Patrick Brown, Calvin Jeffries, Augusta Jones, Michael McCoy, Joseph Phillips, Michael Shefrin, Patricia Silva, William Watkins, and Ann Zaremba.

he rebutted by the Committee. For this reason, the Commission should find that no repayment is due.

Alternatively, even if the Commission accepts the Audit's Staff's analysis, due process warrants that any repayment be computed based on the lower bound of the Audit Staff's error estimate, because the estimate is highly unreliable. Accordingly, assuming 31 errors in the sample, the Repayment Determination should be reduced to \$41,295.

The Repayment Determination should be further reduced, however, because the Audit Staff incorrectly determined that there were 31 errors. Four of these "errors" should not be counted because the FEC's survey process was arbitrary, unreliable and inconsistent with due process, reducing the repayment amount to \$34,532.47. An additional nine "errors" should not be counted because the FEC incorrectly defined "erroneous" reattributions, resulting in a total repayment amount for 18 remaining errors ( $31 - 4 - 9 = 18$ ) of \$19,849.44.

Respectfully submitted,

  
John J. Duffy  
Rhonda M. Rivens  
Steptoe & Johnson, LLP  
1330 Connecticut Avenue, N.W.  
Washington, D.C. 20036  
(202) 429-3000

March 17, 2000

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
 Patrick J. Buchanan and ) LRA #512  
 Buchanan for President, Inc. )  
 )  
 )

**Joint Statement of  
 Professor Dennis J. Aigner and Patrick G. Goshtigian**

**I. Introduction**

We are Dennis J. Aigner, Professor of Management and Economics, Graduate School of Management, University of California – Irvine, and Associate Dean for Business Management, University of California – Santa Barbara, and Patrick G. Goshtigian, Vice President, Analysis Group/ Economics, Los Angeles, California. Our curriculum vitae are attached to this statement as Exhibits A-1 and A-2. We have been asked by Buchanan for President, Incorporated (the "Committee") to review the statistical analysis conducted by the Federal Election Commission ("FEC") in connection with Repayment Determination LRA #512. We have concluded that the FEC's Audit Staff has not provided the information necessary for the Committee to determine whether the Audit Staff's statistical analysis was properly implemented. It is also our opinion that the Audit Staff's error estimate, if accepted as correct, is too imprecise for the purpose of making a repayment determination. Our findings are set forth in greater detail below.

ATTACHMENT P  
 Page 19 of 41

22 "07" 025 "423

II. The Audit Staff Has Failed to Provide the Information that is Necessary for the Committee to Determine if the Sample was Properly Selected

In making the Repayment Determination at issue here, the Audit Staff relied on a statistical sample of matched reattributions. Based on this sample, the Audit Staff conducted an audit of the reattributions and ultimately concluded that 31 of 324 were in error. They then estimated the dollar amount of reattributions in error in the population of matched reattributions by multiplying the error rate (31/324) by the total dollar amount of contributions, \$649,210.52. This gives a "dollar value projection of the errors" of \$62,115.82.

In general, this method will produce a biased estimate of the dollar amount of reattributions in error if simple random sampling is used unless all contribution amounts are equal, which they are not. An indicator of potential bias in this instance comes from comparing the sample mean contribution of approximately \$155 to the population mean of approximately \$90. The sample is clearly weighted toward larger contributions.

Recently, the Audit Staff provided us with additional material on sampling and a general description of their sampling method, the "Dollar Unit Sampling" ("DUS") method. After reviewing the additional information, we have concluded that DUS, if properly implemented, will produce an unbiased estimate, and that the apparently anomalous disparity between the average contribution amounts in the population and the sample can be explained as a manifestation of the DUS method.

However, a proper sample design is critical to proper implementation of DUS. Specifically, DUS, if used correctly, first assigns probability weights to each item in the population according to the fraction that their dollar value is relative to total dollar value. The sample must then be drawn taking into account the probability weight of each item. If the sample design is not executed properly, then the sample should not be relied upon to draw

inferences about the population in the way Audit Staff has done. Although the Audit Staff has provided documents and computer programs to the Committee that address in general the procedures used to draw the sample, these documents do not demonstrate, and do not allow the Committee to confirm, that the sample design was properly executed in this particular case. To demonstrate that the sample design was properly executed, we need materials such as the input data files in addition to the program execution logs (or other evidence that the programs were run with the proper inputs) and program output files.<sup>1</sup> In the absence of these materials, the question remains whether DUS was properly implemented here.

**III. The Audit Staff's Error Estimate is Too Imprecise for the Purpose of Making a Repayment Determination**

Even if the Audit Staff's application of DUS were accepted as correct, the estimated dollar value of reattributions in error is too imprecise for its present purpose in our opinion. From a sample of 324 matched contributions, the Audit Staff determined that 31 of these contributions were improperly reattributed. The Audit Staff estimated an error rate of 9.57% and made a repayment determination of \$62,115.81. The dollar value of sampling error was calculated as \$21,660.17. A 95% confidence interval for the repayment determination was established as having a lower bound of \$40,455.65 and an upper bound of \$83,775.99.<sup>2</sup>

<sup>1</sup> The Audit Staff provided an Excel spreadsheet containing the population of matched contributions. This file does not appear to be the data input file required by the programs subsequently provided by the Audit Staff. Additionally, the Audit Staff provided the printed output from a program that extrapolates the results of the audited sample to the population dollar value.

<sup>2</sup> The Audit Staff has improperly calculated the margin of error for the estimate by utilizing a "T factor" of 2.039. The proper value to use is 1.96 (based on 324 observations and a Normal distribution). Thus, the actual dollar margin of error for the estimate is \$20,820.89. The 95% confidence interval surrounding the estimate should range from \$41,294.92 to \$82,936.70.



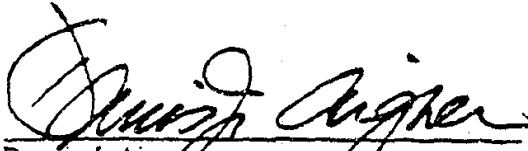
Whenever an estimate of a population value is made from a sample, there will be uncertainty associated with it. Here, the Audit Staff has estimated that the population of contributions contains \$62,115.81 in improper reattributions. Given that it is an estimate of the unknown actual population value, we must consider the precision of the estimate. This estimate's margin of error is one-third the size of the estimate. This is quite imprecise by statistical norms. While an acceptable level of precision is a matter of opinion/policy, such an opinion or policy must take into account the purpose of the estimate. Here the purpose of the estimate is to determine an amount that the Committee must repay to the government. In the interest of fairness, one would expect the necessity of a very precise estimate – one that didn't produce a large range of possible values. The Audit Staff states that its desired level of precision for the error rate is less than 4 percentage points, which it obtained with this sample. While a +/- 4% margin of error may be acceptable for relatively large error rates (e.g., 50%), it creates wide ranges surrounding low estimates such as 10%, or lower. For example, if the Audit Staff had estimated an error rate of 2% with a +/- 4% margin of error, the uncertainty is so large as to render the estimate essentially useless.

To increase the precision of the estimate, the Audit Staff would need to expand the sample. An expanded sample would necessarily improve the precision of estimation for the error rate and hence for the dollar amount of improper reattributions. Alternatively, the Commission could request repayment of the lower bound of the 95% confidence interval. The Commission would be conservative in requesting \$41,295 as the repayment determination (assuming 31 errors in the sample). This is the amount that the Commission is reasonably confident does not exceed the true population value. We are familiar with the practices of the Internal Revenue Service and it employs this conservative approach when using statistical sampling as an audit technique.

When the IRS determines an amount to be repaid to the government based on a sample, it uses the lower bound of its confidence interval to compute the repayment amount.<sup>3</sup>

---

<sup>3</sup> See e.g., Statistical Sampling Report (Attachment 1 to IRS Memorandum Re: IRS Statistical Sampling System), attached hereto as Exhibit A-3.

  
Dennis J. Aigner  
Irvine, California

  
Patrick G. Goshugian  
Los Angeles, California

Date Submitted: March 17, 2000

22.07.025.4228

September 1999

## VITA

## DENNIS J. AIGNER

**Present Position:** Professor of Management and Economics, Graduate School of Management, University of California, Irvine  
Associate Dean for Business Management, Bren School of Environmental Science and Management, University of California, Santa Barbara

**Education:**

UCLA 1955-58, Engineering-Mathematics, no degree

UC Berkeley 1958-63: (1) Agricultural Economics, B.S. (1959); (2) Statistics, M.A. (1962); (3) Agricultural Economics, Ph.D. (1963).

**Relevant Work Experience:**

1960-62, Mathematical Statistician, USDA, Forest Service, Berkeley

1962-66, Assistant Professor of Economics, University of Illinois

1964-66, Director, Computer Lab, College of Business Administration, University of Illinois

1966-67, Associate Professor of Economics, University of Illinois

1967-70, Associate Professor of Economics, University of Wisconsin-Madison

1967-73, Director, Programming and Computation Service, Data and Computation Center for the Social Sciences, University of Wisconsin-Madison

1970-76, Professor of Economics, University of Wisconsin-Madison,

1970, Summer, Visiting Professor of Economics, University of Hawaii

1970-71, Visiting Professor, Center for Operations Research and Econometrics (CORE), Universite Catholique de Louvain (Belgium)

1971-76, Chairman, Social Systems Research Institute, University of Wisconsin-Madison

1976, Spring, Resident Consultant, The Rand Corporation, Santa Monica, California

1976-88, Professor of Economics, University of Southern California



- 1976-79. Co-Director, Modelling Research Group, USC
- 1978-79. Acting Chairman, Department of Economics, USC
- 1979-87. Chairman, Department of Economics, USC
- 1982. Fall, Visiting Professor, Department of Economics, University of Wisconsin-Madison
- 1985. Spring, Visiting Professor, Departments of Econometrics, University of Amsterdam and University of Geneva
- 1986. Fall, Visiting Professor, Department of Econometrics, University of Sydney
- 1988-97. Dean, Graduate School of Management, University of California, Irvine
- 1988-present, Professor of Management and Economics, Graduate School of Management, University of California, Irvine
- 1997. Fall, Faculty Associate, Harvard Institute for International Development, Harvard University.
- 1998-present Associate Dean for Business Management, Donald Bren School of Environmental Science and Management, University of California, Santa Barbara.

**Teaching Areas:**

Econometrics, Statistics, Microeconomic Theory, Operations Research

**Honors:**

- Fulbright Scholar, Belgium, 1970-71
- Fellow, Econometric Society (elected 1972)
- H.I. Romnes Faculty Fellow, University of Wisconsin, 1976
- American Statistical Association Visiting Lecturer in Statistics, 1980-1983
- Fulbright Scholar, Israel, May 1983
- Cited in: *Who's Who in Economics* (MIT Press) 1982, 1984; (Edward Elgar) 1999; *Who's Who in America* (Marquis Who's Who, Inc.) 1984-
- Albert S. Raubenheimer Award for Excellence in Scholarship, Teaching and Service, USC, 1985.
- Award for Teaching Excellence, Division of Social Sciences and Communications, USC, 1986.
- Studies in Econometrics in Honor of Dennis J. Aigner*, a special issue of the *Journal of Econometrics*, 1993.
- Daniel G. Aldrich, Jr. Award for University Service, UCI, 1996.
- Bren Fellow, UC Santa Barbara, 1998-

0324 520 70 22 07 025 430



Publications:

BOOKS, MONOGRAPHS, REPORTS

*Principles of Statistical Decision-Making*, Macmillan, 1968.

*Basic Econometrics*, Prentice-Hall, 1971. Prentice-Hall series in International Management and series in Mathematical Economics.

*Latent Variables in Socioeconomic Models*, edited (with A.S. Goldberger), North-Holland Publishing Co., 1977

*Modelling and Forecasting Time-of-Day and Seasonal Electricity Demands*, edited (with A. Lawrence), *Journal of Econometrics (Annals 1979-1)*, North-Holland Publishing Co., January 1979.

*Experimental Design in Econometrics*, edited (with C. Morris), *Journal of Econometrics (Annals 1979-2)*, North-Holland Publishing Co., September 1979.

