



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

August 5, 2021

BRIAN FOUCART, TREASURER  
NATIONAL DEMOCRATIC TRAINING COMMITTEE  
PAC  
910 17TH ST. NW STE. 925  
WASHINGTON, DC 20006

**Response Due Date**  
**09/09/2021**

IDENTIFICATION NUMBER: C00603084

REFERENCE: APRIL MONTHLY REPORT (03/01/2021 - 03/31/2021)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **Failure to adequately respond by the response date noted above could result in an audit or enforcement action.** Additional information is needed for the following 2 item(s):

1. Schedule A supporting Line 12 of your report discloses a contribution from "Foucart." However, based on Commission records it appears that this contribution was actually received from "Democratic Strategy Institute." Please provide further clarification regarding this contribution so that it can be properly attributed. For your information and consideration for further filings, please file all future reports using correct names and identification numbers for contributions from other committees, where applicable.
2. Schedule A of your report (see attached) discloses a contribution(s) which appears to exceed the limits set forth in the Act. 52 U.S.C. §30116(f) (formerly 2 U.S.C. §441a(f)) and 11 CFR §110.1(d) prohibit a committee and its affiliates from receiving any contribution from another political committee or person in excess of \$5,000 per calendar year. Records at the Commission, however, indicate that your committee may actually be affiliated with "Democratic Strategy Institute." As provided for in 11 CFR §100.5(g)(2), affiliated committees are those political committees established, financed, maintained, or controlled by the same group of persons including any parent, subsidiary, branch, division, department, or local unit thereof. Affiliated political committees may make and receive unlimited transfers amongst themselves which are not considered to be contributions. 11 CFR §102.6(a)

If "Democratic Strategy Institute" is affiliated with your committee, please

NATIONAL DEMOCRATIC TRAINING COMMITTEE PAC

Page 2 of 3

clarify this relationship in writing and amend Line 6 of your Statement of Organization to identify it as an affiliated committee. 11 CFR §102.2 For future reporting, be aware that transfers made to affiliated committees should properly be disclosed on Schedule B supporting Line 22 of the Detailed Summary Page.

Furthermore, Commission records indicate that your Committee maintains a Non-Contribution Account consistent with the stipulated judgment in *Carey v. FEC*. If the apparently excessive contribution(s) in question was deposited into your Non-Contribution Account, please amend your report to disclose the item on Schedule A supporting Line 17 of the Detailed Summary Page and disclose "Non-Contribution Account" in the description field or in memo text. For more information please reference the "Reporting Guidance for Political Committees that Maintain a Non-Contribution Account" at <https://www.fec.gov/updates/fec-statement-on-carey-v-fec/>

If any contribution you received exceeds the limits, you may have to refund the excessive amount. The funds can be retained if within 60 days of receipt, (1) the excessive amount was properly reattributed to another person, such as a joint account holder, by obtaining signed written authorizations from each person making the contribution pursuant to 11 CFR 110.1(k)(3), and (2) the treasurer informs the person making the contribution that he or she may request the return of the excessive portion of the contribution if it is not intended to be a joint contribution. Any request from a donor for a refund must be honored.

Alternatively, the funds can be retained if within 60 days of receipt you (1) transferred the excessive amount to an account not used to influence federal elections, and (2) provided written notice to the person making the contribution of the option of receiving a refund. Any request from a donor for a refund must be honored.

If the foregoing conditions for reattributions or transfers to a non-federal account were not met within 60 days of receipt, the excessive amount must be refunded.

Please inform the Commission of your corrective action promptly by providing the date and method of your remedy (refund, transfer to a non-federal account and/or reattribution) for each contribution. The committee should retain for its records copies of refund checks, transfers to nonfederal account, and/or letters reattributing the contributions in question. In addition, any reattributions should be reported as memo entries on Schedule A of the report covering the period during which the authorization for the reattribution is received. Any transfers-out

NATIONAL DEMOCRATIC TRAINING COMMITTEE PAC

Page 3 of 3

or refunds should be disclosed on Schedule B supporting Line 22 or 28 of the report during which the transaction was made.

Although the Commission may take further legal action regarding the acceptance of an excessive contribution(s), prompt action by your committee to seek reattribution, transfer-out or refund the excessive amount will be taken into consideration.

**Please note, you will not receive an additional notice from the Commission on this matter.** Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action. **Requests for extensions of time in which to respond will not be considered.**

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. For information about the report review process or specific filing information for your committee type, please visit [www.fec.gov/help-candidates-and-committees](http://www.fec.gov/help-candidates-and-committees). For more information about Requests for Additional Information (RAI), why you received a letter, and how to respond, please visit [www.fec.gov/help-candidates-and-committees/request-additional-information](http://www.fec.gov/help-candidates-and-committees/request-additional-information). Should you have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number(202) 694-1172.

Sincerely,



Jack Baisden

Sr. Campaign Finance & Reviewing Analyst

**Apparent Impermissible, Excessive, and Prohibited Contributions  
National Democratic Training Committee PAC (C00603084)**

**Apparent Excessive Contributions from Committees**

<b>Contributor Name</b>	<b>Date</b>	<b>Amount</b>	<b>Report</b>
Foucart	3/19/21	\$500,000.00	2021 April Monthly