

Financial Statements

For the Year Ended September 30, 2022 (With Summarized Financial Information for the Year Ended September 30, 2021)



TABLE OF CONTENTS For the Year Ended September 30, 2022

	Page
Independent Auditors' Report	1-2
Financial Statements	
Statement of Financial Position	3
Statement of Activities	4
Statement of Functional Expenses	5
Statement of Cash Flows	6
Notes to Financial Statements	7-13



INDEPENDENT AUDITORS' REPORT

To the Board of Directors of the **Competitive Enterprise Institute**

Opinion

We have audited the financial statements of Competitive Enterprise Institute (CEI), which comprise the statement of financial position as of September 30, 2022, and the related statements of activities, functional expenses and cash flows for the year then ended, and the related notes to the financial statements.

In our opinion, the accompanying financial statements present fairly, in all material respects, the financial position of CEI as of September 30, 2022, and the changes in its net assets and its cash flows for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinion

We conducted our audit in accordance with auditing standards generally accepted in the United States of America (GAAS). Our responsibilities under those standards are further described in the Auditors' Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of CEI and to meet our other ethical responsibilities in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about CEI's ability to continue as a going concern within one year after the date that the financial statements are available to be issued.

Auditors' Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditors' report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with GAAS, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether
 due to fraud or error, and design and perform audit procedures responsive to those risks.
 Such procedures include examining, on a test basis, evidence regarding the amounts and
 disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit
 procedures that are appropriate in the circumstances, but not for the purpose of expressing
 an opinion on the effectiveness of CEI's internal control. Accordingly, no such opinion is
 expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about CEI's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control related matters that we identified during the audit.

Other Matter

Report on Summarized Comparative Information

We have previously audited CEI's 2021 financial statements, and we expressed an unmodified audit opinion on those audited financial statements in our report dated February 16, 2022. In our opinion, the summarized comparative information presented herein as of and for the year ended September 30, 2021, is consistent, in all material respects, with the audited financial statements from which it has been derived.

Washington, DC February 22, 2023

Marcun LLP

STATEMENT OF FINANCIAL POSITION

September 30, 2022

(With Summarized Financial Information as of September 30, 2021)

		2022		2021
ASSETS				_
Cash and cash equivalents	\$	3,282,744	\$	2,394,300
Investments		667,926		652,043
Pledges receivable		672,500		812,500
Other receivables		20,990		19,598
Prepaid expenses		205,566		176,072
Deposits and other assets		61,832		61,948
Property and equipment, net		551,891		641,202
TOTAL ASSETS	\$	5,463,449	\$	4,757,663
LIABILITIES AND NET ASSETS				
Liabilities	Φ	470.044	Φ	240 222
Accounts payable and accrued expenses Accrued salaries and benefits	\$	172,314	\$	349,333
		244,709		239,701
Capital lease obligation		28,795		12,076
Deferred rent and lease incentives		1,470,023		1,685,756
TOTAL LIABILITIES		1,915,841		2,286,866
Net Assets				
Without donor restrictions		2,672,216		1,764,067
With donor restrictions		875,392		706,730
With donor restrictions	-	070,002		700,700
TOTAL NET ASSETS		3,547,608		2,470,797
TOTAL LIABILITIES AND NET ASSETS	\$	5,463,449	\$	4,757,663

STATEMENT OF ACTIVITIES

For the Year Ended September 30, 2022

(With Summarized Financial Information for the Year Ended September 30, 2021)

			2022				2021
	Without Donor Restrictions		With Donor Restrictions Tota		Total	Total	
REVENUE AND SUPPORT			 				
Grants and contributions	\$	6,956,615	\$ 505,000	\$	7,461,615	\$	6,635,288
Special events		505,400	-		505,400		155,500
Contributed goods and services		147,389	-		147,389		117,680
Rental income		88,028	-		88,028		84,487
Investment income, net		15,627	-		15,627		15,615
Miscellaneous		1,147	-		1,147		16,442
Net assets released from restrictions:							
Satisfaction of purpose restrictions		336,338	 (336,338)				-
TOTAL REVENUE							
AND SUPPORT		8,050,544	168,662		8,219,206		7,025,012
EXPENSES							
Program Services:							
Other programs		1,447,570	-		1,447,570		1,234,649
Center for Communication		971,485	-		971,485		928,563
Center for Economic Freedom		895,000	-		895,000		906,458
Center for Litigation		786,184	-		786,184		800,820
Center for Energy and Environment		738,280	-		738,280		898,489
Center for Technology and Innovation		692,680			692,680		526,097
Total Program Services		5,531,199	 		5,531,199		5,295,076
Supporting Services:							
Fundraising		1,067,638	_		1,067,638		1,013,198
General and administrative		444,925	-		444,925		520,281
Fundraising – cost of direct							
benefit to donors		98,633	 		98,633		43,416
Total Supporting Services		1,611,196	 		1,611,196		1,576,895
TOTAL EXPENSES		7,142,395	 		7,142,395		6,871,971
CHANGE IN NET ASSETS		908,149	168,662		1,076,811		153,041
NET ASSETS, BEGINNING OF YEAR		1,764,067	 706,730		2,470,797		2,317,756
NET ASSETS, END OF YEAR	\$	2,672,216	\$ 875,392	\$	3,547,608	\$	2,470,797