*Modelling and Analysis of Electricity Demand by Time-of-Day*, edited, Report EPRI EA-1304, Electric Power Research Institute, Palo Alto, CA, December 1979.

*Electricity Demand and Consumption by Time-of-Use: A Survey* (with D. Poirier), Report EPRI EA-1294, Electric Power Research Institute, Palo Alto, CA, December 1979.

*Specification and Estimation of Frontier Production, Profit and Cost Functions*, edited (with P. Schmidt), *Journal of Econometrics (Annals 1980-2)*, North-Holland Publishing Co., May 1980.

*Welfare Econometrics of Peak-Load Pricing for Electricity*, edited, *Journal of Econometrics (Annals 1984-3)*, North-Holland Publishing Co., September 1984.

*Topics in Applied Regression and Time Series Analysis*, edited, *Journal of Econometrics (Annals 1987)*, North-Holland Publishing Co., May 1987.

*Causality*, edited (with A. Zellner), *Journal of Econometrics (Annals 1988)*, North-Holland Publishing Co., September/October 1988.

*Latent Variables Models*, edited (with M. Deistler), *Journal of Econometrics (Annals 1989)*, North-Holland Publishing Co., May 1989.

*Contributions to Econometric Methodology in Honor of T. W. Anderson*, edited, *Journal of Econometrics (Annals 1990)*, North-Holland Publishing Co., April/May 1990.

22 "07" 025 "424

ARTICLES

"An Estimation Procedure for Range Composition Problems." *Journal of the American Statistical Association*, Vol. 60 (March 1965) pp 308-19

"Errors of Measurement and Least Squares Estimation in a Simple Recursive Model of Dynamic Equilibrium." *Econometrica*, Vol. 34 (April 1966), pp 424-32.

"An Interpretive Input Routine for Linear Programming," *Communications of the Association for Computer Machinery*, Vol. 10 (January 1967), pp. 23-26

"On the Determinants of Income Equality" (with A.J. Heins), *American Economic Review*, Vol. LVII (March 1967), pp. 12-25.

"On the Measurement of Income Equality" (with A.J. Heins), *Review of Income and Wealth, Series 13* (March 1967), pp. 12-25.

"A Simple Model of Information and Lending" (with C.M. Sprengle), *Journal of Finance*, Vol. XXIII (March 1968), pp. 151-66.

"On Estimating the Industry Production Function" (with S. Chu), *American Economic Review*, Vol. LVIII (September 1968), pp. 826-39.

"A Linear Approximator for the Class Marks of a Grouped Frequency Distribution with Especial Reference to the Unequal Interval Case," *Technometrics*, Vol. 10 (November 1968), pp. 793-809.

"The Determinants of Member Bank Borrowing: A Critique" (with W.R. Bryan), *Journal of Finance*, Vol. XXIII (December 1968), pp. 832-7.

"Problems in Making Inferences from the Coleman Report: Comment," *American Sociological Review*, Vol. 35 (April 1970), pp. 249-52.

"Estimation of Pareto's Law from Grouped Observations" (with A.S. Goldberger), *Journal of the American Statistical Association*, Vol. 65 (June 1970), pp. 341-51.

"Cross-Section and Time Series Tests of the Permanent Income Hypothesis" (with J. Simon), *American Economic Review*, Vol. LX (June 1970), pp. 712-23.

"The Estimation of Moments for a Pareto Distribution Subject to Both Sampling and Grouping Errors," *Review of the International Statistical Institute*, Vol. 38, No. 2 (1970), pp. 210-20.

"A Specification Bias Interpretation of Cross-Section vs. Time Series Parameter Estimates" (with J. Simon), *Western Economic Journal*, Vol. 8 (June 1970), pp. 144-61.

"On the Log-Quadratic Law of Production" (with S.F. Chu and M. Frankel), *Southern Economic Journal*, Vol. XXXVI (July 1970), pp. 32-9.

"On the Specification Bias for k-Class Estimators" (with S.F. Chu), *Econometric Annual of the Indian Economic Journal*, Vol. 17 (1970), pp. 671-89.

22-07-025-4232



"A Model of Short-Run Bank Behavior" (with W. R. Bryan), *Quarterly Journal of Economics*, Vol. 85 (February 1971), pp. 97-118.

"Safety Margins and Profit Maximization in the Theory of the Firm" (with R. H. Day and K. R. Smith), *Journal of Political Economy*, Vol. 79 (November/December 1971), pp. 1293-1301.

"A Compendium on Estimation of the Autoregressive-Moving Average Model from Time Series Data," *International Economic Review*, Vol. 12 (October 1971), pp. 348-371.

"Bounding Constraints in Certain Linear Programming Problems and the Principle of Safety First," *European Economic Review*, Vol. 3 (April 1972), pp. 71-81.

"A Note on Verification of Computer Simulation Models," *Management Science: Theory*, Vol. 18 (July 1972), pp. 615-19.

"An Errors-in-Variables Model in Which Least Squares is Consistent," *International Economic Review*, Vol. 14 (February 1973), pp. 256-7.

"Simulation and Aggregation: A Reconsideration" (with S. M. Goldfeld), *Review of Economics and Statistics*, Vol. LV (February 1973), pp. 49-60.

"Regression with A Binary Independent Variable Subject to Errors of Observation," *Journal of Econometrics*, Vol. 1 (March 1973), pp. 49-60.

"On the Estimation of an Econometric Model of Short-Run Bank Behavior," *Journal of Econometrics*, Vol. 1 (September 1973), pp. 201-208.

"On Optimal Financing of Cyclical Cash Needs" (with C. M. Sprenkle), *Journal of Finance*, Vol. 28 (December 1973), pp. 1249-53.

"Estimation and Prediction from Aggregate Data when Aggregates are Measured More Accurately Than Their Components" (with S. M. Goldfeld), *Econometrica*, Vol. 42 (January 1974), pp. 113-134.

"Parameter Estimation from Cross-Section Observations on an Elementary Queueing System," *Operations Research*, Vol. 22 (March-April 1974), pp. 422-28.

"An Appropriate Econometric Framework for Estimating a Labor Supply Function from the SEO File," *International Economic Review*, Vol. 15 (February 1974), pp. 59-68.

"Asymptotic Minimum-MSE Prediction in the Cobb-Douglas Model with a Multiplicative Disturbance Term," *Econometrica*, Vol. 42 (July 1974), pp. 737-48.

"MSE Dominance of Least Squares with Errors of Observation," *Journal of Econometrics*, Vol. 2 (December 1974), pp. 365-72.

"Identification and Normalization: A Note" (with T. Sawa), *Journal of Econometrics*, Vol. 2 (December 1974), pp. 389-92.

2025.07.02 14:23





"On the Explanatory Power of Dummy Variable Regression" (with A. S. Goldberger and G. Kalton), *International Economic Review*, Vol. 16 (June 1975), pp. 503-10

"On the Estimation of Production Frontiers" (with T. Amemiya and D. J. Poirier), *International Economic Review*, Vol. 16 (June 1975), pp. 377-96.

"Identification and Estimation of Dynamic Shock-Error Models" (with A. Maravall), in *Latent Variables in Socioeconomic Models*, D.J. Aigner and A.S. Goldberger (eds.), North-Holland Publishing Co., 1977, pp. 349-63.

"Statistical Theories of Discrimination in Labor Markets" (with G. Cain), *Industrial and Labor Relations Review*, Vol. 30 (January 1977), pp. 175-87. (Reprinted in O. Ashenfelter and K. Hallock (eds.), *The International Library of Critical Writings in Economics: Labor Economics*, Edward Elgar Publishing Ltd., 1995.)

"Application of Pre-Test and Stein Estimators to Economic Data" (with G. Judge), *Econometrica*, Vol. 45 (July 1977), pp. 1279-88.

"Formulation and Estimation of Stochastic Frontier Production Functions" (with C.A.K. Lovell and P. Schmidt), *Journal of Econometrics*, Vol. 6 (July 1977), pp. 21-38.

"Bayesian Analysis of Optimal Sample Size and a Best Decision Rule for Experiments in Direct Load Control," *Journal of Econometrics (Annals 1979-1)*, Vol. 9 (January 1979), pp. 209-21.

"A Brief Introduction to the Methodology of Optimal Experimental Design," *Journal of Econometrics (Annals 1979-2)*, Vol. 11 (September 1979), pp. 7-26.

"Sample Design for Electricity Pricing Experiments: Anticipated Precision for a Time-of-Day Pricing Experiment," *Journal of Econometrics (Annals 1979-2)*, Vol. 11 (September 1979), pp. 195-205.

"Correcting for Truncation Bias in the Analysis of Experiments in Time-of-Day Pricing of Electricity" (with Jerry A. Hausman), *The Bell Journal of Economics*, Vol. 11 (Spring 1980), pp. 131-42. (Reprinted in E. Stromsdorfer and G. Farkas (eds.), *Evaluation Studies Review Annual*, Vol. 5, Sage Publications, Inc., 1980).

"Industrial and Commercial Demand for Electricity by Time-of-Day: A California Case Study" (with C. Chung), *The Energy Journal*, Vol. 2 (July 1981), pp. 91-110.

"Testing the Joint Billing Effect Hypothesis" (with D. Keane), *The Energy Journal*, Vol. 3 (July 1982), pp. 113-28.

"Southern California Edison's Domestic Time-of-Use Experiment" (with L. Lillard), *Award Papers in Public Utility Economics and Regulation*, Institute of Public Utilities, Michigan State University, 1982, pp. 181-233.

"An Analysis of Commercial and Industrial Response to Time-of-Use Rates" (with J. Hirschberg), *The Energy Journal*, Vol. 4 (1983), pp. 103-26.

22-07-00-005-1424

"Econometric Modelling with Latent Variables" (with A. Kapteyn, C. Hsiao, and T. Wansbeek), *Handbook of Econometrics*, Vol. 2, edited by Zvi Griliches and Michael Intriligator, North-Holland Publishing Co., 1984, pp. 4321-93

"Time-of-Day Electricity Consumption Response to Temperature and the Ownership of Air Conditioning Appliances" (with L. Lillard), *Journal of Business and Economic Statistics*, Vol. 2 (January 1984), pp. 40-53.

"Measuring Peak-Load Response from Experimental Data" (with L. Lillard), *Journal of Business and Economic Statistics*, Vol. 2 (January 1984), pp. 21-39

"Conditional Demand Analysis for Estimating Residential End-Use Load Profiles: A Preliminary Analysis" (with C. Sorooshian and P. Kerwin), *The Energy Journal*, Vol. 5 (July 1984), pp. 81-98.

"Estimation of Time-of-Use Pricing Response in the Absence of Experimental Data: An Application of the Methodology of Data Transferability" (with E. Leamer), *Journal of Econometrics (Annals 1984-3)*, Vol. 26 (September/October 1984), pp. 205-28.

"The Welfare Econometrics of Peak-Load Pricing for Electricity," *Journal of Econometrics (Annals 1984-3)*, Vol. 26 (September/October 1984), pp. 1-16.

"The Residential Time-of-Use Pricing Experiments: What Have We Learned?" Chapter 1 in *Social Experimentation*, edited by Jerry A. Hausman and David Wise, University of Chicago Press, 1985, pp. 11-48.

"Commercial/Industrial Customer Response to Time-of-Use Electricity Prices: Some Experimental Results" (with J.G. Hirschberg), *The Rand Journal of Economics*, Vol. 16 (Autumn 1985), pp. 341-55.

"On Student Evaluation of Teaching Ability" (with F. Thum), *Journal of Economic Education*, Vol. 17 (Fall 1986), pp. 243-66.

"Optimal Experimental Design for Error Components Models" (with P. Balestra), *Econometrica*, Vol. 56 (July 1988), pp. 955-71.

"Me and My Shadow: Estimating the Size of the U.S. Underground Economy from Time Series Data" (with F. Schneider and D. Ghosh), Chapter 14 in W. Barnett, et al. (eds.), *Dynamic Econometric Modelling*, Cambridge University Press, 1988, pp. 297-334.

"On Econometric Methodology and the Search for Causal Laws", *The Economic Record*, Vol. 64 (December 1988), pp. 323-26.

