




FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 15, 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  
DENNIS NEWINSKI FOR CONGRESS

Attached please find a copy of the final audit report on Dennis Newinski For Congress which was approved by the Commission on December 9, 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

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**REPORT OF THE AUDIT DIVISION**  
**ON**  
**Dennis Newinski for Congress**

Approved December 9, 1999



**FEDERAL ELECTION COMMISSION**

**999 E STREET, N.W.**

**WASHINGTON, D.C.**

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RR-07-025-3223

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**DENNIS NEWINSKI FOR CONGRESS**

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**REPORT OF THE AUDIT DIVISION  
ON  
DENNIS NEWINSKI FOR CONGRESS**

**EXECUTIVE SUMMARY**

DNFC registered with the Clerk of the U.S. House of Representatives on February 22, 1994 as the principal campaign committee of Dennis R. Newinski, Republican candidate for the U.S. House of Representatives from the State of Minnesota, 4th District. Mr. Newinski filed a Statement of Candidacy for the 1998 election on June 11, 1997.

The audit was conducted pursuant to Section 438(b), which states that the Commission may conduct audits of any political committee whose reports fail to meet the threshold level of compliance set by the Commission.

The findings of the audit were presented to the DNFC at an exit conference held at the completion of fieldwork on June 3, 1999 and later, in an interim audit report. The DNFC's responses to those findings are included in this final audit report.

The following is an overview of the findings contained in the final audit report.

**Apparent Excessive Contributions** — 2 U.S.C. §441a(a)(1)(A) and (a)(2)(A) DNFC accepted 51 contributions from 36 individuals which exceeded the contribution limits by \$33,075. In addition, to date, DNFC never refunded nor did it report on Schedules D, \$14,775 in refunds payable for excessive contributions accepted during the 1995 - 1996 election cycle.

DNFC also accepted excessive contributions in the amount of \$5,710 from local party committees.

DNFC filed amended Schedules D (debt schedules) which listed all but two excessive contributions.

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**Misstatement of Financial Activity** — 2 U.S.C. §434(b)(1),(2) and (4). DNFC understated its 1998 receipts by a net amount of \$6,455. The majority of the problem stemmed from in-kind contributions not reported and a net underreporting of contributions during the period between 8/27/98 and 11/30/98. Disbursements for 1998 were understated by a net amount of \$4,848. This resulted in large part from an addition error on the *Pre-Primary* report and from *Pre and Post-Primary* disbursements not reported.

The ending cash on hand was misstated due to the errors noted for receipts and disbursement and a math error in the cash summary.

DNFC filed an amended Summary and Detailed Summary page which reported materially corrected numbers.

**Itemization of Contributions from Individuals** — 2 U.S.C. §434(b)(3)(A). DNFC failed to itemize contributions in the amount of \$27,350. The majority of the itemization errors occurred during the fourth quarter of 1998 and appear to be related to contributors who had made multiple contributions.

DNFC filed amended Schedules A which corrected all itemization errors.

**Debts and Obligations** — 2 U.S.C. § 434(b)(8); 11CFR Section 104.11(a) and (b). DNFC failed to itemize obligations totaling \$27,135. This amount was comprised of debt which was current for the 1997 - 1998 election cycle (\$12,380) as well as refundable excessive contributions (\$14,755) made during the 1995 - 1996 election cycle.

DNFC filed amended Schedules D for all 1995 - 1996 refundable excessive contributions (\$14,755), and all but two excessive contributions from the current cycle (\$39,210). DNFC also filed amended Schedules D for debt originally reported but not itemized. DNFC did not file schedules for debt amounting to \$12,380 from the 1997 - 1998 election cycle and dropped a total of \$10,041 which had previously been correctly reported on the 1997 Year-end report.



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

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***REPORT OF THE AUDIT DIVISION  
ON  
DENNIS NEWINSKI FOR CONGRESS***

**I. BACKGROUND**

**A. AUDIT AUTHORITY**

This report is based on an audit of Dennis Newinski for Congress (DNFC), undertaken by the Audit Division of the Federal Election Commission (the Commission) in accordance with the provisions of the Federal Election Campaign Act of 1971, as amended (the Act). The audit was conducted pursuant to Section 438(b) of Title 2 of the United States Code which states, in part, that the Commission may conduct audits and field investigations of any political committee required to file a report under Section 434 of this title. Prior to conducting any audit under this subsection, the Commission shall perform an internal review of reports filed by selected committees to determine if the reports filed by a particular committee meet the threshold requirements for substantial compliance with the Act.

