

**BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS
FRANK D. REEVES MUNICIPAL BUILDING
2000 14TH STREET, N.W., SUITE 433
WASHINGTON, D.C. 20009
Telephone: (202) 671-0547
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IN THE MATTER OF)	Date: April 15, 2015
)	
Better Leadership DC PAC)	
Richard Tappan, Treasurer)	
1629 K Street, NW, Ste. 300)	Docket No.: 15P-009
Washington, DC 20006)	

ORDER

Statement of Case

This matter came before the Office of Campaign Finance (“OCF”) Office of the General Counsel following a determination by its Public Information and Records Management Division (“PIRM”) that pursuant to the District of Columbia Campaign Finance Act of 2011, D.C. Official Code § 1-1163.09(b) (2015) and the District of Columbia Municipal Regulations, 3 DCMR § 3017.2 (January 2015), Richard Tappan, Treasurer for the Better Leadership DC PAC political action committee, failed to timely file the March 10th Report of Receipts and Expenditures (“March 10th R&E report”), which was due on or before March 10, 2015.

By Notice of Hearing, Statement of Violations and Order of Appearance dated March 19, 2015, the OCF ordered Richard Tappan (“Respondent”) to appear at a scheduled hearing on April 8, 2015 and show cause why the Better Leadership DC PAC political action committee (“Respondent Committee”) should not be found in violation of the Campaign Finance Act of 2011 and 3 DCMR § 3017.2 and fined accordingly.

Summary of Evidence

On March 19, 2015, the OCF submitted to Respondent a Hearing Notice by regular and electronic mail. On March 25, 2014, Respondent filed the March 10th R&E Report.

On April 7, 2015, Respondent contacted the OCF and requested that the April 8, 2015 hearing be rescheduled due to a scheduling conflict. That same day, the OCF submitted to Respondent a notice by electronic mail rescheduling the April 8, 2015 hearing to April 9, 2015.

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On April 9, 2015, Respondent appeared for the scheduled hearing *pro se*. Ms. Sonya Lake, Public Affairs Specialist, appeared on behalf of the OCF. Ms. Lake testified, having been duly sworn, that Respondent failed to timely file the March 10th R&E report. Respondent testified, having been duly sworn, that the untimely filing was an oversight and he filed the report soon after he received the March 19, 2015 hearing notice. Respondent further explained that due to a death in his family, he inadvertently forgot the filing deadline. Lastly, Respondent testified that he recorded the filing deadlines in his calendar to ensure timely filings. In support, Respondent displayed his calendar where he had already marked the 8 Day Pre-Special Election R&E report deadline due on April 20, 2015. Respondent was also provided a copy of the OCF's schedule of filing deadlines at the conclusion of the hearing.

Respondent has one prior delinquent filing that was recommended for an administrative dismissal. Respondent is in compliance with the March 10th R&E filing.

Findings of Fact

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

1. Respondent is the Treasurer for the Better Leadership DC PAC political action committee.
2. Respondent was required to file the March 10th R&E report on or before March 10, 2015.
3. Respondent failed to file the March 10th R&E report on or before March 10, 2015.
4. By Notice of Hearing, Statement of Violations and Order of Appearance dated March 19, 2015, the OCF ordered Respondent to appear for a scheduled hearing on April 8, 2015.
5. On March 25, 2015, Respondent filed the March 10th R&E report.
6. The March 10th R&E report filing was eleven (11) days late.
7. On April 7, 2015, the OCF rescheduled the April 8, 2015 hearing to April 9, 2015 in response to Respondent's request for an extension.
8. On April 9, 2015, Respondent appeared for the scheduled hearing.
9. Respondent provided credible testimony for the untimely filing given that Respondent overlooked the filing deadline due to a death in his family; filed the report soon after he received the Hearing Notice; and developed internal controls to foster timely report filings.
10. Respondent is in compliance with the March 10th R&E report filing.

Conclusions of Law

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

1. Respondent violated D.C. Official Code § 1-1163.09(b) and 3 DCMR § 3017.2.
2. The penalty established by 3 DCMR § 3711.2(f) for failure to file a Report of Receipts and Expenditures with OCF, as required by D.C. Official Code § 1-1163.09(b), is a fine of \$50.00 per day for each business day subsequent to the due date, up to \$4,000 for the first offense and not more than \$10,000 for the second and each subsequent offense. (D.C. Law 20-0076) (2015).
3. The Committee's March 10th R&E report was eleven (11) days late.
4. Respondent Committee may be fined a maximum fine of \$550.00 for failing to timely file a R&E report with OCF.
5. For good cause shown pursuant to 3 DCMR § 3711.7, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
6. Respondent provided a credible explanation for the untimely filing given that he filed the report soon after he received the Hearing Notice and developed internal controls to prevent untimely filings.
7. Respondent is in compliance with the March 10th R&E report filing.

Recommendation

In view of the foregoing and information included in the record, I HEREBY RECOMMEND that the Director suspend a fine in this matter.

April 15, 2015
Date

Lesley Brown
Lesley Brown
Hearing Officer

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Concurrence

In view of the foregoing, I HEREBY CONCUR with the Recommendation.

April 15, 2015
Date

William O. Sanford
William O. Sanford
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that a fine is suspended in this matter.

April 15, 2015
Date

Cecily E. Collier-Montgomery
Cecily E. Collier-Montgomery
Director

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CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that a true copy of the **ORDER** has been served on Richard Tappan, Treasurer, via regular mail at 1629 K Street, NW, Ste. 300, Washington, D.C. 20006 and by electronic mail at rich.tappan@gmail.com on this 15th day of April 2015.



Notice

Any party adversely affected by an Order of the Director may: (1) file a Motion for Reconsideration (Motion) with the OCF within five (5) days after receipt of an Order, provided that relevant evidence was omitted from consideration at the hearing (3 DCMR § 3709.13); or (2) obtain review of the Order by filing a request for a **hearing de novo** with the Board of Elections within fifteen (15) days from the date of issuance of an Order. Any fine imposed by the Director, pursuant to § 3711.2 shall become effective on the sixteenth (16th) day following the issuance of a decision or Order; provided that, the Respondent does not request a **hearing de novo** with the Board of Elections. Fines imposed shall be paid within ten (10) days of the effective date of the issued Order of the Director. Make payment by check or money order payable to: *District of Columbia Treasurer*. Send payment to the *Office of Campaign Finance, Frank D. Reeves Municipal Building, 2000 14th Street NW, Suite 433, Washington, DC 20009*.