"Self-Selection in the Residential Electricity Time-of-Use Pricing Experiments" (with K. Ghali), *Journal of Applied Econometrics*, Vol. 4 (December 1989), pp. S131-S144.

"Latent Variables", in J. Eatwell, et al. (eds.), *The New Palgrave: Econometrics*, Macmillan, 1990, pp. 118-122.



"Sample Design Considerations for Telephone Time-of-Use Pricing Experiments with an Application to OCT-Australia" (with D. Fiebig), in A. deFontenay, et al. (eds.), *Telecommunications Demand Modelling*, North-Holland Publishing Co., 1990, pp. 279-298.

"Experimental Design for Direct Metering of Residential Electricity End-Uses" (with P. Schonfeld), Chapter 14 in J. Gabszewicz, et al. (eds.), *Economic Decision-Making: Games, Econometrics and Optimization*, Elsevier North-Holland, 1990, pp. 303-325

"A Random Coefficient Approach to the Estimation of Residential End-Use Load Profiles" (with D. Fiebig and R. Bartels), *Journal of Econometrics*, Vol. 50 (December 1991), pp. 297-327.

"Data Pooling and Self-Selection: A Mixed Effects Hierarchical Approach" (with K. Ghali), Chapter 5 in W.E. Griffiths, et al. (eds.), *Readings in Econometric Theory and Practice*, North-Holland Publishing Co., 1992, pp. 103-42.

"The Response of Small and Medium-Size Business Customers to Time-of-Use (TOU) Rates in Israel" (with J. Newman and A. Tishler), *Journal of Applied Econometrics*, Vol. 9 (1994), pp. 283-304.

"The Response to Residential Time-of-Use Electricity Rates in Israel" (with M. Amit and A. Tishler), Chapter 35 in D. Berry, et al. (eds.), *Bayesian Analysis in Statistics and Econometrics: Essays in Honor of Arnold Zellner*, John Wiley & Sons, 1996, pp. 409-22.

**FORTHCOMING:**

"Statistical Sampling and Analysis in Litigation", to appear in D. Slotje (ed.), *The Role of the Academic Economist in Litigation Support*, Elsevier Science Publishers, 1999.

**Grant History**

NSF "The Computation and Data Library Capabilities for Research in the Social Sciences" (with Richard Day), April 1, 1968 to March 31, 1970. \$232,900.

NSF "An Econometric Investigation of Short-Run Bank Behavior," February 1, 1970 to July 31, 1972. \$62,500.

NSF "Computation and Data Library Capabilities for Social Science Research," January 1, 1971 to December 31, 1972. \$110,000.

NSF "Structural Modelling with Unobserved Variables" (with Arthur S. Goldberger), September 1, 1973 to August 31, 1976. \$146,000.

NSF "The Role of Linear Hierarchical Models in Applied Econometrics" (with Yoel Haitovsky), July 1, 1979 to April 30, 1981. \$115,951.

03.07.025.4236

NSF "Development of a Generic Econometric Model for Assessing the Welfare Implications of Time-of-Day Pricing for Households." March 1, 1984 to February 28, 1986 \$75,187 Extension to August 31, 1986 \$19,454

EPA "Workshop on Capital Markets and Environmental Performance", September 1, 1998 to August 31, 1999 \$18,020 Extension to August 31, 2000

#### **Conferences & Presentations (recent)**

- "Demography and Distrust: The Latino Challenge to Civil Rights and Immigration Policy in the 1990s and Beyond," 3<sup>rd</sup> Annual Symposium, La Raza Law Journal and Chicano/Latino Policy Project, UC Berkeley, March 1994 (presented paper).
- "Immigration and the American Mosaic," The Manhattan Institute and The Pacific Research Institute, San Francisco, April 1994 (presented paper).
- "California Immigration 1994," California Policy Seminar, Sacramento, April 1994 (presented paper).
- "Reengineering UC Departments—A Case Presentation" (with R. Owens), UC Management Institute, July 1994.
- "Immigration: Past, Present and Future," Graduate School of Business Administration and Leadership, Monterrey Institute of Technology (Mexico), February 1995.
- "Information Technology and Its Impact on Higher Education in the Year 2000," Taiwan National University, May 1995.
- "Information Technology and Its Impact on Higher Education in the Year 2000," Hong Kong Baptist University, May 1995.
- "Making Effective Use of Faculty in Developing a Strategic Plan," AACSB Annual Meeting, Los Angeles, April 1996 (session co-leader).
- "Measuring Performance in Higher Education," UC Management Institute, July 1996.
- "The Elusive Notion of Leadership," Graduate School of Business Administration and Leadership, Monterrey Institute of Technology (Mexico), March 1997.
- "Business and the Environment: Toward a New Relationship," Graduate School of Business Administration and Leadership, Monterrey Institute of Technology (Mexico), May 1999.
- "Business and the Environment: Toward a New Relationship," Central American Institute of Business Administration (Costa Rica), May 1999.

**Professional Service (recent)**

- Committee on the National Energy Modelling System, Energy Engineering Board, National Research Council, 1990-92
- American Assembly of Collegiate Schools of Business, Business Accreditation Committee, 1993-95 (Accreditation Site Visit Teams: University of Virginia (Darden), Washington University (St. Louis)), 1996-97 Nominating Committee, 1995-97
- Academic Program Review Team, College of Business, Arizona State University, 1996
- Panel to Study the Research Program of the Economic Research Service, Committee on National Statistics, National Research Council, 1997-1998.
- American Assembly of Collegiate Schools of Business, Accreditation Site Visit Team (Chair), Simon School of Business, University of Rochester, 1998.
- Study Co-Director, Orange County Executive Survey, University of California Irvine, 1994-98; Director, 1999-present.

**Other Service (recent)**

- Workers' Compensation Rate Study Commission (Chair), State of California, 1990-92.
- U.S. Service Academy Review Board, 1992.
- Southern California Edison Company, Research Policy Board, 1992-95.
- Design Team, California Virtual University Initiative, 1997-98.

**Community Service (recent)**

- Industrial League of Orange County, Board of Directors, 1989-95. (Chair, ILOC Tax Equity Subcommittee, 1992 & 1993.)
- Jr. Achievement of Southern California, Board of Governors, 1993-1998.
- International Forum for Corporate Directors, Advisory Board, 1993-1995.
- Association for Corporate Growth, Advisory Board, 1992-1997.
- Board of Trustees, World Affairs Council of Orange County, 1995-present.
- Board of Trustees, South Coast Repertory, 1996-1999.

**Patrick G. Goshtigian**

Vice President, Analysis Group/Economics  
 601 S. Figueroa, Suite 300, Los Angeles, CA 90017  
 (213) 896-4541  
[pgoshtigian@ag-inc.com](mailto:pgoshtigian@ag-inc.com)  
[www.ag-inc.com](http://www.ag-inc.com)

**Education**

M.B.A., The Anderson School at UCLA  
 B.S., Economics, Massachusetts Institute of Technology  
 Chartered Financial Analyst

**Professional Experience**

March 97 – present Vice President, Analysis Group/Economics, Los Angeles, CA  
 July 95 – March 97 Sr. Associate, Analysis Group/Economics, Los Angeles, CA  
 Dec 92 – July 95 Associate, Analysis Group/Economics, Los Angeles, CA  
 July 91 – Dec 92 Sr. Research Analyst, Analysis Group/Economics, Los Angeles, CA  
 June 89 – July 91 Research Analyst, Analysis Group/Economics, Los Angeles, CA

**Selected Consulting Assignments****Statistical Analysis**

Mr. Goshtigian has applied sophisticated econometric techniques in numerous cases. In addition he has significant experience in sample design and implementation.

- ❑ *Fortune 500 Shipping Company:* Led the team that sampled and analyzed thousands of invoices to estimate the total freight costs charged to a particular customer.
- ❑ *Los Angeles County Department of Health:* Using sampling and database analysis, evaluated timeliness of medical payments during various time periods.
- ❑ *Southern California Gas Company:* Constructed statistical model to evaluate the impact of commercial demand side management programs.

**Product Liability**

Mr. Goshtigian has combined statistical techniques with cash flow modeling to construct comprehensive models of potential damages resulting from product liability.

- ❑ *Fortune 500 Chemical Manufacturer:* Developed a financial model of potential liability incorporating disease incidence and prevalence rates given various settlement alternatives and continued litigation.

02 "07" 025 "4239

- *Asbestos Manufacturer*: Developed statistical model to forecast continued claims against a company given information concerning the current claim experience.
- *International Chemical Manufacturer*: Developed financial model of potential liability at a target company to advise the board of directors of acquirer.

### Entertainment

Mr. Goshtigian has significant experience applying economic and financial concepts in the entertainment industry.

- *MGM/DANJAQ v. Sony Corp., et. al.*: Evaluated performance of MGM IPO given Sony announcement regarding James Bond film production. Conducted valuation of the James Bond franchise.
- *Garry Shandling v. Brad Grey, et. al.*: Calculated value of several television production deals. Evaluated the economics of the television syndication market.

### Securities

Mr. Goshtigian has evaluated and critiqued damage claims in numerous securities litigation cases under SEC Rule 10b-5. Through event study analyses, he has assessed the materiality of allegations of fraud and re-constructed appropriate value lines.

- *Meris Laboratories Securities Litigation*: Evaluated 10b-5 claims involving failed acquisition and alleged accounting improprieties. Applied loss causation principles and won case through summary judgement.
- *AHI Healthcare Securities Litigation*: Evaluated 10b-5 and Section 11 damage claims. Applied principle of loss causation to assess effects of failed acquisition on stock price.
- *TriTeal Securities Litigation*: For a software manufacturer, applied loss causation principles to Section 11 damage claims.
- *Software Toolworks Securities Litigation*: Evaluated damages presented by the SEC for select members of the board of directors based on alleged improper revenue recognition.
- *Newport Pharmaceuticals Securities Litigation*: Evaluated 10b-5 damage claim for a pharmaceutical company that failed in late stage drug trials.
- *Xidex/Anacomp Insider Trading*: Performed event studies to evaluate the statistical significance of stock price movements for both the target and acquirer in a merger.

### Investment Suitability and Risk Analysis

Mr. Goshtigian has assessed the suitability of a variety of complex financial instruments and consulted extensively on the evaluation of investment risk.

ATTACHMENT P  
Page 36 of 41

- *California State Auditor*: Examined all characteristics of Orange County's multi-billion dollar investment portfolio. Assessed the *ex-ante* riskiness of the portfolio and the suitability of various complex financial instruments given the funds' objectives.
- *Hawaiian Insurance Commissioner*: Evaluated a failed derivative investment strategy used in the large fixed income portfolio of an insurance company. Determined the viability of the strategy and the effectiveness of its implementation by examining the dramatic increase in the portfolio's risk profile over time.
- *City Colleges of Chicago v Westcap Securities*: Assessed suitability of mortgage securities investments for the colleges' operating fund. Evaluated performance and calculated damages.
- *Ward v. Herrington*: Evaluated suitability and calculated damages of investments made by a broker for a high net worth couple.

#### Valuation

Mr. Goshtigian has applied a wide range of valuation methods in a variety of industries.

- *Local Telephone Company*: Constructed an extensive financial model of cash flows associated with the local phone service market to evaluate the impact of new competition.
- *Agricultural Company*: Developed an intricate cash flow model to value an agricultural concern under different operating scenarios and determine the safety of a lender's collateral.
- *Utility Project*: Evaluated and critiqued investment bank valuation of a utility project. Assess project viability.
- *Major Commercial Bank*: In the context of determining the fair acquisition price for several savings and loan branches by a bank, consulted regarding valuation and the estimation of core deposit levels.
- *Savings and Loan*: Applied option pricing theory to value the collateral of non-recourse loans to determine if the loans were fairly priced.
- *Life Insurance Company*: Applied option pricing theory and traditional comparable analysis to value mortgage bonds purchased by the company.
- *Casino*: Quantified loss of value due to breach of merger contract
- *Internet Start-up*: Developed pro-forma valuation model of a planned internet company that was denied funding by a venture capital firm. (co-authored expert report with R. Sherwin)

#### Contract Disputes and Commercial Litigation

Mr. Goshtigian has extensive experience constructing "but for" models to evaluate damages arising from contract disputes and commercial litigation.