**B. AUDIT COVERAGE**

The audit covered the period from January 1, 1997 through December 31, 1998. DNFC reported a beginning cash balance of \$133<sup>1</sup>; total receipts for the period of \$374,795; total disbursements for the period of \$374,167; and an ending cash balance of \$2,356.<sup>2</sup>

**C. CAMPAIGN ORGANIZATION**

DNFC registered with the Clerk of the U.S. House of Representatives on February 22, 1994 as the principal campaign committee of Dennis R. Newinski, Republican candidate for the U.S. House of Representatives from the State of Minnesota,

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<sup>1</sup> The beginning balance represents funds remaining from the 1995/1996 bid for Congress.

<sup>2</sup> All amounts in this report have been rounded to the nearest dollar. These amounts do not total due to mathematical discrepancies.

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4th District. Mr. Newinski filed a Statement of Candidacy for the 1998 election on June 11, 1997.

The Treasurer of DNFC for the period is Richard C. Reiner. DNFC maintains its headquarters in St. Paul, Minnesota.

To manage its financial activity, DNFC used one bank account and one savings account. Approximately 300 disbursements were made from the bank account. DNFC received about 5,300 contributions from individuals, totaling approximately \$326,127 which represented about 85% of total receipts. In addition, DNFC received about 42 contributions from political action committees and other committees, such as party committees and candidate committees, totaling approximately \$55,123 (or 15% of total receipts).

**D. AUDIT SCOPE AND PROCEDURES**

The audit included testing of the following general categories:

1. The receipt of contributions or loans in excess of the statutory limitations (see Finding II.A.);
2. the receipt of contributions from prohibited sources; such as those from corporations or labor organizations;
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 Committee debts and obligations (see Finding II.D.);
6. the accuracy of total reported receipts, disbursements and cash balances as compared to Committee bank records (see Finding II.B.);
7. adequate recordkeeping of Committee transactions, and;
8. other audit procedures that were deemed necessary in the situation.

Unless specifically discussed below, no material non-compliance was detected. It should be noted that the Commission may pursue any of the matters discussed in this report in an enforcement action.

## II. AUDIT FINDINGS AND RECOMMENDATIONS

### A. APPARENT EXCESSIVE CONTRIBUTIONS

Sections 441a(a)(1)(A) and (a)(2)(A) of Title 2 of the United States Code state, that no person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed \$1,000 and that no multi-candidate political committee shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed \$5,000.

Sections 110.1(b)(5)(i) and (ii) of Title 11 of the Code of Federal Regulations state, in relevant part, that the treasurer of an authorized political committee may request a written redesignation of a contribution by the contributor for a different election if:

- the contribution was designated in writing for a particular election and the contribution, either on its face or when aggregated with other contributions from the same contributor for the same election, exceeds the limitation on contributions set forth in 11 CFR 110.1(b)(1);
- the contribution was designated in writing for a particular election and the contribution was made after that election and the contribution cannot be accepted under the net debts outstanding provisions of 11 CFR 110.1(b)(3);
- the contribution was not designated in writing for a particular election, and the contribution exceeds the limitation on contributions set forth in 11 CFR 110.1(b)(1); or
- the contribution was not designated in writing for a particular election, and the contribution was received after the date of an election for which there are net debts outstanding on the date the contribution is received.

Additionally, a contribution shall be considered to be redesignated for another election if the treasurer of the recipient authorized political committee requests that the contributor provide a written redesignation of the contribution and informs the contributor that the contributor may request the refund of the contribution as an alternative to providing a written redesignation and within sixty days from the date of the treasurer's receipt of the contribution, the contributor provides the treasurer with a written redesignation of the contribution for another election, which is signed by the contributor.

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Section 110.1(k) of Title 11 of the Code of Federal Regulations states, any contribution made by more than one person shall include the signature of each contributor on the check, money order, or other negotiable instrument or in a separate writing. Furthermore, a contribution made by more than one person that does not indicate the amount to be attributed to each contributor shall be attributed equally to each contributor.

