



**OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS
WASHINGTON, D.C. 20009**

IN THE MATTER OF)	
)	Date: April 9, 2013
WARD ONE DEMOCRATS)	
Lillian Perdomo, Treasurer)	Docket No.: 13P-001 & 13P-019
1820 Ingleside Terrace)	
Washington, DC 20009)	
)	

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (“OCF”) Office of the General Counsel following a determination by its Public Information & Records Management (“PIRM”) Division that pursuant to the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform and Amendment Act of 2011, codified by D.C. Official Code § 1-1163.09(b), Treasurer Lillian Perdomo for Ward One Democrats failed to timely file the January 31st Report of Receipts and Expenditures by the extended deadline February 15, 2013 and failed to file the March 10th Report of Receipts and Expenditures due on Monday March 11, 2013.

By Notice of Hearing, Statement of Violations and Order of Appearance dated March 5, 2013, OCF ordered Treasurer Lillian Perdomo (“Respondent”) to appear at a scheduled hearing on March 21, 2013 and show cause why she should not be found in violation of the D.C. Official Code §1-1163.09(b) and the Campaign Finance Act of 2011, as amended and fined accordingly.

Summary of Evidence

On March 21, 2013, William O’Field, Chairman of Ward One Democrats appeared on behalf of Respondent. Mr O’Field appeared pro se. Laura McQueen appeared on behalf of the Office of Campaign Finance. Mrs. McQueen testified that Respondent failed to timely file the January 31st Report of Receipts and Expenditures, which was due on Thursday January 31, 2013 and failed to by the extension deadline on February 15, 2013. Mrs. McQueen also testified that Respondent failed to timely file the March 10th Report of Receipts and Expenditures due on March 11, 2013.

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Mr. O'Field testified that Respondent contacted him in February 2013 and asked for his assistance in filing the January 31st Report. Respondent advised Mr. O'Field that she inadvertently missed the deadline because her mother became sick and needed Respondent's constant care. During his testimony, Mr. O'Field was provided a copy of the January 31st Report noncompliance letter, which extended the filing deadline to February 15, 2013. Mr. O'Field testified that he had no knowledge of the notice and the extended deadline. Mr. O'Field could not remember exactly when he spoke with Respondent about the January 31st Report filing, but recall filing the report within a couple of days of their conversation. The January 31st Report was filed on February 25, 2013.

At the hearing on March 21, 2013, Mr. O'Field was informed that the March 10th Report, which was due on March 11, 2013 was also delinquent. Mr. O'Field testified that he was unaware that the March 10th Report had not been filed. Mr. O'Field stated that he was not privy to receipt of the reminder notices mailed by OCF, because all notices were mailed to Respondent (treasurer). However, Mr. O'Field took immediate action to correct the noncompliance for the committee and filed the March 10th Report on March 21, 2013.

Notwithstanding the matter at issue, OCF finds that the committee does not have a history of filing delinquencies and is currently in compliance with the statute.

Findings of Fact

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

1. Respondent is the treasurer of Ward One Democrats political action committee. Mr. William O'Field is the chairperson of Ward One Democrats political action committee.
2. Respondent was required to file the January 31st Report of Receipts and Expenditures by the extended deadline February 15, 2013.
3. Respondent was also required to file the March 10th Report of Receipts and Expenditures by Monday March 11, 2013.
4. On March 5, 2013, OCF sent via regular mail a Notice of Hearing, Statement of Violations and Order of Appearance, ordering Respondent to appear at a scheduled hearing on March 21, 2013.
5. William O'Field, Chairman of the political committee appeared at the scheduled hearing on March 21, 2013 on behalf of the Repondent/treasurer.

6. Mr. O'Field provided a credible explanation for the untimely filings, in that the Respondent was caring for her sick mother and inadvertently missed the filing deadlines and sought Mr. O'Field's help in the matter.
7. Mr. O'Field took immediate action to correct the committee's noncompliance and filed the January 31st Report on February 25, 2013.
8. Mr. O'Field also took action to correct the delinquent status of the March 10th filing and filed the report on March 21, 2013.
9. Notwithstanding the current matter at issue, the committee has an exceptional filing history and is currently in compliance with the statute.

Conclusions of Law

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

1. Respondent violated D.C. Official Code §1-1163.09(b) and may be assessed a civil penalty.
2. The civil penalty for failure to file a Report of Receipts and Expenditures \$50 per day for each day of noncompliance, excluding holidays and weekends; not to exceed \$2,000 for each violation, pursuant to D.C. Official Code §1-1163.35.
3. The Director may modify, rescind, dismiss or suspend any fine imposed, pursuant to 3 DCMR § 3711.6, for good cause shown.
4. Respondent failed to file the January 31st Report by the extended deadline of February 15, 2013 and failed to file the March 10th Report by March 11, 2013.
5. The Chairman, William O'Field appeared on behalf of the Respondent and provided a credible explanation for the untimely filings, in that the Respondent was caring for her sick mother and inadvertently missed the filing deadlines and sought Mr. O'Field's help in the matter.
6. Mr. O'Field took immediate action to correct the committee's noncompliance and filed the January 31st Report on February 25, 2013.
7. Mr. O'Field also took action to correct the delinquent status of the March 10th filing and filed the report on March 21, 2013.
8. Notwithstanding the current matter at issue, the committee has an exceptional filing history and is currently in compliance with the statute.

Recommendation

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

Date

Kalvanetta K. Peete
Hearing Officer

Concurrence

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

April 9, 2013

Date

William O. SanFord

William O. SanFord
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that the imposition of any fine shall be suspended in this matter.

April 9, 2013

Date

Cecily E. Collier-Montgomery

Cecily E. Collier-Montgomery
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Order has served to the Lillian Perdomo and William O'Field by regular and/or certified mail on this _____ day of April 2013.

NOTICE

Any party adversely affected by any Order of the Director may 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 and/or Order; provided that, the Respondent does not request a hearing de novo, pursuant to §3709.11. 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*.