STATEMENT OF FUNCTIONAL EXPENSES

For the Year Ended September 30, 2022

(With Summarized Financial Information for the Year Ended September 30, 2021)

Program Services Supporting Services Center for Center for Center for Total Total Other Center for **Economic** Center for Energy and Technology Program General and Supporting 2022 2021 Freedom and Innovation Services Administrative Services Total Total Programs Communication Litigation Environment Fundraising Salaries, benefits and payroll taxes \$ 903,468 \$ 498,197 \$ 532,731 \$ 443,676 \$ 499,458 \$ 437,930 \$ 3,315,460 \$ 519,842 \$ 261,829 \$ 781,671 \$ 4,097,131 \$ 4,074,473 72,773 122,108 186,249 Professional services 86,606 236,315 244,504 21,617 783,923 86,368 272,617 1,056,540 996,656 181,672 113,429 79,308 45,187 68,242 79,308 567,146 92,219 23,055 115,274 682,420 677,410 Occupancy Travel and meetings 156,277 4,746 5,001 3,280 4,951 18,184 192,439 200,541 1,459 202,000 394,439 252,683 Direct mail 20,292 2,044 1,335 106,166 129,837 57,668 14,831 72,499 202,336 204,606 Supplies and office expense 26,982 60,028 8,918 5,089 7,674 8,918 32,286 16,266 48,552 166,161 151,290 117,609 Advertising 158,731 158,731 158,731 111,060 34,609 15,108 8.608 13,000 15,108 17,568 4,392 21,960 Depreciation and amortization 21,608 108,041 130,001 182,430 Fees, dues and subscriptions 3,106 12,255 6,755 28,673 7,586 2,025 60,400 5,785 25,485 31,270 91,670 83,789 Printing and postage 28,230 3,576 387 868 302 389 33.752 34,438 121 34,559 68,311 45,150 3,769 Insurance 15,239 9,462 6,615 5,693 6,616 47,394 7,692 1,923 9,615 57,009 47,372 669 149 Miscellaneous 714 261 224 261 2,278 10,006 817 10,823 13,101 12,809 2,980 778 742 2,172 Telephone 1,505 1,087 2,962 1,363 10,675 1,430 12,847 14,423 7.500 Bad debt 7,500 7.500 673 470 268 405 470 547 684 Interest 1,078 3,364 137 4,048 5,320 Grant expense 150 150 150 12,500 **TOTAL EXPENSES** \$ 1,447,570 \$ 971,485 \$ 895,000 \$ 786,184 \$ 738,280 \$ 692,680 \$ 5,531,199 \$ 1,166,271 \$ 444,925 1,611,196 \$ 7,142,395 \$ 6,871,971

STATEMENT OF CASH FLOWS

For the Year Ended September 30, 2022

(With Summarized Financial Information for the Year Ended September 30, 2021)

