

BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS
1015 Half Street, SE Suite 775
WASHINGTON, DC 20003
(202) 671-0550

IN THE MATTER OF

Ward One Democrats, PAC
Daniel Orlaskey, Treasurer
2021 11th Street, NW
Washington, DC 20001

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DOCKET NO.: 2018 P-027
Date: February 28, 2019

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of the General Counsel following a determination by its Public Information and Records Management Division, that pursuant to The Campaign Finance Act of 2011 (The Act), codified in DC Official Code 1-1163.01, Daniel Orlaskey, treasurer, Ward One Democratic, PAC failed to timely file, a 8 Day Pre-General Election Receipt and Expenditure Report (hereafter R&E) on or before Monday October 29, 2018 and on the basis of the foregoing allegation, it is charged that he is in violation of the Campaign Finance Act of 2011 and 3 DCMR § 3017.2.

By Notice of Hearing, Statement of Violations and Order of Appearance dated November 13, 2018 and January 10, 2019, OCF ordered Daniel Orlaskey (hereinafter Respondent), to appear at a scheduled hearing on November 30, 2018 and January 24, 2019 respectively and show cause why Respondent should not be found in violation of Title III of the Campaign Finance Act of 2011, and fined accordingly.

Summary of Evidence

Respondent electronically via email notified the OCF on or about December 3, 2018 and acknowledged that he received the initial Notice of Hearing. Respondent stated that the initial Notice was left in the mail box belonging to his downstairs neighbor, and the neighbor gave him the letter after the November 30th hearing date. Respondent requested that OCF schedule a second hearing, and he promised to come.

Respondent appeared for the rescheduled hearing. He was not represented by legal counsel and agreed to represent himself, and proceed pro se.

OCF was represented by Laura McQueen, Legal Instrument Examiner.

Respondent admitted that he was unaware that the PAC was required to file the 8 Day Pre-General Election Report. Respondent stated that he filed the report but it was after the election. Respondent stated that he was of the belief that the organization had a nonprofit status, and he did not know that the organization was a registered PAC and that the PAC did not support any candidate in the past election.

Respondent further stated that for the past year (2018) the organization had a significant amount of turnover in its leadership and its membership. The remaining members are in the process of reorganizing and revive the PAC. Respondent further stated that prior to the general election the PAC had no money. Respondent stated that subsequent to the election the PAC received some funds from the Democratic State Committee to reimburse people who expended their personal money while working the "Get Out to Vote" campaign. Respondent stated that this financial information is reflected on the current report.

Findings of Fact

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

1. Respondent is the treasurer of record for the Ward One Democrats, PAC.
2. Respondent committee was required to file a 8 Day Pre-General Election R&E report that was due on or before October 29, 2018 in accordance with D.C. Official Code § 1-1163.09
3. Respondent treasurer filed the 8 Day Pre-General Election R&E Report on December 6, 2018.
4. Respondent attributes the delinquent filing of the report to for the past year the committee has been dis-organized and lacking leadership. Respondent stated that measures are being taken to "re-establish" and revive the committee and its leadership.
5. Respondent pledged to file all future R&E Reports in a timely manner.
6. Notwithstanding the R&E Report was filed late the Respondent committee is currently in compliance with the statute.

Conclusions of Law

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

1. Respondent PAC violated DC Official Code §1-1163.09(b).

2. The penalty established at DC Official Code §1-1163.09, §1-1163.35, 3 DCMR §§3711.2(f), 3711.3 and 3711.4 for failure to timely file a 8 Day Pre-General Election R&E Report 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. (DC Law 20-0076) (2015).
3. In accordance with DC Official Code 1-1163.35, the respondent PAC may be fined a maximum of \$1,300.00 for failing to timely file a 8 Day Pre-General Election R&E Report.
4. For good cause shown pursuant to 3 DCMR 3711.6, the Director of the Office of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent's explanation is credible in explaining the reason(s) for the delinquent filing. The committee being dis-organized and destitute can impede its functioning in a proper manner. This Hearing Examiner expressed empathy for the circumstances the members endured during the past year. But also admonished Respondent of the requirement to file the future reports in a timely manner or be subjected to penalties, inclusive of fines against both the committee and individuals.
6. The Hearing Examiner also offered Respondent the accommodation to seek assistance from the OCF if there is a problem and/or issue regarding the filing of future reports.

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the imposition of the fine in this matter. Respondent stated the committee and its most recent report indicates that the committee has no money of its own. To impose a reduced fine would be an act in futility.

February 28, 2019
Date

Leonard M. Muhammad
Hearing Officer

Concurrence

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

February 28, 2019
Date

William O. SanFord
William O. SanFord
General Counsel

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ORDER OF THE DIRECTOR

IT IS ORDERED that the fine in this matter is hereby suspended.

February 28, 2019
Date

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

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order on Daniel Orlaskey 2021
_11th Street, NW Washington, DC 20001 by regular mail, on February 28, 2019.

[Signature]

NOTICE

Any party adversely affected by any order of the Director may obtain review of the order by filing, with the Board of Elections and Ethics, a request for a hearing *de novo*. Pursuant to 3 DCMR §3711.5, 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, 1015 Half Street, SE Suite 775 Washington, DC 20003.