



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of	)	
	)	
Heller for Senate and Chrissie	)	
Hastie in her official capacity	)	MUR 7395
as treasurer	)	
Sen. Dean Heller	)	
Heller Enterprises, LLC	)	

**STATEMENT OF REASONS OF  
CHAIR SHANA M. BROUSSARD AND COMMISSIONER ELLEN L. WEINTRAUB**

The complaint in this matter alleges that Heller Enterprises, LLC (“Heller Enterprises”) made, and Sen. Dean Heller and Heller for Senate (the “Committee”) knowingly accepted and failed to report excessive or prohibited in-kind contributions in the form of discounted social media consulting services performed by Sen. Heller’s son, Harrison Clark Heller. In light of the circumstances presented, we voted to exercise prosecutorial discretion to dismiss the allegations.<sup>1</sup>

Beginning in July 2016, the Committee made monthly payments of \$2,500 to Heller Enterprises, Harrison Heller’s company, for his services.<sup>2</sup> Pointing to reports that the Committee received a discount from Harrison Heller, the complaint asserts that the Committee paid Heller below market rate, which resulted in excessive or prohibited contributions. Respondents contend that the rate was “neither below nor greater than the value of services Heller Enterprises has received for similar services.”<sup>3</sup>

The provision of services below market rate typically results in an excessive or prohibited in-kind contribution.<sup>4</sup> Where a political committee receives goods or services from a company partly owned by a candidate or his or her family, it must walk a fine line to avoid paying more or less than the fair market rate. Payments over the market rate risk illegally converting campaign

<sup>1</sup> See Vote Certification, MUR 7395 (Heller for Senate, *et al.*); *Heckler v. Chaney*, 470 U.S. 821 (1985).

<sup>2</sup> See, e.g., Heller for Senate 2016 Oct. Quarterly Report at 40, 60 (Oct. 15, 2016); Heller for Senate 2016 Year-End Report at 63 (Jan. 31, 2017). As of August 2018, the Committee had reported disbursements to Heller Enterprises totaling \$60,175. FEC Report Summaries, Heller for Senate, Disbursements, 2015-2016, 2017-2018; FEC Report Summaries, All Disbursements, 2013-2014, 2015-2016, 2017-2018.

<sup>3</sup> Resp. at 3 (July 5, 2018). Harrison Heller also submitted an affidavit in which he attested that he did not discuss a discount with the Committee, but came short of addressing his reported statements in the press about providing a discount.

<sup>4</sup> See 11 C.F.R. § 100.52(d)(1) (defining an in-kind contribution as, in part, “the provision of any goods or services without charge or at a charge that is less than the usual and normal charge for such goods or services”).

funds to personal use, and payments below the market rate may cause the services to be impermissible in-kind contributions.<sup>5</sup>

Here, we do not know if the Committee struck the right balance. However, considering the circumstances presented, we voted to dismiss the allegations.<sup>6</sup> First, the statute of limitations in this matter will begin to run in July 2021. And, though the press reports of a discount may suggest a potentially impermissible in-kind contribution, they appear to be driven in part by what the Respondents label “hyperbole.”<sup>7</sup> Notwithstanding his general experience in social media consulting, Harrison Heller was not a seasoned political consultant when he was hired to work for his father’s campaign. He does not appear to have worked for other political committees. According to news reports, Heller cited campaigning with his father as a child as his only prior campaign experience.<sup>8</sup> Given Heller’s lack of experience, it might have been difficult to determine the exact fair market rate even with an investigation. Had the Committee paid him in line with more established campaign vendors who provided a wider array of services to the Committee, they would have risked converting campaign funds to personal use. If the Committee erred, it appears to have done so in a way that at least avoided using campaign funds to line the pockets of the candidate’s relatively inexperienced son. Under these circumstances, and in light of the imminent statute of limitations and other priorities on the Commission’s docket, we voted to dismiss the allegations as a matter of prosecutorial discretion.

May 7, 2021

Date



Shana M. Broussard  
Chair

May 7, 2021

Date



Ellen L. Weintraub  
Commissioner

<sup>5</sup> See Advisory Op. 1995-08 (Stupak); Advisory Op. 1994-22 at 2 n.1 (Patrick Combs for U.S. Congress) (“[I]f the Committee pays more than usual and normal charge for the rental, it would unduly augment the earnings of an asset owned by the candidate and thereby violate [the personal use provisions now at 52 U.S.C. § 30114]. If, on the other hand, the Committee pays less than fair market value, this would constitute a contribution by Woody Combs Auto Sales and Leasing [a partnership between the candidate and his father] to the campaign[.]”) (citations omitted).

<sup>6</sup> See *Heckler v. Chaney*, 470 U.S. 821 (1985).

<sup>7</sup> See Resp. at 1.

<sup>8</sup> See James DeHaven, *Sen. Dean Heller Paid Son At Least \$52,500 in Campaign Cash for Social Media Consulting*, RENO GAZETTE JOURNAL (May 18, 2018).