- *ACQ Holdings v. Dynamic Circuits, Inc.*: Analyzed potential merger synergies and performed valuation of a high tech company.
- *Lapine Technology v. Kyocera, Inc.*: Analyzed the profitability and viability of a computer peripheral manufacturer and the likelihood of conducting an initial public offering.



Real Estate and Environmental

Mr. Goshtigian has extensive experience applying sophisticated valuation techniques to real estate.

- For several engagements, Mr. Goshtigian has assessed alleged damages incurred through the presence of asbestos and other environmental hazards in commercial properties.
- *Commercial Bank*: Evaluated and critiqued opposing expert's damage model based on a valuation of a large real estate development project.

Other Consulting

- *State of Wisconsin Investment Board*: Provide monthly and quarterly analysis of general performance characteristics of several portfolios.
- *First Interstate Bancorp*: Developed an innovative method to evaluate mutual fund performance.
- *Regional Stock Exchange*: Working closely with an academic affiliate, consulted with the board of directors concerning the changing competitive environment faced by the exchange.

**Analysis Group/Economics Issue Briefs**

**"Using Statistical Sampling to Manage Litigation Costs"**

**"Evaluating the Suitability of Collateralized Mortgage Obligations"**

2007-07-09 14:42

[Redacted to protect  
taxpayer privacy]

INTERNAL REVENUE SERVICE

TO:

FROM: James C. Eng, CAS IRS Los Angeles

SUBJECT: IRS Statistical Sampling System, VERSION 3.0  
(IRS SSS Ver 3.0).

The IRS SSS V3.0 was designed for use by IRS personnel in the performance of their duties during an examination in which statistical sampling is being used as an audit technique. The system contains programs which aid in the development of their statistical sampling applications.

The system consists of programs to generate random number sets in sorted and unsorted sequences and can exclude specific random number ranges, and to appraise the audit results of the statistical sample. Random number seeds can be self-generated or provided by the user. An example of the random numbers report generated for the audit of the Repairs, Line 14 sample is attached.

Appraisal methods available included in the sampling system are mean, difference, combined ratio, and combined regression methods. Separate ratio and regression computations can also be obtained on a specific request basis. The system is designed to automatically select the optimum (most precise) estimator. However, this can be overridden if the user wishes to see information concerning another estimator. Variable sampling was used in our application.

The variable sampling option is used to create data files containing the reported sample data and the findings from our examination. The system will evaluate (appraise) the findings input and provide a number of reports regarding the findings. Among the options available during the appraisal process is a sample size determination to show the sample sizes that would be required if a finer precision (smaller sampling error) is desired (for a cost/audit time benefit analysis).

I have attached copies of the summary reports produced by the IRS SSS Ver 3.0 including random number sets, appraisal results, estimator comparisons, computed precisions and cvs, and sample size determination table for increased precision.

Please call me if you have any questions regarding our statistical sampling.

22.03.025.423

STATISTICAL SAMPLING RECORD

Inspector: \_\_\_\_\_  
 Account(s) Sampled: \_\_\_\_\_

Population Sampled:

Code	Sample Size	Population Size	Population Rep. Value	Sample Rep. Value	Actual Adjustments	Errors
1	180	19,720	27257003.00	211594.98	147219.49	54
2	30	2,414	43674226.76	391720.37	266777.93	27
3	30	571	20691270.06	223751.45	351303.92	11
4	92	92	27423504.43	27423504.43	2612214.70	17
Totals	322	22,877	141013809.26	30911011.38	7080103.59	109

Statistical Appraisal:

The statistical findings presented below represent the examination results utilizing generally accepted statistical techniques. The appraisal was made based on a 95% one-sided confidence limit, using a Combined Regression estimator for a stratified random sample. The most conservative limit was applied in computing the actual adjustment resulting from the analysis. Communications supporting the examination findings are shown below.

Reported Value of the Population Sampled ..... 141,013,809.26

Estimated Adjustment ..... 58,784,790.04

Sampling Error:

Standard Error 4,912,314.40  
 t Value ..... x 1.958

3,145,446.23

Projected Adjustment ..... 50,659,343.76

Corrected Value of the Population ..... 90,379,463.60

Sample data supporting the above findings is presented in exhibit 1.

(continued page 2 of 2)

Attachments:

1. Statistical Sampling Report.
2. Statistical Appraisal Report - Summary of Population and Sample Information.
3. Statistical Appraisal Report - Summary of Estimators.
4. Improve Precision (Diff estimator is typical for all estimators) - Sample Size Determine To
5. Sample Listing.
6. SCE Repairs Line 14 - Proposed Adj For LVL 862.
7. Random Sample Selection (V3.0).
8. DR Transactions Randomly Selected of Line 14 Repairs.

22.07.025.4245



FEDERAL ELECTION COMMISSION  
WASHINGTON DC 20463

October 22, 1997

**MEMORANDUM**

To: Lawrence M. Noble  
General Counsel

Through: John C. Sufina  
Staff Director

From: Robert J. Costa *RC*  
Assistant Staff Director  
Audit Division

Subject: Buchanan for President, Inc. — Referral based on Review of Reattributed Contributions Submitted for Matching

**Background:**

During the Dollar Unit Sample (DUS) review of contributions<sup>1</sup> of Buchanan for President, Inc. (the Committee), the Audit Staff noted a significant number of items which were reattributions of all or a portion of a contribution to another individual. Some of these reattributions were to apparent non-related parties and other non-spousal family members. The reattributions were often made to more than one individual. In the Audit staff's opinion, the Committee's correspondence with the contributors did not fully disclose the definition of an acceptable retribution and the ownership/control of funds (see Attachment 1). The Committee appears to have pursued the reattributions for the purpose of acquiring additional matching funds.

Generally, the reattributed contributions were accompanied by additional documentation signed by the contributors which contained the following statement regarding the reattributed funds:

---

<sup>1</sup> The Audit Staff expects to include in the Exit Conference Memorandum findings for Receipt of Excessive Currency, Itemization of Contributions, and Omission of Disclosure Information for Contributions.

ATTACHMENT 2  
Page 1 of 4

22-07-025-4246

"(\$xxx.xx) of the above mentioned contribution represents my personal funds and my personal contribution to Buchanan For President, and that I maintain equitable ownership of the account."

The word "account" above refers to the bank account upon which the contribution instrument was drawn.

Upon evaluation of these documents, questions were raised about the validity of reattributions made to apparent non-related individuals and non-spousal family members; specifically, donative intent and ownership/control of funds. For example, a cashier's check for \$8,000 was reattributed to eight members of the same family. All eight reattributed contributions were submitted for \$250 in matching funds. In another case, an individual made 35 contributions totaling \$9,325; \$1,300 was refunded (\$1,125 to the contributor and \$175 directly to the U.S. Treasury) and \$7,225 was reattributed to nine different individuals. The Committee submitted matching fund requests totaling \$3,125 for the original contributor and the nine reattributees. Even if the reattributions were acceptable, the amount submitted was \$625 in excess of the maximum allowed (10 contributors at \$250 each = \$2,500).

#### Identification of Population

Due to the situations noted above, the Audit staff performed additional testing of reattributed contributions to determine the extent of the problem. Using multiple audit steps, the Audit staff identified all contributors who were involved with reattributions. All contributions recorded in the Committee's data base for these individuals were compared to the Matching Fund submissions to determine which contributions the Committee submitted for matching. This comparison identified 7,278 contributions totaling \$910,508 which were submitted for \$650,961 in matching funds.

#### Finding: Apparent Non-Matchable Contributions

In an effort to quantify the dollar value of the contributions which may have been improperly matched, the Audit staff used DUS sampling procedures to select 325 sample items from this population. Of the sample items selected, 132 contributions were reattributed to other individuals and were reviewed further by Audit staff. Nineteen (19) of these reattributed items either were or would have been errors in the original submissions and were not reviewed further. The remaining 113 sample items were then reviewed to determine acceptability of the retribution. The Audit staff identified 48 unacceptable reattributions which were classified as follows:

<u>No. of Errors</u>	<u>Description</u>
2	Reattribution of a business check (not a corporation) - unable to verify ownership of funds.

ATTACHMENT Q  
Page 2 of 4

22 "07" 025 "4247

The following errors were unacceptable reattributions to individuals not named as an account holder on the face of the written instrument:

- 22 Reattribution to an individual with a different surname.
- 24 Reattribution to an individual with the same surname but apparently not a spouse.

The evaluation of the 48 sample errors indicated a 14.9% error rate and a tolerable sampling error of  $\pm 4.0\%$ . Based on the achieved error rate, the projected dollar value of the errors in the population would be \$97,238 ( $\pm$  \$26,064).

#### Apparent Unacceptable Reattributions (Irrespective of Matchability)

The problem is further amplified when the reattribution of the nineteen (19) items noted above (that were not included in the sample review because they either were or would have been errors in the original submissions) were examined. The number of unacceptable reattributions increases to 64, indicating an error rate of 19.9% and a sampling error of  $\pm 4.5\%$ .

#### Documentation

Finally, the Audit Staff performed a 100% review of the contributions, reattributions and matching fund submissions of the original contributors<sup>2</sup> associated with the 48 errors noted above. Also included in this 100% review, were five other relevant individuals whose contributions and reattributions were illustrative of the problem. Complete histories were prepared for 50 contributors which detailed all contributions, reattributions and amounts submitted for matching (Exhibits 1 - 50). Reattributions were identified as acceptable or unacceptable and contributions submitted for matching were identified as matchable or non-matchable. These individuals accounted for contributions totaling \$106,417, of which \$55,005 was improperly reattributed to others. The Committee submitted \$33,045 of these unacceptable reattributions for matching (see Attachment 2).

#### Recommendations

Given that the above described activities/transactions raise serious questions of non-compliance under 11 CFR §110.1 (i) and (k) and possibly 2 U.S.C. §441(f) we feel a referral to your office is warranted at this time. In addition, the stated impact on the Matching Fund program and resulting repayment raises questions under 11 CFR §9034.3

<sup>2</sup> Forty-five (45) contributors, including one contributor with 2 unacceptable reattributions and one contributor with 3 unacceptable reattributions.

2025-02-27 14:24

(e) and (i). Consideration must be given to developing the evidence for this by use of a confirmation procedure targeted at the appropriate population.

Further, given that the repayment aspect of this question could be presented in the audit report, we feel that agreement should be reached with your office as to our approach as soon as possible, and certainly before any presentation to the Commissioners. We expect to conduct the end of fieldwork conference in the near future.

The Audit staff is available to provide assistance or answer any questions you may have regarding these findings. Please contact Gary Hache or Wanda Thomas at 219-3720 as needed.

**Attachment No. 1 — Committee Form Letter Sent to Contributors Regarding Reattribution of Contribution**

**Attachment No. 2 — Summary of Contributor Histories for Referral to OGC Exhibits Nos. 1 - 50**

2025.07.02 10:49 AM





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C.

May 15, 2000

MEMORANDUM

TO: Lawrence Noble  
General Counsel

THROUGH: James A. Pehrkon *JAP*  
Staff Director

FROM: Robert J. Costa *RJ*  
Assistant Staff Director  
Audit Division

Rick Halter *RH*  
Dep. Asst. Staff Director

Wanda J. Thomas *WJ*  
Audit Manager

Lead Auditor *GC*  
Gary Hache

SUBJECT: Buchanan for President, Inc. - Analysis of Response to the Commission's  
Repayment Determination and Oral Hearing (LRA #512)

The Audit staff has reviewed the Committee's response, dated October 12, 1999 to the Notice of Repayment determination, the March 1, 2000 Oral Hearing transcript and related materials provided and submits this analysis of the contentions and conclusions presented by the Committee's Counsel and statistical experts.

