

**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	:	Date: August 5, 2011
James Heelan, Treasurer	:	Docket No. 011 C-019
6645 Georgia Avenue, NW #209	:	
Washington, DC 20012	:	

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 June 10, 2011 Receipt and Expenditure Report (hereafter R&E) on or before June 10, 2011.

By Notice of Hearing, Statement of Violations and Order of Appearance dated July 14, 2011 OCF ordered Preston Thomas, treasurer (hereinafter Respondent), to appear at a scheduled hearing on July 26, 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 July 26, 2011, neither the Respondent candidate nor the Respondent treasurer appeared for the hearing. Neither of the aforementioned respondents provided prior notice to OCF of their inability to attend the scheduled hearing.

On July 28, 2011, the Respondent candidate appeared unannounced at the OCF. The Respondents sent via proxy a message that stated that the notice named another person as being in violation of failure to file the June 10, 2011 R&E Report.

Moreover, the Respondent candidate filed the Statement of Acceptance of Treasurer, the Statement of Committee Termination, and the Termination Report on July 28, 2011. The Respondent candidate did not file a written notarized statement explaining the reason(s) the reports were filed after the due date and after the scheduled hearing date.

Findings of Fact

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

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1. Respondent was the candidate in the Committee to Elect James Heelan.
2. Respondent committee was required to file the June 10, 2011 R&E Report on or before June 10, 2011 in accordance with D.C. Official Code § 1-1102.06(a).
3. Respondent candidate came to OCF unannounced on July 28, 2011, and pointed out a discrepancy in the notice sent. The discrepancy named another person as being violation of the Act. Also, while in the office the Respondent candidate filed the Termination Report, Statement of Committee Termination, and Statement of Acceptance of Treasurer.
4. The Respondent failed to file a written notarized statement explaining the reason(s) for filing the aforementioned documents after June 10, 2011, and the hearing date of July 26, 2011.
5. Respondent candidate has a prior history of failing to comply with R&E Report filing deadlines.
6. In May 2011, the Respondent was before the OCF for failure to comply with earlier filing deadlines.

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 impose a fine of \$300 in this matter.

Date

Leonard G. Muhammad
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 is hereby \$300.00.

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 James Garay Heelan 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.