

**BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS
1015 HALF STREET, S.E., SUITE 775
WASHINGTON, D.C. 20003**

IN THE MATTER OF)	
Jacque 4 DC)	
Derrell Simpson, Treasurer)	
2800 Jasper Street, NE)	Docket No: 2021 R-004
Washington, DC 20020)	
Via Email: <simpsonderrell@gmail.com)	

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (“OCF”) Office of the General Counsel (OGC) following a determination by the Records Analysis and Review Division (RAAD)) that Derrell Simpson treasurer for the campaign committee Jacque 4 DC (Committee) failed to provide additional documents (Schedule A Receipts) per the Audit Notification Letter dated April 7, 2021 which was the latest request to the Committee. The initial audit notification was issued on February 8, 2021. The Audit Division made verbal and/or written requests to the Committee on March 11, 2021, March 18, 2021, April 7, 2021, June 12, 2021, and June 13, 2021. The Committee failed to produce the Schedule A receipts, and failed to inform the Audit Division when to expect receipt of the documents. On or about July 12, 2021 the matter was referred to the Office of the General Counsel for adjudication.

By Notice of Hearing, Statement of Violations and Order of Appearance (Notice) dated July 28, 2021 OCF ordered Derrell Simpson to appear at a scheduled telephonic conference hearing on Wednesday August 18, 2021, to show cause why the committee should not be found in violation of D.C. Official Code § 1-1163.09 (a) and 3 DCMR 3017.

Summary of Evidence

On August 18, 2021 Jacque Patterson, candidate, (Respondent) appeared for the teleconference hearing. Mr. Patterson was a candidate for the State Board of Education in the election held on November 2, 2020.

During the August 18, 2021 teleconference hearing the Audit Division was represented by Renee Coleman-Rollins, Supervisor, of the OCF Audit Division. Ms. Coleman-Rollins’ testimony reiterated the aforementioned statements, regarding the written and verbal communications held with the Respondent and the auditor(s) working on the case. In support of her position, Ms. Coleman-Rollins produced numerous emails written by the respective parties, and specifically stated that the receipts, cancelled checks, and January bank statement identified by RAAD for Schedule A were insufficient and lacking.

Respondent acknowledged that the Committee had been repeatedly asked to provide the additional documents by the Audit Division. Respondent admitted that the Committee failed to provide the documentation necessary to complete the audit. Respondent stated that he submitted the January bank

statement minutes prior to the start of this show cause hearing. Respondent requested additional time to gather the outstanding requested documents.

The parties agreed to give the Respondent additional time to submit the outstanding documents. The outstanding documents were due by the close of business September 2, 2021.

Findings of Fact

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

- On February 8, 2021, the RAAD sent out an Audit Notification Letter requesting additional documentation from the Committee.
- Respondent was required to respond to the Request for Additional Information (RFAI) on or before March 8, 2021.
- The Audit Supervisor and Respondent concur that numerous communications were held verbally and in writing in which demands for the information were made, and promises were made to provide the relevant documentation essential to completing the audit.
- At all times pertinent, the Committee was required to provide documentation to support the information stated in Schedule A.
- The Respondent by agreement of the parties was given an additional fifteen (15) business days to produce the records.
- The records were due on or before the close of business September 2, 2021.
- Respondent fulfilled the promise to provide the documentation requested in the RFAI.
- The Audit Supervisor informed OGC that the information provided was sufficient.
- Respondent is no stranger to the District of Columbia election laws and the Office of Campaign Finance having previously been a candidate for school board, council member, and ANC.
- Respondent is aware that his Committee has an obligation to produce all financial documentation to the Office of Campaign Finance within a specified time period.
- Respondent and his campaign committees are frequently referred to the Office of General Counsel because of their failure to produce additional information and/or file financial reports in a timely manner.

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- During the year 2021 Respondent and the Committee have been referred twice to the OGC. The Respondent and the Committee only after being referred to the OGC did they come into compliance with the law.
- Respondent and the Committee were never penalized for non-compliance in the past.

Conclusions of Law

- The Respondent is in violation of D.C. Official Code 1-1163.09 (a) and 3 DCMR 3017 as a result of the Committee failure to timely submit documentation (e.g., cancelled checks, receipts, and the January bank statement) following a request from the Audit Division to conduct an Audit for Newly Elected Officials.
- The requested information was due on March 8, 2021.
- As of August 18, 2021, the committee had failed to produce the documentation, and the information to support the entries on Schedule A was 20 business days past due.
- 3 DCMR 3711.4 (l) establishes a fifty-dollar (\$50) fine per business day for each day of non-compliance for failure to provide records and documentation in support of financial Reports.
- For each day of non-compliance, the Respondent may be fined fifty dollars (\$50) per business day with the exception of weekends and holidays up to a maximum fine of One Thousand Dollars (\$1,000). 3 DCMR 3711.1
- The OCF Director may ministerially impose fines upon the candidate, treasurer, committee, or designated agent. 3 DCMR 3711.1
- For good cause shown, pursuant to 3 DCMR 3711.2 the Director of Campaign Finance may modify, rescind, dismiss, or suspend any fine.

Recommendation

The Audit Supervisor and Respondent concur that despite numerous and repeated verbal and written demands for the financial information the documentation relevant to completing the audit were not forth coming in a timely manner..

It is recommended that in view of the foregoing and the information included in the record, that the Director impose a nominal fine of Five Hundred Dollars (\$500) against the treasurer, Derrell Simpson, and the Respondent, Jacque Patterson in this matter.

October 13, 2021

Date

/s/Leonard G. Muhammad

Leonard G. Muhammad

Attorney-Advisor

Concurrence

In view of the foregoing, I hereby **CONCUR** with the Recommendation.

October 13, 2021

Date

/s/ William O. SanFord

William O. SanFord
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that, treasurer Derrell Simpson and the candidate Jacque Patterson, Jacque for DC campaign committee is hereby fined Five Hundred Dollars (\$500) in this matter.

October 13, 2021

Date

/s/ Cecily E. Collier-Montgomery

Cecily E. Collier-Montgomery
Director

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that a true copy of the **ORDER** has been electronically mailed to on this 13th day of October 2021 to:simpsonderrell@gmail.com and jacquepatterson@yahoo.com.

Leonard Muhammad

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, 1015 Half Street S.E., Suite 775, Washington, DC 20003*.