**Sampling vs. 100% Review**

In its October 12, 1999 response to the Commission's Repayment Determination, the Committee objected to the Audit staff's use of sampling to review the contributions at issue. The Committee stated, "The mere fact that the records are voluminous and that a review thereof would be time consuming for the Department does not, in our view, justify the use of the sampling method." At the oral hearing, Mr. Duffy argued that "Although there are 7,220 contributions...the FEC has been able in its sample to quickly eliminate

<sup>1</sup> Response to Notice of Repayment Determination and Request for Oral Hearing; p. 12

May 17 12:23 PM '00

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

0524 520 70 22

85-percent of those. So, basically the universe that they have to survey ... is somewhere around 1,000 items... That isn't what I would describe as a number that is so burdensome and onerous as to justify sampling." Mr. Duffy does not understand the magnitude of such an undertaking. For a 100% review, the Audit staff would have to perform the following audit steps:

- a) The original documentation (check copy) for each matched contribution would have to be retrieved for review. (Submissions 1-7 were paper copy; submissions 8 and above were submitted on a CD);
- b) Each matched contribution would have to be checked against matching fund records to determine if the original contribution was reattributed to another prior to submission for matching;
- c) If the matched contribution was a reattribution, the reattribution form would have to be retrieved for review;
- d) A matching fund history for each contributor identified in step c would have to be obtained for review;
- e) The workpaper files for the submission in which the contribution was submitted for matching would have to be reviewed to determine if the matched contribution was a sample item;
- f) If the matched contribution was not a sample item, the matched contribution would be reviewed to determine if it would have been an error in an original submission;
- g) The reattribution documentation would have to be reviewed to determine if the reattribution was valid according to our established criteria.
- h) Any errors resulting from this process would then have to be verified by a mail survey.

### **The Sampling Process.**

First, the Committee's experts concede that a properly executed DUS sample could produce a reliable result and that in a DUS sample comparing the mean values of the sample and the population, and finding them different, is not indicative of a biased sample. As they say, it is a manifestation of the DUS method. It is noted that the fact that this was a DUS sample was not new to the Committee. At the hearing Mr. Duffy's assistant answered in the affirmative when asked if their expert knew that he was considering a DUS sample. Apparently there was a miscommunication between the Committee and its expert before the hearing. It is still not possible to know what information has been passed to the experts and how that information has been filtered.

Mr. Duffy concludes that the validity of the FEC's statistical analysis cannot be established because the Audit staff has not produced information which reveals whether the sample was properly designed or executed. To demonstrate proper implementation, Counsel states that "the Committee needs materials showing that probability weights

<sup>2</sup> Transcript of the March 1, 2000 Oral Hearing; pp.6-7.

were calculated for each item in the population and that the sample was drawn accounting for these weights."

The Committee's experts, Messrs. Aigner and Goshtigian, correctly point out that a properly executed DUS sample must apply probability weights to each population item. They contend that information has not been provided that establishes that the population items have been properly weighted. The Committee is mistaken. To begin with, the expert's initial conclusion that the sample was biased was based on the fact that the mean value of the sample was \$155, while the mean value of the population was only \$90. This difference is due precisely to the weighting that the Committee now states is not demonstrated. The larger dollar values were more likely to have been selected because of the weighting. The Committee demonstrated the weighting in its presentation at the oral hearing. As the Committee states in the response each population item must be weighted in proportion to its share of the population value. Hence the generic name of the sampling technique, Probability in Proportion to Size (PPS). That means that the larger the share of the population a particular transaction represents the more likely it is to be selected in the sample<sup>3</sup>. This "weighting" is accomplished very simply in the Audit Division software. The dollar value of the population is converted to pennies. That is accomplished by simply multiplying the population value by 100. The sample is then selected from the number of pennies in the population. Following this technique, the more pennies that a specific transaction accounts for, the more likely it is to be selected or the more "weight" it is assigned. Each transaction's probability of being selected is determined by the number of pennies that it accounts for compared to the total number of pennies in the entire population. This procedure can be determined from the computer code that was provided to the Committee. Thus, unless the Committee does not believe that the program listing provided is the one in use, the weighting question has been dealt with.

Messrs. Aigner and Goshtigian stated that materials such as input data files, program execution files, and program output files are also needed to demonstrate that the sample design was properly executed. This information was provided to the Committee in the form of an Excel spreadsheet containing the sample population. The actual data input file required by the program is a file saved in s1032 format which, unless the Committee had access to s1032, would have been of little use to the them. The file is a subset or saved file in the Matching Funds Database. As for program output, this information was also given to the Committee in the form of an Excel spreadsheet containing the sample items. The sample evaluation results were copied from s1032 and pasted to a Word document which was given to the Committee. Messrs. Aigner and

---

<sup>3</sup> Although this weighting is necessary for the DUS method, it can lead to erroneous result in some cases. For example, a population of many small transaction with a few very large items could lead to false conclusion because the few large items would account for most of the sample items. In such a situation the population is best divided into a sample set and a 100% review set, or into multiple sample sets. The computer software in use in the Audit Division has the ability to select out very large transactions into a 100% review set. In the matching fund situation, this is not a problem since the largest amount is \$250.

22 "07" 025 "4252

Goshtigian acknowledge receiving the printout of the sample evaluation in their joint statement: "the Audit Staff provided the printed output from a program that extrapolates the results of the audited sample to the population dollar value."

Although not discussed in the text of the Committee's response, the second footnote in Messrs. Aigner and Goshtigian's statement mentions the use of an erroneous "T factor". That conclusion is apparently based on a table found in the Ernst and Whinney study (PPS Sampling Implementation Guide, 1979, page 52) which recommends a T-factor of 1.96 for 30 or more degrees of freedom. In this case degrees of freedom can be equated to the number of differences observed in the sample. The factor of 1.96 is the multiplier that relates to a 95% reliability if a normal distribution is assumed. That is, in a normal distribution, if one moves 1.96 standard deviations to either side of the mean, 95% of the area under the bell curve that defines the items will be accounted for. The DUS model that the Audit Division software is based on uses the Student's T distribution, not the normal distribution. Unlike the normal distribution, the Student's T distribution produces larger factors when smaller numbers of differences are observed. However, as the number of observed differences increases the two distributions approximate one another. The table concludes that the two are approximately the same at 30 observed differences. However the sample evaluation software determines the T factor using formulas built into the software and takes a slightly more conservative approach. As is pointed out in Messrs. Aigner and Goshtigian's statement, using the factors from the table suggests that the precision of the estimate is somewhat better than noted in the documents.

The Committee also contends that the use of a precision of the estimate of +/- 4% is too imprecise to base a repayment on, or the repayment should be based only on the lower end of the range. The Committee goes on to explain that although precision of the estimate is a matter of policy, using 4% if, for example, the error rate were 2% would render the estimate useless. In the 2%/4% example the range of the estimate would be between something greater than 0% and 6%; greater than 0% since there would some errors in the sample so the population could not be completely devoid of error. But the same is true if the error were 1% and the precision 2%, or the error .5% and the precision 1%. To follow the logic of the response, the lower the error rate in a population, the larger the sample needs to be; that is, the less likely the occurrence of a material error, the more time that should be spent proving that fact. That logic is counterintuitive. For this very reason, precision is set by policy. The Commission decided that it could live with the precision that is used in the matching fund process. Interestingly, the precision of the sample results in the IRS application submitted as part of the response is nearly 5.8%.

To fully understand the question of precision of the sample estimates used in the matching fund process, some history is necessary and a clear understanding of how the sample at issue fits into the matching fund process. When the sample procedure used in the matching fund process was instituted, the precision of the estimates needed to be established. The consultants from Ernst and Whinney felt that 5% would be sufficient. That recommendation was a balance between reasonable accuracy and reasonable sample

02/07/02 09:45:33

sizes. These decisions are by necessity a compromise. Although that degree of possible variation was considered significant, it was known that each candidate would make multiple matching fund requests and that most would be evaluated via sample. Therefore, the sample procedure would be repeated a number of times for each candidate. Since it is equally likely that any given matching fund payment will contain an understatement as it is that it will contain overstatement, it is very likely that over a campaign's matching fund history, both overstatements and understatements will occur. In the end, due to the repetition of the sampling process, the overall result would be a projection that would be more precise than the 5% established for each sample. There was no way to determine mathematically how much better, but it was a near certainty that it would be better than 5%. In subsequent years, the matching fund process changed and each candidate now makes fewer submissions. When that occurred, the Staff determined that it would be appropriate to specify a more stringent precision in recognition of fewer repetitions of the sampling process, and the precision specified was reduced to 4%. As is explained below, the sample analysis at issue is nothing more than another repetition in the overall matching fund sampling process.

The Committee also argues that at most the repayment should be based on the lower end of the sample error range while acknowledging that payouts are based on the mid-point of the sample range and that the Commission is free to make the policy determination on how the payouts will be made. The Committee states:

During the hearing the Audit Staff asked whether it would be more consistent to seek repayment based on the midpoint of the Audit Staff's error estimate rather than the lower bound, since matching funds are paid to committees based on the midpoint (footnote omitted). Such a policy mixes apples and oranges. The purpose for which matching funds are paid is unrelated to the purpose of repayment determinations. In the payout context, the FEC's purpose is to promote congressional intent to publicly finance campaigns. Arguments can be made for using either end of the range of error estimates in the payout context. For example, if the FEC desired to promote congressional intent to the fullest extent possible, the FEC could disburse matching funds based on the lower bound, i.e., payout the greatest possible amount of matching funds.

---

In its response, the Committee submits two sheets that are represented to be an IRS sample determination. In that case, an adjustment \$50,639,343.56 to a population which totaled \$141,018,809.36 is proposed, with a precision of \$8,145,446.23 or nearly 5.8%. The estimate is made using a stratified random sample of items in the population using a Combined Regression estimator. The reliability of the estimate is 95% one sided. That is, they were 95% certain that the misstatement was at least \$50,639,343.56 (point estimate of \$58,784,790.04 less the precision of \$8,145,446.23). Since the analysis is one-sided, it makes no comment about how large the misstatement could be. The sample size appears to have been 150 at most. No explanation of the purpose of the sample or the policy decisions that went into the determination to use the lower end of the range is given. In general terms, the Audit Division's analysis in the Buchanan case is more rigorous.

Attachment     R      
Page     5     of     7    

1984-03-20-22

In the repayment context, in contrast, the FEC's purpose is completely different. The FEC is taking away money to which a campaign initially was entitled. Taking away money is a corrective measure that requires that the FEC demonstrate error on the part of the campaign. As explained above, where the FEC cannot demonstrate error with an acceptable degree of precision and reliability, use of the lower bound of the error estimate is warranted.

First, each time an amount is withheld from a matching fund request based on the midpoint of a sample estimation, the process is very similar to the situation at hand. Money is withheld in one case and recovered for the same reasons in the other using the same analytical tools. Rather than apples and oranges, at best, the apt analogy is between two varieties of apples and varieties of red apples at that. The Committee also misstates the purpose of the analysis. It is not to "take away money to which a campaign initially was entitled", rather as the regulatory sections cited in the analysis suggests (11 CFR §9038.2 (b)(1) Payments in excess of entitlement), it is to recapture funds to which the Committee was never entitled. Had the information now available been available at the time of the initial review of the matching fund submissions, the sample error rates in the affected submissions would have been higher and the reduction to the amount requested, based on the midpoint of the sample error range, would have been greater. The current analysis is simply an extension of that process, and in order to approximate the results of the regular submission process, the estimate is based on the midpoint of the error range.

Second, as part of the overall sample analysis of matching funds requested and paid to the Committee, the current analysis is included in the sample repetition that assures that the total amount paid to Committee is understated or overstated by less than 4%. Therefore, although any given calculation of non-matchable amounts, including the one at issue, could be overstated or understated by as much as 4%, the total paid to the Committee is overstated or understated by a lesser percentage.