If a contribution to a candidate on its face or when aggregated with other contributions from the same contributor exceeds the limitations on contributions set forth in 11 CFR 110.1(b) or (d), as appropriate, the treasurer may ask the contributor whether the contribution was intended to be a joint contribution by more than one person. A contribution shall be considered to be reattributed to another contributor if the treasurer of the recipient political committee asks the contributor whether the contribution is intended to be a joint contribution by more than one person, and informs the contributor that he or she may request a return of the excessive portion of the contribution if it is not intended to be a joint contribution; and within 60 days from the date of the treasurer's receipt of the contribution, the contributors provide a written reattribution of the contribution, which is signed by each contributor, and which indicates the amount to be attributed to each contributor if equal attribution is not intended.

The Audit staff reviewed DNFC's receipts data file, available check copies, deposit tickets and disclosure reports relating to contributions from individuals and identified 51 contributions from 36 individuals which exceeded the contribution limitation by \$33,075. Two excessive amounts totaling \$150 related to the general election. The remaining 49 contributions totaling \$32,925 related to the primary election. Many of these result from the receipt of amounts in excess of the primary election contribution limitation prior to the primary election, with no designation of the excessive amount to the general election. No evidence was found in DNFC's files that any attempt was made to obtain or maintain any written reattribution or redesignation documentation.

DNFC also served as Mr. Newinski's principle campaign committee for his campaign for the same office in the 1996 election and was audited for that election cycle. That audit report was released by the Commission on November 10, 1997. The report contained a finding that 16 individuals made 24 contributions that exceeded the contribution limitations by \$14,775. In the interim audit report it was recommended that absent a showing that the contributions were not in excess of the limitation, refunds be made or that the excessive amounts be reported as debts until funds were available to make the necessary refunds. DNFC's response did not provide such evidence, nor did it refund the contributions or list them on a debt schedule. Six of the contributors who made excessive contributions to the 1996 campaign also made excessive contributions to the 1998 campaign.

The review also identified apparent excessive contributions from state and local party committees and an excessive contribution from one political action committee. DNFC received \$10,710 from various state and local party committees for the Primary election. Of this amount, \$5,710 was excessive. The majority of contributions came from the 4<sup>th</sup> District Republican Committee. DNFC also received

\$2,050 for the general election from the Taxpayer League PAC, a political committee that had not attained multi-candidate status. This resulted in an excessive contribution of \$1,050. The total amount of excessive contributions from committees is \$6,760.

At the Exit Conference DNFC was provided a schedule of the excessive contributions from individuals and was advised that the receipt of excessive contributions was a material problem. The Treasurer stated that he was very surprised at the number of excessive contributors. No other comment was made. Subsequent to the Exit Conference, workpapers were provided to the DNFC listing the excessive party committee contributions and up-dating excessive contributions from individuals.

In the interim audit report the Audit staff recommended that DNFC provide evidence demonstrating that the contributions in question are not excessive. Absent such evidence, it was recommended that DNFC refund \$54,610 (\$39,835 from the 1998 election and \$14,775 from the 1996 election) and provide evidence of such refunds (copies of the front and back of the negotiated refund checks) for review. If funds are not currently available to make the necessary refunds, it was recommended that those contributions requiring refunds be disclosed as debts on Schedule D (Debts and Obligations) until such time that funds become available to make the refunds.

DNFC responded to the Interim Audit report on November 9, 1999, approximately two weeks after its response date of October 29, 1999. It should be noted that the original response date was October 14, 1999, but DNFC requested and received an additional 15 days in which to file its response. The response was comprised of revised debt schedules which listed all but two excessive contributions.

**B. MISSTATEMENT OF FINANCIAL ACTIVITY**

Sections 434(b)(1), (2) and (4) of Title 2 of the United States Code state, in part, that a political committee shall disclose the amount of cash on hand at the beginning of the reporting period and the total amount of all receipts and all disbursements for the reporting period and calendar year.

A reconciliation of DNFC's reported financial activity to amounts reflected in its bank records for calendar years 1997 and 1998 revealed the following misstatements of financial activity for calendar year 1998:

Receipts

For 1998, DNFC's receipts were understated by \$6,455. The components of the misstatement are as follows:

Reported Receipts		\$294,064
Addition Error - Pre-Primary Report	(\$1,311)	
In-kind contribution not reported	2,154	
Bank Error Correction Reported in Receipts - Pre-Primary	( 1,685)	
Net underreported contributions 8/27/98 - 11/30/98	7,274	
Reconciling Item	<u>\$ 23</u>	<u>\$ 6,455</u>
Correct Reportable Receipts		<u>\$300,519</u>

