
To: Sinno Suzanne; Haynes Patricia J; Lunger Richard; Flax Nikole C
Cc: Barre Catherine M
Subject: RE: Questions for hearing

Unless CI wants our help on the materiality piece, I'll stay out of that one --I would assume anywhere there is no bright line makes it difficult to prove materiality in a criminal forum. If you want us to do some bullets let us know.

Lois G. Lerner

Director of Exempt Organizations

From: Sinno Suzanne
Sent: Monday, April 08, 2013 12:06 PM
To: Haynes Patricia J; Lunger Richard; Flax Nikole C; Lerner Lois G
Cc: Barre Catherine M
Subject: Questions for hearing

This morning we reiterated to both Whitehouse and Graham's staff that Patty will be discussing criminal enforcement and the referral process generally. She will not be discussing any substantive tax -exempt legal or administrative issues. Whitehouse's staff came back with this:

The only caveat I might include is that Sen. Whitehouse may ask about issues at the intersection of criminal enforcement and criminal tax rules (e.g., does the absence of a bright -line rule for political spending make it difficult to prove that it is a "materially" false statement when someone checks "no" on Q 15 on Form 1024 or other questions relating to political activity?)

Do we have a talking point to this question? Or should I go back to the staff with something?

Additionally, the staff said if we want to send them some friendly questions we would like Senator Whitehouse to ask Patty, they will make sure he gets them. So please send me any suggestive questions you have.

Thank you,

Suzie

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