### **The Survey Process and Identification of Sample Errors**

Mr. Duffy concludes that the survey process was unfair and unreliable. Therefore at least 2 of the 31 errors (Carlita Brown and Frederick Fox) which he states, were established solely by means of telephone surveys should not be counted as errors. The Audit staff is not persuaded by the Counsel's argument. Mr. Duffy also stated that two other errors for which a written response was received (Anna Newton and Sheila Thomsen) should not be counted as errors. These errors have already been addressed in your Agenda Document No. 00-23, Oral Hearing - Buchanan for President, Inc. (LRA #512), dated February 22, 2000. However, additional clarification is necessary with respect to the David A. Thomsen sample exception. The Committee stated "There is no evidence of a reattribution to her son other than the Staff's notation of the 'telephone contact'." The Committee is mistaken. Evidence exists in the form of additional documentation included with the Committee's submission for matching funds. The documentation consists of a statement signed by David A. Thomsen, (Occupation,

Attachment     R      
Page     6     of     7    

2025.03.03.005.4255

student) that \$1,000 of the contribution (identified as a \$1,000 check #1148 received from Sheila Thomsen) represents his personal funds and that he maintains equitable ownership of the account. The statement is also signed by Sheila M. Thomsen. The survey results indicate that the amount should have been reattributed to Sheila Thomsen's spouse, David J. Thomsen. A follow-up telephone call to Sheila Thomsen clarified that the reattribution in question was to her son David A. Thomsen and that she and her son do not have a joint account. Furthermore, the Audit staff understands that David J. Thomsen was contacted and indicated that he, not Sheila Thomsen, filled out the survey form. Therefore the Audit staff concludes that the reattribution is an error.

Finally, the Committee states that 9 errors should not be counted as such because the Audit staff has erroneously defined "errors" as "reattributions by a contributor to a person who 'did not have the right to withdraw funds from the contributor's bank accounts'. The issue of ownership of the funds used to make reattributions was dealt with in the Notice of Repayment Determination, dated July 23, 1999.

### Commission's Guideline for Presentation in Good Order

In the oral hearing there was some discussion about the Commission's Guideline for Presentation in Good Order (Guideline) possibly being more lenient than the regulations with regard to matching reattributed contributions.<sup>1</sup> There is nothing in the Guideline that specifically states or indicates a rule for attributions or reattributions. Rather, the Guideline at Chapter V, "Standard Exception Codes for Review of Submissions", addresses exceptions to the matchability requirements found at 11 CFR §9034.2. Problems with reattributed contributions submitted for matching would be addressed in the Guideline's Exception Codes D, G-2 and G-3. Exception Code D, Signature Discrepancies On Personal Accounts discusses signature discrepancies when the written instrument is signed by someone other than the account holder or signed by an individual not identified as an account holder or not signed by the individual to whom the contribution has been attributed. Exception Codes G-2 and G-3 discuss problems with written instruments which do not support the contribution for which a matching amount is requested or cannot be associated with the listed contributor. Appendices 17 — 19 and 21 provide examples of the additional documentation required to establish the matchability of these contributions. In each case, in either the description of the exception code or in the related appendix, there is an indication that the listed contributor is an account holder of the account on which the written instrument is drawn.

This comports with the regulations at 11 CFR §9034.2(c)(1) which speaks to checks drawn on joint checking accounts.

If you have any questions, please contact Gary Hache or Wanda Thomas.

<sup>1</sup> Transcript of March 1, 2000 Oral Hearing, p. 52.

DAVID J. THOMSEN  
SHEILA M. THOMSEN  
13 BLUE CANINES 770-1726  
NEWPORT BEACH, CA 92660

1588303

1148

5 26 19 96

6-24-200

Pay to the  
order of

*Rushman for President*

\$ 1000.00

*One thousand*

Dollars

UNION BANK  
MARSH VILLAGE  
1000 SAN MIGUEL DRIVE  
NEWPORT BEACH, CA 92660

For ... *cash* *Herz*

*Sheila M. Thomsen*

⑆ 0 2 2000496⑆ 0711262832⑆ 1148

02.07.025.4257



Concerning the contribution of \$1000.00, check #1148, deposited into Buchanan For President on 4/11/96, I verify that

\$0.00 of the above mentioned contribution represents my personal funds and my personal contribution to Buchanan For President, and that I maintain equitable ownership of the account.

Signature Sheila M. Thomsen Date 6-6-96  
Sheila M. Thomsen

Occupation Housewife Employer Husband

\$1000.00 of the above mentioned contribution represents my personal funds and my personal contribution to Buchanan For President, and that I maintain equitable ownership of the account.

Signature David Arthur Thomsen Date June 6, 1996  
David Arthur Thomsen

Occupation Student Employer \_\_\_\_\_

If the above statement is not true, please so note.

Batch/Seq 15883-03

JUN 09 1996

Attachment S  
Page 2 of 3

22 "07" 025 "4255

Concerning the contribution of \$100.00, check #1020, deposited into Buchanan For President on 2-16-96, I verify that:

\$0.00 of the above mentioned contribution represents my personal funds and my personal contribution to Buchanan For President, and that I maintain equitable ownership of the account.

Signature Sheila M Thomsen Date 3-4-96  
Sheila M. Thomsen

Occupation Housewife Employer -

\$100.00 of the above mentioned contribution represents my personal funds and my personal contribution to Buchanan For President, and that I maintain equitable ownership of the account.

Signature David Thomsen Date 3-20-96  
David Thomsen

Occupation Trainer Employer FRT

If the above statement is not true, please so note.

Batch Seq 14299-30

MAR 23 1996

Attachment 5  
Page 3 of 3

02 "07" 025 "4259

QUESTIONNAIRE

J.D. Brown - LRA #512

The attached documents reviewed by the Federal Election Commission indicate that you made the following contributions to Buchanan for President, Inc. (the "Committee") during the 1996 presidential primary election campaign, and that all or a portion of these contributions were reattributed to the individual listed below:

Date	Amount
03/20/95	\$100.00
06/02/95	\$25.00
06/30/95	\$100.00
08/24/95	\$25.00
09/01/95	\$100.00
09/25/95	\$200.00
02/05/96	\$100.00
02/20/96	\$100.00
03/23/96	\$200.00
04/11/96	\$100.00
04/29/96	\$100.00

Please answer the questions by checking the appropriate box:

- 1. I made the contributions listed above.

YES	NO
<input checked="" type="checkbox"/>	<input type="checkbox"/>

If your answer is no, please list your contributions below by date and amount.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- 2. The contributions were made by checks drawn on an escrow or trust account.

YES	NO
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Attachment   T    
Page   1   of   20  

22 "07" 025 "4260

3. I reattributed the following amount of my contributions to the following individual on the following date:

Name	Amount	Date	Yes	No
Patrick Brown	\$100.00	05/12/96	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If any of the above information is incorrect, please note corrections.

4. Please provide the current mailing address for Patrick Brown.

400 WINTON AVENUE  
PENSACOLA, FLORIDA 32507

Patrick Brown had the right to withdraw funds from any of your bank accounts.

YES	NO
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Did Patrick Brown give you any money to make the contribution or reattribution?

YES	NO
<input type="checkbox"/>	<input type="checkbox"/>

25 MARCH 1999

TO ANSWER THE ABOVE QUESTION - I WAS NOTIFIED BY THE COMMITTEE OF THE LIMIT AND THE \$100.00 CONTRIBUTION WAS CREDITED TO PATRICK BROWN. I BELIEVED HE HAD SUPPORTED THE CAMPAIGN IN THE PAST AND HE REIMBURSED ME FOR THE \$100.00 -WHICH I THOUGHT WAS THE SIMPLEST WAY OF CLEARING THIS UP.

Attachment T  
Page 2 of 20

007.005.1201

P.S. *Save our Tax Money! You all do not impress with large envelopes!*  
P.S. *Save our Tax Money! You all do not impress with large envelopes!*



FEDERAL ELECTION COMMISSION  
WASHINGTON, DC 20463

July 30, 1998

Kathleen Jeffries  
157 Gillete Street  
Ranchester, WY 82839

RE: LRA #512

Dear Ms. Jeffries:

On July 9, 1998, the Federal Election Commission (the "Commission") sent you the enclosed letter and questionnaire. The Commission requested that you verify information concerning certain contributions made by you to Buchanan for President, Inc., the authorized committee of Patrick J. Buchanan, a candidate for the Republican nomination for President in 1996. The Commission requested that you answer the questionnaire and return it to us within 10 days of receipt.

Although more than 10 days have passed since you should have received our letter, we have received no response from you. Please complete your questionnaire and return it to us no later than August 5, 1998 in the enclosed self-addressed stamped envelope. If you did not receive our original letter or have misplaced the questionnaire, you may use the enclosed copy. If you have already mailed us your questionnaire, thank you for your assistance.

Please contact me or Delbert K. Rigby at (202) 694-1650 or at the Commission's toll free number, 1-800-424-9530, if you have any questions.

Thank you for your cooperation and assistance.

Attachment 1  
Page 3 of 20

Sincerely,

Delaine D. Painter  
Delaine DeWitt Painter  
Attorney

*You'd better quit  
teasing me! Check that  
damn old Clinton  
& his payers  
off election debts  
with government  
subsidies  
& China buy  
stocks with  
royalties  
think!*

*How about those shoes from  
China that spread  
the more! Plus it's  
Bipolar. Mad as hell*

22.07.025.4262

QUESTIONNAIRE

Kathleen Jeffries - LRA #466

Documents reviewed by the Federal Election Commission indicate that you made the following contributions to Buchanan for President, Inc. (the "Committee") during the 1996 presidential primary election campaign, and that all or a portion of these contributions were reattributed to the individuals listed below.

Date	Amount
09/05/95	\$100
11/06/95	\$500
05/13/96	\$1,000
09/17/96	\$600

*I don't remember I am paid to not do your work!*

Please answer the questions by checking the appropriate box:

1. I made the contributions listed above.

YES	NO
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

If your answer is no, please list your contributions below by date and amount.

*W H + W Calver also gave me money to give to this fund.*

2. The contributions were made by checks drawn on an escrow or trust account.

YES	NO
<input type="checkbox"/>	<input type="checkbox"/>

3. I reattributed the following amounts of my contributions to the following individuals on the following dates:

Name	Amount	Date	Yes	No
Willard Jeffries	\$1,000	06/07/96	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Calvin Jeffries	\$300	10/11/96	<input checked="" type="checkbox"/>	<input type="checkbox"/>

*I think you must have kept records*

If any of the above information is incorrect, please note corrections.

22.07.025.4263

List any other individual to whom you reattributed any portion of any contribution and the amount and date of the reattribution.

Name \_\_\_\_\_  
Address \_\_\_\_\_  
Reattribution Date \_\_\_\_\_  
Amount Reattributed \_\_\_\_\_

4. Please provide the current mailing address for Willard Jeffries.

~~No homes + goes - sometimes  
he's here + I sometimes he's~~

Willard Jeffries had the right to withdraw funds from any of your bank accounts.

YES	NO
	<input checked="" type="checkbox"/>

Did Willard Jeffries give you any money to make the contribution or reattribution?

YES	NO
<input checked="" type="checkbox"/>	

5. Please provide the current mailing address for Calvin Jeffries.

~~I don't know it - he's moved since I've  
written him! He works here!~~

Calvin Jeffries had the right to withdraw funds from any of your bank accounts.

YES	NO
	<input checked="" type="checkbox"/>

Did Calvin Jeffries give you any money to make the contribution or reattribution?

YES	NO
<input checked="" type="checkbox"/>	

Attachment   T  

Page   5   of   20  

at other places.

22 "07" 025 4264

MAR 15 3 34 PM '99

QUESTIONNAIRE

Owen A. Jones - LRA #512

The attached documents reviewed by the Federal Election Commission indicate that you made the following contributions to Buchanan for President, Inc. (the "Committee") during the 1996 presidential primary election campaign, and that all or a portion of these contributions were reattributed to the individual listed below.

Date	Amount
03/10/95	\$1,000
07/27/95	\$1,000

Please answer the questions by checking the appropriate box:

- I made the contributions listed above.

YES	NO
<input checked="" type="checkbox"/>	<input type="checkbox"/>

If your answer is no, please list your contributions below by date and amount.

---



---



---

- The contributions were made by checks drawn on an escrow or trust account.

YES	NO
<input type="checkbox"/>	<input checked="" type="checkbox"/>

- I reattributed the following amount of my contributions to the following individual on the following date:

Name	Amount	Date	Yes	No
Augusta Jones	\$250	09/12/95	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If any of the above information is incorrect, please note corrections.



4. Please provide the current mailing address for Augusta Jones.

120 Chesterfield St S.W  
Atlanta, SE. 29801

Augusta Jones had the right to withdraw funds from any of your bank accounts.