		2022		2021
CASH FLOWS FROM OPERATING ACTIVITIES				
Change in net assets	\$	1,076,811	\$	153,041
Adjustments to reconcile change in net assets to net cash				
provided by operating activities:				
Realized and unrealized (gain) loss on investments		379		(152)
Loss on disposal of property and equipment		2,320		280
Depreciation and amortization		130,001		182,430
Amortization of deferred lease incentives		(109,424)		(109,424)
Proceeds from securities contributed without donor restrictions		(19,094)		(27,678)
Changes in assets and liabilities:				
Pledges receivable		140,000		(380,000)
Other receivables		(1,392)		7,700
Prepaid expenses		(29,494)		128,379
Deposits and other assets		116		1,039
Accounts payable and accrued expenses		(177,019)		278,326
Accrued salaries and benefits		5,008		32,613
Deferred rent and lease incentives		•		•
Deferred rent and lease incentives		(106,309)		(72,672)
NET CASH PROVIDED BY OPERATING ACTIVITIES		911,903		193,882
CASH FLOWS FROM INVESTING ACTIVITIES				
Acquisition of property and equipment		(23,510)		(10,488)
Purchase of investments		(16,032)		(15,590)
Sale of investments		18,864		27,830
NET CASH (USED IN) PROVIDED BY INVESTING ACTIVITIES		(20,678)		1,752
CASH FLOWS FROM FINANCING ACTIVITIES				
Principal payments on capital lease obligation		(2,781)		(4,797)
NET CASH USED IN FINANCING ACTIVITIES		(2,781)		(4,797)
NET INCREASE IN CASH AND CASH EQUIVALENTS		888,444		190,837
CASH AND CASH EQUIVALENTS, BEGINNING OF YEAR		2,394,300		2,203,463
CASH AND CASH EQUIVALENTS, END OF YEAR	\$	3,282,744	\$	2,394,300
NONCASH INVESTING AND FINANCING ACTIVITES				
Equipment acquired under a capital lease	\$	19,500	\$	_
Obligation of equipment acquired under a capital lease	Ψ	(19,500)	Ψ	-
5 3.194.10.17 or oquipmont doquitod direct d ouplide loudo		(10,000)		
Net cash outlay	\$		\$	_

NOTES TO FINANCIAL STATEMENTS For the Year Ended September 30, 2022

1. Organization and Summary of Significant Accounting Policies

Organization

The Competitive Enterprise Institute (CEI) was incorporated in the District of Columbia in 1984 as a nonprofit organization. CEI serves as a link between the academic community of free market scholars and the general public. CEI works to promote a better understanding of the values of a free society and the policies necessary for its survival by using policy analysis, public education and litigation. These activities are funded primarily through contributions and grants from individuals, corporations and foundations.

Cash Equivalents

CEI considers all money market funds to be cash equivalents.

Pledges Receivable

All unconditional promises to give are expected to be collected within one to five years and are recorded as pledges receivable at net realizable value. Conditional promises to give are not included as support until the conditions are substantially met. CEI believes all pledges are fully collectible, and therefore does not have an allowance for uncollectible amounts.

Investments

Investments consist of insurance annuity contracts which are recorded in the accompanying financial statements at fair value. The change in unrealized appreciation or depreciation of investments is included in investment income in the accompanying statement of activities. Realized gains and losses on sales of investments are computed using an average cost method, recorded on the trade date of the transactions and included in net investment income in the accompanying statement of activities.

Fair Value Measurement

Applicable financial assets and liabilities measured at fair value on a recurring basis are categorized in the fair value hierarchy as follows:

- Level 1 Valuation based on quoted prices in active markets for identical assets or liabilities as of the reporting date, without adjustment.
- Level 2 Financial assets and liabilities whose values are based on quoted prices in markets that are not active or model inputs that are observable either directly or indirectly for substantially the full term of the asset or liability, such as quoted prices for similarly structured securities in active markets.
- Level 3 Financial assets and liabilities whose values are based on prices or valuation techniques that require inputs that are both unobservable and significant to the overall fair value measurement. These inputs reflect management's own assumptions about the assumptions a market participant would use in pricing the assets or liability.

As of September 30, 2022, only CEI's investments, as described in Note 2 of these financial statements, were measured at fair value on a recurring basis.

NOTES TO FINANCIAL STATEMENTS For the Year Ended September 30, 2022

1. Organization and Summary of Significant Accounting Policies (continued)

Property and Equipment and Related Depreciation and Amortization

Property and equipment are stated at cost and are depreciated using the straight-line method over three to seven years, with no salvage value. Leasehold improvements are amortized over the shorter of the lease period or useful life of the improvements. Expenditures for major repairs and improvements over \$1,000 and an economic life in excess of one year are capitalized; expenditures for minor repairs and maintenance costs are expensed when incurred. Upon the retirement or disposal of assets, the cost and accumulated depreciation or amortization are eliminated from the respective accounts and the resulting gain or loss is included in revenue or expenses.

Classification of Net Assets

Net assets without donor restrictions represent the portion of expendable funds that are available for any purpose in performing the primary objectives of CEI at the discretion of CEI's management and the Board of Directors. Net assets with donor restrictions represent funds that are specifically restricted by donors for use in various programs and/or for a specific period of time. These donor restrictions can be temporary in nature in that they will be met by actions of CEI or by the passage of time. Other donor restrictions are perpetual in nature, whereby the donor has stipulated that the funds be maintained in perpetuity. As of September 30, 2022, CEI had no net assets with donor restrictions that are required to be maintained in perpetuity.

