

**BEFORE THE OFFICE OF CAMPAIGN FINANCE  
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS  
FRANK D. REEVES MUNICIPAL BUILDING  
2000-14<sup>th</sup> STREET, N.W., SUITE 420  
WASHINGTON, D.C. 20009  
(202) 671-0550**

IN THE MATTER OF	)	DATE: November 2, 2009
	)	
Libertarian Party of D.C.	)	DOCKET NO.: 09P-014
Dick Heller, Treasurer	)	
263 Kentucky Avenue, SE	)	
Washington, DC 20003	)	

**ORDER**

**Statement of the Case**

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of the General Counsel following a referral by the OCF Reports Analysis and Audit Division (RAAD), which determined that the Libertarian Party of the District of Columbia (hereinafter respondent PAC), for whom Dick Heller serves as treasurer, failed to timely submit a response to a Request for Additional Information (RAFI) which was due on August 26, 2009, in violation of D.C. Official Code §1-1103.02(a)(1)(A) (2001 Edition).

By Notice of Hearing, Statement of Violations and Order of Appearance dated September 11, 2009, OCF ordered Dick Heller (hereinafter respondent treasurer), to appear at a scheduled hearing on September 22, 2009, and show cause why the respondent PAC 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 fined accordingly.

**Summary of Evidence**

On September 22, 2009, respondent treasurer appeared pro se. OCF was represented by Renee Coleman, Audit Manager.

Ms. Coleman alleged that by letter dated August 11, 2009, the respondent treasurer was advised of a discrepancy between the ending balance from the previous Report of Receipts and Expenditures and the beginning balance in July 31, 2009 Report. Ms. Coleman additionally stated that the letter also accorded the respondent treasurer until August 26, 2009, to submit an amended Report but no written response was received.

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Respondent treasurer stated that he made necessary adjustments and filed an amended Report prior to the due date but, he did not realize that he was also required to file a written response to the RFAI.

**Findings of Fact**

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

1. The respondent PAC was requested to respond to an RFAI from RAAD on or before August 26, 2009, because a review revealed a discrepancy between the ending balance in the previous report and the beginning balance in the July 31, 2009 Report.

2. Pursuant to the respondent treasurer's failure to provide a hard copy of requested document by August 26, 2009, RAAD referred the matter to the Office of the General Counsel on September 1, 2009 for enforcement.

3. A review of the electronic filing record revealed that the respondent treasurer submitted an amended report electronically on August 25, 2009.

4. RAAD reviewed and accepted the amended report as sufficient to resolve all outstanding issues in this matter.

5. The respondent PAC is currently in compliance with the statute.

**Conclusions of Law**

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

1. Respondent PAC did not violate D.C. Official Code §1-1103.02(a) (1) (A).

2. RAAD's acceptance of the amended report as resolution of all outstanding issues in this matter eliminated the basis for the RFAI.

3. For good cause shown pursuant to 3DCMR § 3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.

4. The respondent treasurer's submission of an amended report which was accepted by RAAD constitutes good cause for dismissal of this matter.

**Recommendation**

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
William O. SanFord  
Hearing Officer

**ORDER OF THE DIRECTOR**

**IT IS ORDERED** that this matter is hereby dismissed.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Cecily Collier-Montgomery  
Director

This Order may be appealed to the Board of Elections and Ethics within 15 days from the date of issuance.

**SERVICE OF ORDER**

This is to certify that I have served a true copy of the foregoing Order on Dick Heller, by regular mail, on November 2, 2009.

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**NOTICE**

Pursuant to 3DCMR §3711.5 (March 2007), any fine imposed by the Director shall become effective on the 16<sup>th</sup> 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, Suite 420, 2000-14<sup>th</sup> Street, N.W., Washington, D.C. 20009.