YES	NO
	<input checked="" type="checkbox"/>

Did Augusta Jones give you any money to make the contribution or reattribution?

YES	NO
<input checked="" type="checkbox"/>	

RE: 03-025-4266

Handwritten notes at the top right of the page.

QUESTIONNAIRE

Dennis McCoy - LRA #466

Documents reviewed by the Federal Election Commission indicate that you made the following contributions to Buchanan for President, Inc. (the "Committee") during the 1996 presidential primary election campaign, and that all or a portion of these contributions were reattributed to the individual listed below.

Date	Amount
02/09/96	\$200
03/29/96	\$200
05/09/96	\$200

Please answer the questions by checking the appropriate box:

1. I made the contributions listed above.

YES	NO
X	

If your answer is no, please list your contributions below by date and amount.

---



---



---

2. The contributions were made by checks drawn on an escrow or trust account.

YES	NO
X	Y

3. I reattributed the following amounts of my contributions to the following individual on the following date:

Name	Amount	Date	Yes	No
Michael McCoy	\$200	06/26/96	X	

If any of the above information is incorrect, please note corrections.

22-07-025-4267

List any other individual to whom you reattributed any portion of any contribution and the amount and date of the reattribution.

Name \_\_\_\_\_  
Address \_\_\_\_\_  
Reattribution Date \_\_\_\_\_  
Amount Reattributed \_\_\_\_\_

4. Please provide the current mailing address for Michael McCoy.

\_\_\_\_\_  
\_\_\_\_\_

Michael McCoy had the right to withdraw funds from any of your bank accounts.

YES	NO
	X

Did Michael McCoy give you any money to make the contribution or reattribution?

YES	NO
X	

02 07 05 4253

QUESTIONNAIRE

Kimberly S. Harbaugh - LRA #512

The attached documents reviewed by the Federal Election Commission indicate that you made the following contribution to Buchanan for President, Inc. (the "Committee") during the 1996 presidential primary election campaign, and that all or a portion of this contribution was reattributed to the individual listed below.

Date	Amount
02/28/96	\$1,000

Please answer the questions by checking the appropriate box:

1. I made the contribution listed above.

YES	NO
<input checked="" type="checkbox"/>	<input type="checkbox"/>

If your answer is no, please list your contributions below by date and amount.

---



---



---

2. The contribution was made by a check drawn on an escrow or trust account.

YES	NO
<input type="checkbox"/>	<input checked="" type="checkbox"/>

3. I reattributed the following amount of my contribution to the following individual on the following date:

Name	Amount	Date	Yes	No
Joseph Phillips	\$250	04/27/96	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If any of the above information is incorrect, please note corrections.

2007-02-25 14:26:09

4. Please provide the current mailing address for Joseph Phillips.

One Medical Center Drive

Lebanon NH 03756

Joseph Phillips had the right to withdraw funds from any of your bank accounts.     

YES	NO
	X

Did Joseph Phillips give you any money to make the contribution or reattribution?

YES	NO
X	

22.07.025.4270

**QUESTIONNAIRE**

**David K. Shefrin - LRA #512**

The attached documents reviewed by the Federal Election Commission indicate that you made the following contributions to Buchanan for President, Inc. (the "Committee") during the 1996 presidential primary election campaign, and that all or a portion of these contributions were reattributed to the individual listed below.

Date	Amount
11/01/95	\$350
02/27/96	\$1,700

Please answer the questions by checking the appropriate box:

1. I made the contributions listed above.

YES	NO
<input checked="" type="checkbox"/>	<input type="checkbox"/>

If your answer is no, please list your contributions below by date and amount.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. The contributions were made by checks drawn on an escrow or trust account.

YES	NO
<input type="checkbox"/>	<input checked="" type="checkbox"/>

3. I reattributed the following amount of my contributions to the following individual on the following date:

Name	Amount	Date	Yes	No
Michael Shefrin	\$1,000	03/24/96	<input type="checkbox"/>	<input type="checkbox"/>

If any of the above information is incorrect, please note corrections.

Attachment     T    

Page   12   of   20  

124520.70.22

4. Please provide the current mailing address for Michael Shefrin.

960 NW Burnside  
Portland 97229

Michael Shefrin had the right to withdraw funds from any of your bank accounts.

YES	NO
	/

Did Michael Shefrin give you any money to make the contribution or retribution?

YES	NO
/	

22.07.025.4272

QUESTIONNAIRE

Patricia Cordova - LRA #512

MAR 15 3 36 PM '99

The attached documents reviewed by the Federal Election Commission indicate that you made the following contribution to Buchanan for President, Inc. (the "Committee") during the 1996 presidential primary election campaign, and that all or a portion of this contribution was reattributed to the individual listed below:

Date	Amount
05/08/95	\$1,000.00

Please answer the questions by checking the appropriate box:

- I made the contribution listed above.

YES	NO
	<input checked="" type="checkbox"/>

If your answer is no, please list your contributions below by date and amount:

\$250.00 - 5-4-95  
 \_\_\_\_\_  
 \_\_\_\_\_

- The contribution was made by a check drawn on an escrow or trust account.

YES	NO
	<input checked="" type="checkbox"/>

Attachment T  
 Page 14 of 21

- I reattributed the following amount of my contribution to the following individual on the following date:

Name	Amount	Date	Yes	No
Patricia Silva	\$250.00	03/28/95		<input checked="" type="checkbox"/>

If any of the above information is incorrect, please note corrections.

I'm not sure exactly what you are looking for here. - my two sisters (TRACEY FITZPATRICK and Sharon Jales), my mother (PATRICIA SILVA) and I each put -250.00 in for the contribution to PAT Buchanan for president. I wrote the check from my account to MAKE IT EASIER (I THOUGHT!), Patricia Cordova

22-07-025-4273



4. Please provide the current mailing address for Patricia Silva.

415 Lynnfield St  
Lynn, Ma 01904

Patricia Silva had the right to withdraw funds from any of your bank accounts.

YES	NO
	<input checked="" type="checkbox"/>

Did Patricia Silva give you any money to make the contribution or reattribution?

YES	NO
<input checked="" type="checkbox"/>	

22.07.025.4274

Attachment   T  

Page   15   of   20

QUESTIONNAIRE

Barbara L. Watkins - LRA #466

Jul 21 5 13 11 '98

Documents reviewed by the Federal Election Commission indicate that you made the following contributions to Buchanan for President, Inc. (the "Committee") during the 1996 presidential primary election campaign, and that all or a portion of these contributions were reattributed to the individuals listed below.

Date	Amount
06/15/95	\$1,000
08/21/95	\$25
04/22/96	\$100
06/11/96	\$100
07/16/96	\$100
09/23/96	\$100

Please answer the questions by checking the appropriate box:

1. I made the contributions listed above.

YES	NO
X	

If your answer is no, please list your contributions below by date and amount.

---



---



---

2. The contributions were made by checks drawn on an escrow or trust account.

YES	NO
	X

3. I reattributed the following amounts of my contributions to the following individuals on the following dates:

Name	Amount	Date	Yes	No
Patrick Watkins	\$250	07/07/95	X	
William Watkins	\$250	07/07/95	X	
David Watkins	\$250	08/08/95	X	

Attachment   T  

Page   16   of   20  

EE 07 025 4275

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF THE GENERAL

MAR 18

3:29 PM '99

Please provide the current mailing address for William Watkins.

11236 ROSEWOOD  
LEAWOOD KANSAS 66211

William Watkins had the right to withdraw funds from any of your bank accounts.

YES	NO
	X

Did William Watkins give you any money to make the contribution or reattribution?

YES	NO
X	

EE 03 025 4276

QUESTIONNAIRE

Frank Siclari - LRA #466

JUL 21 3 57 PM '98

Documents reviewed by the Federal Election Commission indicate that you made the following contributions to Buchanan for President, Inc. (the "Committee") during the 1996 presidential primary election campaign, and that all or a portion of these contributions were reattributed to the individuals listed below.

Date	Amount
04/17/95	\$50
06/19/95	\$50
08/04/95	\$50
09/20/95	\$75
10/17/95	\$25
11/22/95	\$100
12/13/95	\$25
12/19/95	\$50
12/29/95	\$50
01/22/96	\$50
02/16/96	\$100
02/28/96	\$100
03/09/96	\$100
03/27/96	\$75
04/24/96	\$50
05/08/96	\$50
06/07/96	\$50
08/05/96	\$50

22.07.025.4277

Please answer the questions by checking the appropriate box:

- I made the contributions listed above.

YES	NO
<input checked="" type="checkbox"/>	<input type="checkbox"/>

If your answer is no, please list your contributions below by date and amount.

---



---



---

2. The contributions were made by checks drawn on an escrow or trust account.

YES	NO

3. I reattributed the following amounts of my contributions to the following individuals on the following dates:

Name	Amount	Date	Yes	No
Ann Zarembo	\$50	07/04/96	<input checked="" type="checkbox"/>	
Mary Anne Messina	\$50	07/14/96	<input checked="" type="checkbox"/>	

If any of the above information is incorrect, please note corrections.

List any other individual to whom you reattributed any portion of any contribution and the amount and date of the reattribution.

Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 Reattribution Date \_\_\_\_\_  
 Amount Reattributed \_\_\_\_\_

4. Please provide the current mailing address for Ann Zarembo.

10 TWOMBLY AVE.  
S.F. N.Y. 10306

Ann Zarembo had the right to withdraw funds from any of your bank accounts.

YES	NO
	<input checked="" type="checkbox"/>

Did Ann Zarembo give you any money to make the contribution or reattribution?

YES	NO
<input checked="" type="checkbox"/>	

5. Please provide the current mailing address for Mary Anne Messina.

10 TWOMBLY AVE.  
S.F. N.Y. 10306

EE 07 025 4278

Mary Anne Messina had the right to withdraw funds from any of your bank accounts.

YES	NO
<input checked="" type="checkbox"/>	<input type="checkbox"/>

Did Mary Anne Messina give you any money to make the contribution or reattribution?

YES	NO
<input checked="" type="checkbox"/>	<input type="checkbox"/>

22.07.025.4279

QUESTIONNAIRE

Anna L. Newton - LRA #466

Documents reviewed by the Federal Election Commission indicate that you made the following contributions to Buchanan for President, Inc. (the "Committee") during the 1996 presidential primary election campaign, and that all or a portion of these contributions were reattributed to the individuals listed below.

Date	Amount
03/07/95	\$296
05/24/95	\$50
06/21/95	\$150
06/21/95	\$100
07/14/95	\$100
09/03/95	\$296
11/24/95	\$300
05/28/96	\$100

Please answer the questions by checking the appropriate box:

1. I made the contributions listed above.

YES	NO
	X

If your answer is no, please list your contributions below by date and amount.

Half of these were made by James Newton + half by Anna Newton

2. The contributions were made by checks drawn on an escrow or trust account.

YES	NO
	X

Attachment U  
Page 1 of 3

3. reattributed <sup>meaning?</sup> the following amounts of my contributions to the following individuals on the following dates:

Name	Amount	Date	Yes	No
James Newton	\$300	12/29/95	N/A	N/A
Andrew Newton	\$100	07/03/96	N/A	N/A

If any of the above information is incorrect, please note corrections.

List any other individual to whom you reattributed any portion of any contribution and the amount and date of the reattribution.

Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 Reattribution Date \_\_\_\_\_  
 Amount Reattributed \_\_\_\_\_

4. Please provide the current mailing address for James Newton.

123 ALAMEDA AVE  
FT. MYERS FL 33905

James Newton had the right to withdraw funds from any of your bank accounts.

YES	NO
X	

Did James Newton give you any money to make the contribution or reattribution?

YES	NO
	X

5. Please provide the current mailing address for Andrew Newton.

2136 SUNRISE BLVD.  
FT. MYERS FL 33907

Andrew Newton had the right to withdraw funds from any of your bank accounts.

YES	NO
	X

02.07.025.4281



Did Andrew Newton give you any money to make the contribution or reattribution?

*I don't remember*  
*meeting*

YES	NO

22.07.025.422

# QUESTIONNAIRE

Catherine Radecki - LRA #466

Documents reviewed by the Federal Election Commission indicate that you made the following contributions to Buchanan for President, Inc. (the "Committee") during the 1996 presidential primary election campaign, and that all or a portion of these contributions were reattributed to the individuals listed below.