Revenue Recognition

Unconditional grants and contributions are reported as revenue in the year in which payments are received and/or unconditional promises to give are made. CEI reports gifts of cash and other non-financial assets that are received with donor stipulations limiting the use of the donated assets as net assets without donor restrictions if all such donor restrictions are met in the fiscal year in which the award is received. CEI reports gifts of cash and other non-financial assets as having donor restrictions if they are received with donor stipulations that limit the use of the donated assets. When a stipulated time restriction ends or purpose of a restriction is accomplished, net assets with donor restrictions are reclassified to net assets without donor restrictions and reported in the accompanying statement of activities as net assets released from restrictions.

Donated goods and services consisting principally of advertising are recorded as in-kind contributions at their estimated fair value as of the date of the donation.

Estimates

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America (GAAP) requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

NOTES TO FINANCIAL STATEMENTS For the Year Ended September 30, 2022

1. Organization and Summary of Significant Accounting Policies (continued)

Functional Allocation of Expenses

The costs of providing the various programs and other activities have been summarized on a functional basis in the accompanying statement of functional expenses. Expenses directly attributed to a specific functional area of CEI are reported as expenses of those functional areas, while shared costs that benefit multiple functional areas have been allocated among the various functional areas based on estimates determined by management to be equitable. Occupancy, depreciation and other shared costs are allocated based on the number of employees working in the related department. Costs that are part of the direct mail campaigns are allocated based on the line counts of the direct mail pieces.

New Accounting Pronouncements

In September 2020, the Financial Accounting Standards Board (FASB) issued Accounting Standards Update (ASU) 2020-07, *Not-for-Profit Entities (Topic 958): Presentation and Disclosure by Not-for-Profit Entities for Contributed Nonfinancial Assets*, to increase the transparency of contributed nonfinancial assets through enhancements to presentation and disclosure. ASU 2020-07 requires not-for-profits to present contributed nonfinancial assets as a separate line item in the statement of activities and provide additional disclosures about contributions of nonfinancial assets. CEI adopted ASU 2020-07 retrospectively on October 1, 2021. The adoption of the standard did not result in a material change to the financial statements.

2. Investments

The following table summarizes CEI's investments measured at fair value on a recurring basis as of September 30, 2022:

	_F:	Total air Value	<u>Le</u>	evel 1		Level 2	<u>Le</u>	evel 3
Insurance annuity contracts	\$	667,926	\$		\$	667,926	\$	
Total Investments Carried at Fair Value	<u>\$</u>	667,926	<u>\$</u>	<u>-</u>	<u>\$</u>	667,926	<u>\$</u>	<u>-</u>

The insurance contracts are fixed annuities valued based upon published market valuation quotes for the underlying securities held by the annuities and have been classified as Level 2 by CEI.

NOTES TO FINANCIAL STATEMENTS For the Year Ended September 30, 2022

3. Property and Equipment

CEI's property and equipment consisted of the following as of September 30, 2022:

Leasehold improvements Computers, website and equipment Furniture Leased equipment	\$ 983,556 577,135 232,550 19,500
Total Property and Equipment	1,812,741
Less: Accumulated Depreciation and Amortization	(1,260,850)
Property and Equipment, Net	\$ 551,891

Depreciation and amortization expense totaled \$130,001 for the year ended September 30, 2022.

4. Commitments, Risks and Contingencies

Concentration of Credit Risk

The cash and cash equivalents of CEI are composed of amounts in accounts at various financial institutions. While the amounts, at times, exceed the amount guaranteed by federal agencies and, therefore, bear some risk, CEI has not experienced, nor does it anticipate, any loss of funds.

Operating Leases

In July 2016, CEI entered into a noncancelable operating lease for its current office space in Washington, D.C. The lease commenced August 1, 2016, and expires November 30, 2027. The lease includes a fixed escalation clause for increases in the annual minimum rent. CEI was also provided with a 16-month rental abatement and an allowance for tenant improvements of up to \$1,411,784, of which up to \$160,430 could either be used for leasehold improvements or applied to the rent balance. Of this amount, CEI used \$1,251,354 for various leasehold improvements and the remaining \$160,430 was applied as a credit against future rental payments.

Under GAAP, all fixed rent increases and lease incentives are recognized on a straight-line basis over the term of the lease. The difference between this expense and the required lease payments is reflected as deferred rent and lease incentives in the accompanying statement of financial position. Rent expense under this lease for the year ended September 30, 2022, was \$682,421.