Disbursements

DNFC's reported disbursements were understated a net amount of \$4,848. The components of the misstatement are as follows:

Reported Disbursements		\$324,932
Addition Error - Pre-Primary Report	\$4,249	
In-kind contribution not reported	2,154	
Reported Voided checks	(6,770)	
July Quarterly over-reported amounts	( 340)	
Pre-primary disbursements not reported	3,139	
Post-general disbursements not reported	2,431	
Reconciling Item	( <u>\$15</u> )	<u>\$ 4,848</u>
Correct Reportable Disbursements		<u>\$329,780</u>

Due to the errors noted above and a math error in the cash summary, ending cash on hand was misstated by only \$13. During the Entrance conference the

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Treasurer informed the Audit staff that he had prepared the disclosure reports until around the end of June 1998 and after that time, fundraising personnel had taken over the reporting. He also stated that at the end of 1998, he had reconciled the ending cash on hand total and adjusted the disclosure report so that it would more accurately reflect the true cash balance.

At the Exit conference and subsequent to the end of fieldwork the Treasurer was provided with schedules detailing both the bank activity and the noted adjustments. The Treasurer made no comment on this matter.

In the interim audit report it was recommended that DNFC file comprehensive Summary and Detailed Summary pages for calendar years 1997 and 1998, correcting the misstatements noted above.

DNFC filed amended Summary and Detailed Summary pages listing materially correct reported figures.

### C. ITEMIZATION OF CONTRIBUTIONS FROM INDIVIDUALS

Section 434(b)(3)(A) of Title 2 of the United States Code states that each report filed by a committee, shall disclose the identification of each person (other than a political committee) who makes a contribution 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, or any lesser amount if the reporting committee should so elect, together with the date and amount of any such contribution.

Section 431(13) of Title 2 of the United States Code defines the identification in the case of any individual, as the name, the mailing address, and the occupation of such individual, as well as the name of his or her employer.

The testing of contributions from individuals identified contributions totaling \$27,350 that aggregated in excess of \$200 but were not itemized. Although itemization problems occurred during both 1997 and 1998, many of the problems appeared to be related to the fourth quarter of 1998 and related primarily to contributors that had made multiple contributions.

At the Exit conference, the Treasurer seemed surprised at the number of items which had not been itemized and stated that he felt sure that the contributions named were itemized. The Audit staff noted that all reports and itemized contributions had been reviewed, but urged the Treasurer to review the list and reports for himself.

In the interim audit report it was recommended that DNFC file amended Schedules A, by report period, for calendar years 1997 and 1998 to correct the itemization errors noted above.

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DNFC filed comprehensive amended Schedules A that corrected all of the itemization errors noted above, although not all the required contributor information was disclosed on the schedules.

#### D. REPORTING AND DISCLOSURE OF DEBTS AND OBLIGATIONS

Section 434(b)(8) of Title 2 of the United States Code states, in part, that each report filed under this section shall disclose the amount and nature of outstanding debts and obligations owed by a political committee.

Sections 104.11(a) and (b) of Title 11 of the Code of Federal Regulations state, in part, that debts and obligations owed by or to a political committee which remain outstanding shall be continuously reported until extinguished. These debts and obligations shall be reported on separate schedules together with a statement explaining the circumstances and conditions under which each debt and obligation was incurred or extinguished. A debt or obligation, the amount of which is \$500 or less, shall be reported as of the time payment is made or not later than 60 days after such obligation is incurred, whichever comes first. A debt or obligation which is over \$500 shall be reported as of the date on which the debt or obligation is incurred, except that any obligation incurred for rent, salary or other regularly reoccurring administrative expense shall not be reported as a debt before the payment due date.

DNFC disbursements were reviewed to determine if it had correctly reported debts and obligations owed to vendors. An initial review of all disbursements revealed that approximately 46% of DNFC's disbursements related to administrative type expenses and were generally not reportable as debts. The remaining disbursements (54%), relate to 4 vendors who provided telemarketing and fundraising services and also provided printing and campaign materials. Although minimum recordkeeping requirements relating to these 4 vendors were met, more than 10% of the invoices relating to these payments were not available for review. Thus, the Audit staff's calculation of possible debts and obligations as relates to these vendors was limited to documentation available.

