

**BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000 14th STREET, NW SUITE 420
WASHINGTON, DC 20009
(202) 671-0550**

IN THE MATTER OF

Committee to Elect James G. Heelan
Preston Thomas, Treasurer
2129 Florida Avenue, NW
Washington, DC 20008

:
:
:
:
:
:

Date: July 5, 2011
Docket No. 011 C-019

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of the General Counsel following a determination by its Public Information and Records Management Division, that pursuant to D.C. Official Code §1-1102.06 (2001 Edition), Preston Thomas, Treasurer, Committee to Elect James Garay Heelan failed to timely file, the 8 Day Pre-Special Election Receipt and Expenditure Report (hereafter R&E) on or before April 18, 2011.

By Notice of Hearing, Statement of Violations and Order of Appearance dated May 5, 2011 OCF ordered Preston Thomas, treasurer (hereinafter Respondent), to appear at a scheduled hearing on May 19, 2011 and show cause why he should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §1-1101.01 et seq., and filed accordingly.

Summary of Evidence

On May 27, 2011, the Respondent candidate and treasurer appeared for the hearing. The Respondents did not dispute the allegations. The Respondent candidate stated that he filed the 8 Day Pre-Special Election R&E Report on April 22, 2011.

The Respondent candidate stated that he withdrew from the election on March 23, 2011, and notified the Board of Elections. He also stated that he was aware that the R&E report needed to be filed. The Respondent candidate stated that he informed the Respondent treasurer that he would complete the filing.

The Respondent candidate stated that his campaign did not receive any additional contributions or raise additional money after he filed the March 10th R&E Report. He stated that this was a major reason why he decided to withdraw from the election. He further stated that his entire campaign failed to raise more than \$500.

Findings of Fact

Having reviewed the allegations and the record herein, I find:

Committee to Elect James Garay Heelan
Page 2

1. Respondent was the candidate in the Committee to Elect James Heelan.
2. Respondent committee was required to file the 8 Day Pre-Special Election Report on or before April 18, 2011 in accordance with D.C. Official Code § 1-1102.06(a).
3. Respondent candidate filed 8 Day Pre-Special Election Report on April 22, 2011, which was 4 days past the due date.
4. Respondent candidate is a first time contender for elective office in the District of Columbia with no prior filing history with OCF.
5. The Respondents' explanation for failing to timely file is that Respondent candidate withdrew from the election on March 23, 2011. Respondent candidate stated that his failure to raise money after he filed the March 10th R&E Report was the primary reason he withdrew.
6. The filing of the R&E Report brings the Respondent committee in compliance with the statute.

Conclusions of Law

Based on the record provided by the OCF, I therefore conclude:

1. Respondent PCC violated DC Official Code §1-1102.06(a).
2. The penalty established at DC Official Code §1-1103.05 (b)(3), 3 DCMR §§3711.2(f), 3711.3 and 3711.4 for failure to timely file the 8 Day Pre-Special Election R&E Report required by DC Official Code 1-1102.06 is a fine of \$50.00 per day for each business day subsequent to the due date.
3. In accordance with DC Official Code 1-1103.05(b) (3), the respondent PCC may be fined a maximum of \$2000.00 for failing to timely file the R&E Report.
4. For good cause shown pursuant to 3 DCMR 3711.6, the Director of the Office of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the imposition of the fine in this matter.

Date

Hearing Officer

Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

Date

William O. Sanford
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that the fine in this matter be hereby suspended.

Date

Cecily E. Collier-Montgomery
Director

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order on Preston Thomas by regular mail, on _____.

NOTICE

Pursuant to 3 DCMR §3711.5, any fine imposed by the Director shall become effective on the 16th day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, 2000 Fourteenth Street, N.W., Suite 433 Washington, DC 20009.