



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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256

REPORT OF THE AUDIT DIVISION
ON THE
ILLINOIS DEMOCRATIC CAMPAIGN COMMITTEE

I. Background

A. Overview

This report is based upon an in-house review of disclosure reports filed by the Illinois Democratic Campaign Committee ("the Committee"), undertaken by the Audit Division of the Federal Election Commission to determine whether there has been compliance with the provisions of the Federal Election Campaign Act, as amended ("the Act"). The review was initiated pursuant to Section 438(a)(8) of Title 2, United States Code, which at the time of the review directed the Commission to make from time to time audits and field investigations with respect to reports and statements filed under the provisions of the Act.

The Committee registered with the Federal Election Commission on July 12, 1977, as the principal campaign committee of Mr. Anthony R. Martin - Trigona, a candidate for nomination of the Democratic Party for the Office of Senator for the state of Illinois. The Committee maintained its headquarters in Chicago, Illinois.

The review covered the period from July 12, 1977, the inception date of the Committee, through April 21, 1978, the final coverage date of the last report filed by the Committee at the time of the review. During this period, the Committee reported an opening cash balance of \$-0-, total receipts of \$1,536,476.20, total expenditures of \$1,536,476.20, and a closing cash balance at April 21, 1978 of \$-0-.

This report is based on documents and working papers supporting each of its factual statements. They form part of the record upon which the Commission based its decisions on the matters in this report, and were available to Commissioners and appropriate staff for review.

B. Key Personnel

The principal officers of the Committee during the period of the audit were Ms. Donna Choma, Chairman and Mr. Anthony Martin - Trigona, Treasurer.

C. Scope

As a result of the unavailability of Committee records in support of the disclosure reports filed, the Audit staff was precluded from conducting any testing or other audit procedures normally performed during the course of an audit.

II. Finding and Recommendation

Due to the limited scope of the audit, no determination can be made as to the accuracy and completeness of the representations contained in the disclosure reports filed by the Committee.

In an attempt to secure the records and documentation requisite to the performance of an audit, the Audit Division sent a letter of audit notification on December 12, 1978 to the Candidate (who served as the Treasurer of the Committee) and the Chairman of the Committee. On January 11, 1979 the Candidate responded to the notification by indicating that he would not cooperate with the audit. Upon receipt of this response, the matter was referred to the Commission's Office of General Counsel on January 23, 1979.

In April of 1979, the Office of General Counsel issued a subpoena to compel the production of the necessary records and documentation. The Committee and Candidate failed to comply with this subpoena in the specified time period. In July of 1979, the Commission filed the necessary papers to enforce the subpoena with the United States District Court, Northern District of Illinois, Eastern Division ("the Court").

Subsequently, in October of 1979, the Court ordered the production of the records and documentation by November 5, 1979, and again the Candidate and Committee failed to comply with the order. As a result, the Commission filed papers with the Court to hold the Candidate in contempt of court. At this point, the Candidate stated to the Court that he would comply with the order. Thereafter, the Candidate presented various records and documentation pertaining to the financial activity of the Committee to a representative of the Commission on December 14, 1979. These records consisted of photocopies of handwritten lists of expenditures from July 13, 1977 to March 20, 1978 in various formats. A review of these records by the Audit staff indicated that the records did not meet the standard of sufficient competent evidential matter and therefore did not afford a reasonable basis for any conclusion regarding the statements and reports filed by the Committee.

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In consideration of the unavailability of auditable records and amount of time which has elapsed since the coverage dates of the reported activity, it is concluded that any additional enforcement action against the Candidate will result in an inefficient use of the Commission's resources and will not serve the best interests of the Commission or the public.

It should be noted that the Office of General Counsel has filed a motion to assess the Candidate all reasonable attorney's fees and the costs incurred by the Commission in seeking compliance with the Court issued orders.

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