NOTES TO FINANCIAL STATEMENTS For the Year Ended September 30, 2022

4. Commitments, Risks and Contingencies (continued)

Operating Leases (continued)

As of September 30, 2022, total future minimum lease payments required and future minimum rentals to be received under each of these operating leases were as follows:

For the Years Ending September 30,	
2023	\$ 880,413
2024	902,472
2025	925,039
2026	948,222
2027	971,912
Thereafter	165,350
Total	<u>\$ 4,793,408</u>

5. Net Assets With Donor Restrictions

As of September 30, 2022, net assets with donor restrictions were restricted for the following purposes or period:

Asset Forfeiture Reform	\$ 460,367
Center for Advancing Capitalism	225,000
In Support of Joshua Bandoch	45,972
Kevin Williams Project	57,000
Discussion on Fact Based Climate Issues	19,641
Biden Harris Clean Power Plan	67,412
Total Net Assets With Donor Restrictions	\$ 875,392

6. Joint Costs

During the year ended September 30, 2022, CEI incurred joint costs from direct mail campaigns that included both educational materials and fundraising appeals.

These joint costs were allocated as follows for the year ended September 30, 2022:

Programs	\$ 129,638
Fundraising	57,869
General and administrative	 14,831
Total Joint Costs of Activities	\$ 202.338

NOTES TO FINANCIAL STATEMENTS For the Year Ended September 30, 2022

7. Availability and Liquidity

CEI regularly monitors liquidity required to meet its annual operating needs and other contractual commitments, while also striving to preserve the principal and return on the investment of its funds. CEI's financial assets available within one year of the statement of financial position date for general expenditures at September 30, 2022, were as follows:

Cash and cash equivalents Pledges receivable Other receivables Investments	\$ 3,282,744 672,500 20,990 667,926
Total Financial Assets	4,644,160
Less:	
Amounts unavailable for general expenditures due to donor restrictions	(875,392)
Financial Assets Available to Meet General Expenditures Within One Year	<u>\$ 3,768,768</u>

CEI has various sources of liquidity at its disposal, including cash and cash equivalents and investments, which are available for general expenditures, liabilities and other obligations as they come due. Management is focused on sustaining the financial liquidity of CEI throughout the year. This is done through monitoring and reviewing CEI's cash flow needs on a weekly basis. As a result, management is aware of the cyclical nature of CEI's cash flow related to CEI's various funding sources and is therefore able to ensure that there is cash available to meet current liquidity needs. As part of its liquidity plan, excess cash is invested in fixed income annuities. CEI can liquidate its investments at any time, and therefore the investments are available to meet current cash flow needs.

8. Contributed Services

Contributed services are recognized as in-kind revenues at their estimated fair value if they create or enhance nonfinancial assets or they require specialized skills that would need to be purchased if they were not donated. Contributed goods and services are recorded in the accompanying statement of activities at their estimated fair value, which is valued at the actual costs of advertising. Contributed goods and services included advertising services in the amount of \$147,389 for the year ended September 30, 2022. All contributed goods and services are related to general and administrative activities. There were no donor imposed restrictions associated with the donated goods and services.

9. Income Taxes

CEI has been classified as a public charity under Section 501(c)(3) of the Internal Revenue Code and is exempt from federal taxes on income other than net unrelated business income. There was no provision for income tax for CEI for the year ended September 30, 2022, as CEI

NOTES TO FINANCIAL STATEMENTS For the Year Ended September 30, 2022

9. Income Taxes (continued)

had no net taxable unrelated business income. CEI reviews and assesses all activities annually to identify any changes in the scope of the activities and revenue sources and the tax treatment thereof, to identify any uncertainty in income taxes. For the year ended September 30, 2022, management did not identify any uncertainty in income taxes requiring recognition or disclosure in these financial statements. CEI's tax returns are subject to possible examination by the taxing authorities; however, no examinations are pending or in progress. For federal tax purposes, the tax returns essentially remain open for possible examination for a period of three years after the respective filing deadlines of those returns.

10. Summarized Comparative Financial Information

The financial statements include certain prior year summarized comparative information in total but not by net asset class. Accordingly, such information should be read in conjunction with CEI's financial statements for the year ended September 30, 2021, from which the summarized information was derived.

11. Subsequent Events

CEI's management has evaluated the effect of subsequent events on the financial statements through February 22, 2023, the date these financial statements were available to be issued. There were no subsequent events identified that require recognition or disclosure in these financial statements.