From this limited review, it was determined that debts and obligations totaling \$18,438 should have been reported on Schedules D for one of the telemarketing firms. DNFC had reported a total of \$6,057 for this firm on its 1997 Year End report. No other debt was reported until the 1998 year-end report, when \$8,518 was reported on line 10 of the Summary Page. No Schedule D was provided as to the breakdown of this debt, thus it was not possible to determine if any of it relates to the vendor mentioned above. During fieldwork and at the Exit conference, an itemized schedule was requested. To date, no schedule has been supplied. Absent this information, the Audit staff must assume that the remaining \$12,380 was not reported.

In addition, as was noted in finding II.A. above, DNFC was audited during the 1995/1996 election cycle. During that audit, it was determined that DNFC had received a total of 24 contributions from 16 contributors which resulted in excessive

contributions totaling \$14,755. In the interim audit report a recommendation was made to either provide evidence that the contributions in question were not excessive, to make refunds to contributors, or if no funds were available, to report the refunds on a debt schedule. DNFC neither refunded the excessive contributions nor reported them as outstanding debts.

Based upon the information noted above the Audit staff's calculation of debt not reported on Schedules D totals \$27,135, (\$12,380 + \$14,755).

Subsequent to the end of fieldwork, DNFC was provided with a schedule detailing the debts that should have been reported.

In the interim audit report, the Audit staff made a recommendation that DNFC file amended Schedules D by report period for the calendar years 1997 and 1998.

DNFC filed amended Schedules D by calendar year and itemized the contributors who are due refunds for excessive contributions for both the 1995/1996 and 1997/1998 election cycles. However, for 1997, debts amounting to \$10,041 at year end, which had previously been reported, were not listed on these amended schedules or summary pages.

For 1998, DNFC filed amended Schedules D which carried forward 1995/1996 contribution refunds due as well as all but two excessive contribution refunds due noted during the current audit. In addition, a schedule was included for previously reported but unitemized debt for four vendors. Because amended schedules filed were for the entire year as opposed to per report period as recommended, \$12,380 in debt that should have been reported at the close of the Pre-Primary through Pre-General periods was not properly itemized or reported.

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 1, 1999

MEMORANDUM

TO: Robert J. Costa  
Assistant Staff Director  
Audit Division

THROUGH: James A. Pehrkon  
Staff Director

FROM: Lawrence M. Noble  
General Counsel

BY: Kim Bright-Coleman  
Associate General Counsel

Lorenzo Holloway  
Assistant General Counsel

Tracey L. Ligon  
Attorney

SUBJECT: Interim Audit Report on Dennis Newinski for Congress

I. INTRODUCTION

The Office of General Counsel has reviewed the proposed Interim Audit Report on Dennis Newinski for Congress ("the Committee") dated August 6, 1999. 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 conclusions. If you have any questions concerning our comments, please contact Tracey L. Ligon, the attorney assigned to this audit.<sup>1</sup>

<sup>1</sup> The Office of General Counsel recommends that the Commission consider this document in closed session since the Commission may eventually decide to pursue an investigation of matters contained in the Report. See 11 C.F.R. §§ 2.4(a) and (b)(6).

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## II. APPARENT EXCESSIVE CONTRIBUTIONS (II.A.)

The audit covered the period January 1, 1997 through December 31, 1998. The cover memorandum to the draft Report requests comments on the Apparent Excessive Contributions finding, and specifically, the fact that the Report addresses not only the excessive contributions from the 1998 election cycle, but also excessive contributions from the 1996 election. The Committee was audited for the 1996 election cycle and the excessive contributions identified in that audit were the subject of an audit finding. During that audit, the Audit Division recommended that the Committee refund the excessive contributions or, if funds were not available, report the refunds due as debts until funds became available. The Committee did neither.

The Audit Division referred the Committee's 1996 excessive contribution improprieties to this Office for enforcement. Audit Referral #97-01. However, the audit referral was identified as a low rated matter under Enforcement Priority System II; on that basis, the Commission exercised its prosecutorial discretion and declined to open a MUR, decided to take no action, and closed the file with respect to the referral. The instant Report recommends that the 1996 excessive contributions be refunded, along with an amount from the 1998 election cycle, or reported as debts until funds are available. The Report also concludes that the Committee failed to report the 1996 cycle excessive amounts as debts during the 1998 election cycle. The Report notes that the same committee served as the candidate's principal campaign committee in both the 1996 and 1998 elections;<sup>2</sup> the candidate having simply filed a new statement of candidacy for the 1998 election.<sup>3</sup>

While 11 C.F.R. § 103.3(b) specifically requires that committees refund excessive contributions that are neither redesignated nor reattributed, within sixty days of receipt of the contributions, and the Committee failed to do so within that timeframe, the Committee remains obligated to refund the excessive contributions.<sup>4</sup> Section 103.3(b) clearly contemplates that excessive contributions that are neither redesignated nor reattributed, be refunded. Nothing in the Federal Election Campaign Act of 1971, as amended ("FECA"), or the Commission's regulations absolves committees of the obligation to refund excessive contributions based on the

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<sup>2</sup> Six of the contributors who made excessive contributions to the 1996 election also made excessive contributions to the Committee for the 1998 election cycle.

