

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

IN THE MATTER OF)	DATE: April 9, 2010
)	
D.C. Legal PAC)	DOCKET NO.: 09P-015
Barry Nace, Esq., Chairperson)	
Paulson & Nace)	
1615 New Hampshire Avenue, NW)	
Washington, DC 20009-2520)	

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 D.C. Legal Political Action Committee (hereinafter respondent PAC), for whom Barry Nace, Esq. serves as chairperson, failed to timely respond to a Request for Additional Information (RAI) which was due on or before November 16, 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 December 8, 2009, OCF ordered chairperson Barry Nace, to appear at a scheduled hearing on December 18, 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 December 18, 2009, Mr. Nace appeared on behalf of the respondent PAC. He was accompanied by Charles Parsons, Esq. who serves as treasurer for the respondent PAC and Joan Smith, bookkeeper for the respondent PAC. OCF was represented by Renee Coleman, Audit Manager and Dwayne Gilliam, Senior Auditor.

Ms. Coleman alleged that a randomly selected audit of the respondent PAC's July 31, 2009 Report of Receipts and Expenditures (July 31, 2009 Report) revealed that the amount of \$2,400.00 should have been reported in the previous reporting period.

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She continued that by letters dated October 19, 2009, and November 6, 2009, OCF requested that the respondent PAC file an Amended July 31, 2009 Report. Ms. Coleman further stated that the respondent PAC was accorded until November 16, 2009, to submit the amended report but, failed to comply. Ms. Coleman additionally stated that she also mailed a letter on November 24, 2009, to Mr. Nace again advising that the respondent PAC was required to submit an Amended July 31, 2009 Report.

Mr. Nace stated that he was out of the country between the dates of October 14, 2009, and November 2, 2009, and he did not receive the letter dated October 19, 2009, until his return on November 3, 2009. Mr. Nace additionally stated that on November 4, 2009, he submitted a request for an extension until November 23, 2009, to submit a response but, he did not receive a response from OCF. Mr. Nace further stated that he did not receive the letter dated November 6, 2009. He continued that he did receive a letter dated November 24, 2009, on November 30, 2009, that instructed him to submit an Amended July 31, 2009 Report but did not provide a due date. He additionally stated that subsequent to his receipt of that letter, he submitted an amended report on December 15, 2009. Ms. Coleman stated that she has reviewed the amended report and is satisfied that all outstanding issues had been resolved.

Findings of Fact

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

1. The respondent PAC was requested to respond to a RFAI from RAAD on or before November 16, 2009, because a randomly selected audit of the respondent PAC's July 31, 2009 Report revealed that the amount of \$2,400.00 should have been reported in the previous reporting period.
2. Respondent PAC's chairperson requested an extension to comply with the request but did not receive a response from RAAD.
3. Pursuant to the respondent PAC's failure to provide an amended report by the due date, RAAD referred the matter to the Office of the General Counsel on December 7, 2009.
4. Respondent PAC's chairperson submitted an Amended July 31, 2009 Report to OCF on December 16, 2009.
5. RAAD has reviewed and accepted the amended report as sufficient to resolve all outstanding issues in this matter, notwithstanding its receipt after November 16, 2009.
6. 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 PAC'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

Concurrence

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

Date

Kathy S. Williams
General Counsel

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 Barry Nace, Esq. and D. C. Legal, by regular mail, on April 9, 2010.

NOTICE

Pursuant to 3DCMR §3711.5 (March 2007), 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, Suite 420, 2000-14th Street, N.W., Washington, D.C. 20009.