Date	Amount
07/11/95	\$25
09/14/95	\$38
11/15/95	\$20
01/30/96	\$25
02/19/96	\$1,000
03/12/96	\$25

Please answer the questions by checking the appropriate box:

1. I made the contributions listed above.

YES	NO
✓	

If your answer is no, please list your contributions below by date and amount.

---



---



---

2. The contributions were made by checks drawn on an escrow or trust account.

*my bank*

YES	NO
X	

3. I reattributed the following amounts of my contributions to the following individuals on the following date:

Name	Amount	Date	Yes	No
Jean McMahon	\$250	03/25/96		X
Mary Strain	\$250	03/25/96		X
Cornelius Strain	\$250	03/25/96		X

Attachment ✓  
Page 1 of 3

22.07.025.4283

If any of the above information is incorrect, please note corrections.

List any other individual to whom you reattributed any portion of any contribution and the amount and date of the reattribution.

Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 Reattribution Date \_\_\_\_\_  
 Amount Reattributed \_\_\_\_\_

4. Please provide the current mailing address for Jean McMahon.

106 Bayview  
Washington, N.J. 07743

Jean McMahon had the right to withdraw funds from any of your bank accounts.

YES	NO
	X

Did Jean McMahon give you any money to make the contribution or reattribution?

YES	NO
	X

5. Please provide the current mailing address for Mary Strain.

13705 71. Church Rd.  
Rathdrum, Idaho 83855

Mary Strain had the right to withdraw funds from any of your bank accounts.

YES	NO
	X

Did Mary Strain give you any money to make the contribution or reattribution?

YES	NO
	X

6. Please provide the current mailing address for Cornelius Strain.

13705 71. Church Rd.  
Rathdrum, Idaho 83855

4824 520 20 22

Cornelius Strain had the right to withdraw funds from any of your bank accounts.

YES	NO
	X

Did Cornelius Strain give you any money to make the contribution or reattribution?

YES	NO
	X

22.07.025.4285

**QUESTIONNAIRE**

James A. Pettit, Jr. - LRA #466

Documents reviewed by the Federal Election Commission indicate that you made the following contributions to Buchanan for President, Inc. (the "Committee") during the 1996 presidential primary election campaign, and that all or a portion of these contributions were reattributed to the individuals listed below.

Date	Amount
05/19/95	\$50
08/30/95	\$900
09/20/95	\$100
05/28/96	\$200

Please answer the questions by checking the appropriate box:

1. I made the contributions listed above.

YES	NO
<input checked="" type="checkbox"/>	<input type="checkbox"/>

If your answer is no, please list your contributions below by date and amount.

---



---



---

2. The contributions were made by checks drawn on an escrow or trust account.

YES	NO
<input type="checkbox"/>	<input checked="" type="checkbox"/>

3. I reattributed the following amounts of my contributions to the following individuals on the following date:

Name	Amount	Date	Yes	No
Julia Pettit	\$200	09/12/95	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Emily Pettit	\$250	09/12/95	<input checked="" type="checkbox"/>	<input type="checkbox"/>
James Doscher	\$250	09/12/95	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If any of the above information is incorrect, please note corrections.

Attachment W  
Page 1 of 3

2025.07.02 09:42:06

List any other individual to whom you reattributed any portion of any contribution and the amount and date of the reattribution.

Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 Reattribution Date \_\_\_\_\_  
 Amount Reattributed \_\_\_\_\_

4. Please provide the current mailing address for Julia Pettit.

Julia Pettit had the right to withdraw funds from any of your bank accounts.

MISS JULIA ANN PETTIT  
 97-30 108 Street  
 RICHMOND HILL, N.Y. 11419

YES	NO
	X

Did Julia Pettit give you any money to make the contribution or reattribution?

YES	NO
	X

5. Please provide the current mailing address for Emily Pettit.

MISS EMILY JANE PETTIT  
 97-30 108 Street  
 RICHMOND HILL, N.Y. 11419

Emily Pettit had the right to withdraw funds from any of your bank accounts.

YES	NO

Did Emily Pettit give you any money to make the contribution or reattribution?

YES	NO
	X

6. Please provide the current mailing address for James Doscher.

\_\_\_\_\_

MR. JAMES DOSCHER  
 9750 108th St.  
 RICHMOND HILL, NY 11419

Attachment W  
 Page 2 of 3

22, 07, 025, 4297

James Doscher had the right to withdraw funds from any of your bank accounts.

YES	NO
	<input checked="" type="checkbox"/>

Did James Doscher give you any money to make the contribution or reattribution?

YES	NO
	<input checked="" type="checkbox"/>

22.07.025.4298

QUESTIONNAIRE

John W. Kremer - LRA #466

JUL 20 8 11 AM '96

Documents reviewed by the Federal Election Commission indicate that you made the following contributions to Buchanan for President, Inc. (the "Committee") during the 1996 presidential primary election campaign, and that all or a portion of these contributions were reattributed to the individuals listed below.

Date	Amount
03/31/95	\$30
06/30/95	\$25
08/14/95	\$30
09/26/95	\$50
11/17/95	\$75
01/15/96	\$50
02/09/96	\$50
02/17/96	\$112
03/05/96	\$100
03/23/96	\$110
04/25/96	\$115
05/13/96	\$50
07/08/96	\$115
08/06/96	\$100

Please answer the questions by checking the appropriate box:

- I made the contributions listed above.

YES	NO
X	

If your answer is no, please list your contributions below by date and amount.

---



---



---

- The contributions were made by checks drawn on an escrow or trust account.

YES	NO
	X

Attachment X  
Page 1 of 2

22.07.025.4289



3. I reattributed the following amounts of my contributions to the following individual on the following dates:

Name	Amount	Date	Yes	No
David Kremer	\$115	09/03/96		X
David Kremer	\$100	09/26/96		X

If any of the above information is incorrect, please note corrections.

List any other individual to whom you reattributed any portion of any contribution and the amount and date of the reattribution.

Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 Reattribution Date \_\_\_\_\_  
 Amount Reattributed \_\_\_\_\_

4. Please provide the current mailing address for David Kremer. ?

David Kremer had the right to withdraw funds from any of your bank accounts.

YES	NO
	X

Did David Kremer give you any money to make the contribution or reattributions?

YES	NO
	X

09 07 025 1290

QUESTIONNAIRE

Shelia M. Thomsen - LRA #466

Documents reviewed by the Federal Election Commission indicate that you made the following contributions to Buchanan for President, Inc. (the "Committee") during the 1996 presidential primary election campaign, and that all or a portion of these contributions were reattributed to the individuals listed below.

Date	Amount
01/30/95	\$20
03/17/95	\$250
06/27/95	\$200
08/21/95	\$50
10/23/95	\$50
11/02/95	\$25
11/17/95	\$400
01/22/96	\$100
01/31/96	\$50
02/16/96	\$100
04/11/96	\$1,000
09/13/96	\$75

*Handwritten notes:*  
 All ✓'s  
 written off DJT  
 + SMT  
 Union-Bank  
 Account  
 # 071262832

Please answer the questions by checking the appropriate box:

1. I made the contributions listed above.

YES	NO
<input checked="" type="checkbox"/>	<input type="checkbox"/>

If your answer is no, please list your contributions below by date and amount.

---



---



---

2. The contributions were made by checks drawn on an escrow or trust account.

YES	NO
<input type="checkbox"/>	<input checked="" type="checkbox"/>

*Handwritten signature:* Sheila M. Thomsen 7/13/98

Attachment Y  
 Page 1 of 3

1624 530 70 22

3. I reattributed the following amounts of my contributions to the following individuals on the following dates:

Name	Amount	Date	Yes	No
David J. Thomsen	\$100	03/20/96		
David A. Thomsen	\$1,000	06/06/96		

*TYPE*

If any of the above information is incorrect, please note corrections.

List any other individual to whom you reattributed any portion of any contribution and the amount and date of the reattribution.

Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 Reattribution Date \_\_\_\_\_  
 Amount Reattributed \_\_\_\_\_

4. Please provide the current mailing address for David J. Thomsen.

\_\_\_\_\_  
 \_\_\_\_\_ *SAME* \_\_\_\_\_  
 \_\_\_\_\_

David J. Thomsen had the right to withdraw funds from any of your bank accounts.

YES	NO
<input checked="" type="checkbox"/>	<input type="checkbox"/>

*HUSBAND WIFE*

Did David J. Thomsen give you any money to make the contribution or reattribution?

YES	NO
<input checked="" type="checkbox"/>	<input type="checkbox"/>

5. Please provide the current mailing address for David A. Thomsen.

\_\_\_\_\_  
 \_\_\_\_\_ *TYPE* \_\_\_\_\_  
 \_\_\_\_\_

David A. Thomsen had the right to withdraw funds from any of your bank accounts.

YES	NO
<input checked="" type="checkbox"/>	<input type="checkbox"/>

22.07.025.4292

Did David A. Thomson give you any money to make the contribution or reattribution?

YES	NO

22.07.025.4293

Attachment 4  
Page 3 of 3

QUESTIONNAIRE

Alyssa D. Humphreys - LRA #466

Documents reviewed by the Federal Election Commission indicate that you made the following contributions to Buchanan for President, Inc. (the "Committee") during the 1996 presidential primary election campaign, and that all or a portion of these contributions were reattributed to the individuals listed below.

Date	Amount
05/25/95	\$100
08/24/95	\$200
09/21/95	\$200
11/24/95	\$400
03/15/96	\$100
04/19/96	\$300

Please answer the questions by checking the appropriate box:

1. *We* made the contributions listed above. *and below.*

YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
---	-----------------------------

If your answer is no, please list your contributions below by date and amount.

---



---



---

2. The contributions were made by checks drawn on an escrow or trust account.

YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
------------------------------	--

3. I reattributed the following amounts of my contributions to the following individuals on the following dates:

Name	Amount	Date	Yes	No
Danny Humphreys	\$50.00	5/14/96	<input type="checkbox"/>	<input type="checkbox"/>
Stuart Humphreys	\$250	06/06/96 5/01/96	<input type="checkbox"/>	<input type="checkbox"/>

Please provide the date of the \$50 reattribution to Danny Humphreys.

2025-07-02 14:29:44

If any of the above information is incorrect, please note corrections.

List any other individual to whom you reattributed any portion of any contribution and the amount and date of the reattribution.

Name \_\_\_\_\_  
 Address \_\_\_\_\_ No ONE ELSE  
 Reattribution Date \_\_\_\_\_  
 Amount Reattributed \_\_\_\_\_

4. Please provide the current mailing address for Danny Humphreys.

\_\_\_\_\_ 387 Augusta Dr  
 \_\_\_\_\_ Abingdon, VA 24211

Danny Humphreys had the right to withdraw funds from any of your bank accounts.

YES	NO
<input checked="" type="checkbox"/>	<input type="checkbox"/>

Danny is my husband & he has his name on our checking acct. We both write checks from this.

Did Danny Humphreys give you any money to make the contribution or reattribution?

\_\_\_\_\_ Don't really understand this question, he did not personally hand me cash.  
 \_\_\_\_\_ YES \_\_\_\_\_ NO  
 \_\_\_\_\_  \_\_\_\_\_

5. Please provide the current mailing address for Stuart Humphreys.

\_\_\_\_\_ 387 Augusta Dr  
 \_\_\_\_\_ Abingdon, VA

Stuart Humphreys had the right to withdraw funds from any of your bank accounts.

YES	NO
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Stuart is 7 years old

Did Stuart Humphreys give you any money to make the contribution or reattribution?

\_\_\_\_\_ Attachment 2  
 \_\_\_\_\_ YES \_\_\_\_\_ NO  
 \_\_\_\_\_  \_\_\_\_\_

Page 2 of 2

Whenever the phone solicitor was for this probably suggested we put part of a contribution in Stuart's name. Because I do not have checks to verify all of this, I am answering to the best of my ability. If you add all of the top box 1,500 and if the bottom boxes were additional amounts - it would come to possibly 1,600. If you are allowed to give up to 1,000 each...

02.07.025.4296