<sup>3</sup> The Committee reported a beginning cash balance of \$133 for the 1998 election cycle. These funds were remaining from the 1996 election cycle.

<sup>4</sup> This Office notes that the sixty-day period provided by Section 103.3(b) for refunding excessive contributions that are neither redesignated nor reattributed is a window within which political committees are permitted to cure the receipt of excessive contributions with impunity. Section 103.3(b), however, does not operate to relieve committees of the obligation to refund such contributions after the sixty-day period has elapsed.



passage of time or a change in election cycles. If so, it would indeed provide a disincentive for committees to comply with the contribution limitations of the FECA, *see* 2 U.S.C. § 441a(a).<sup>5</sup>

Furthermore, the Commission is not precluded from addressing unremedied 1996 excessive contributions inasmuch as they constitute an obligation of the Committee that remained with the Committee into the 1998 election cycle. The Commission's regulations contemplate that debts and obligations could remain with a committee indefinitely. This is reflected in Section 104.11(a) of the regulations, which states that debts and obligations owed by or to a political committee which remain outstanding shall be continuously reported until extinguished. 11 C.F.R. § 104.11(a). Therefore, consistent with the Commission's audit authority to ensure compliance with the limitations and disclosure requirements of the FECA, this Office concurs with the Audit Division's recommendation that the Committee be required to refund, *inter alia*, the 1996 excessive contributions and to report all unrefunded excessive contributions as outstanding debt. *See* 2 U.S.C. § 438(b).

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<sup>5</sup> In advisory opinions, the Commission has recognized the enduring obligation of political committees to refund impermissibly received funds despite the change of election cycles. Although it was not in the context of an audit, in Advisory Opinion 1984-52, the Commission required a political committee to refund corporate contributions made in a prior election cycle from campaign contributions received by the same candidate in a subsequent election cycle. Advisory Opinion 1984-52; *see* Advisory Opinion 1985-8; *see also* Advisory Opinion 1977-40 (If two committees were determined to be affiliated committees for purposes of sharing same contribution limits under Section 441a(a), campaign would be obligated to return excessive contributions made over a year earlier); Audit Report of Landrieu for Senate 96.



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 13, 1999

Mr. Richard C. Riener, Treasurer  
Dennis Newinski for Congress  
3468 Rice Street  
St. Paul, MN 55126

Dear Mr. Riener:

Attached please find the Report of the Audit Division on Dennis Newinski For Congress. The Commission approved the report on December 9, 1999.

The Commission approved Final Audit Report will be placed on the public record on December 15, 1999. Should you have any questions regarding the public release of the report, please contact the Commission's Press Office at (202) 694-1220. Any questions you have related to matters covered during the audit or in the report should be directed to Rhonda Simmons or Russ Bruner of the Audit Division at (202) 694-1200 or toll free at (800) 424-9530.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. Costa".

Robert J. Costa  
Assistant Staff Director  
Audit Division

Attachment as stated

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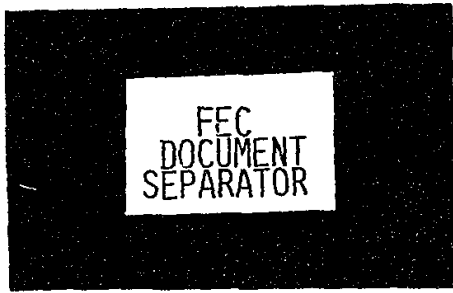
## CHRONOLOGY

### DENNIS NEWINSKI FOR CONGRESS

Audit Fieldwork	May 17 - June 3, 1999
Interim Audit Report to the Committee	September 13, 1999
Response to the Interim Audit Report Due	October 29, 1999
Response Received	November 9, 1999
Final Audit Report Approved	December 9, 1999

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