

**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

Mayor Muriel Bowser Recall Committee
Samuel Troper, Treasurer
2013 ½ O Street, NW
Washington, DC 20036
eliana@troper.report

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) Date: June 30, 2023
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) Docket No: 2023 RE-001
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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 and Records Management Division that: **Samuel Troper, Treasurer** of the Mayor Muriel Bowser Recall Committee (“committee”), failed to timely file the January 31st Report of Receipts and Expenditures that was due by the extended filing date on February 17, 2023, in violation of the Campaign Finance Act of 2011, District of Columbia Official Code § 1-1163.09(b) (March 2019) and the District of Columbia Municipal Regulations, 3 DCMR § 3017.2 (July 2019).

By Notice of Hearing, Statement of Violations and Order of Appearance dated March 21, 2023, OCF ordered Samuel Troper, Treasurer (“Respondent”) to appear at a scheduled hearing on Wednesday, April 5, 2023 and show cause why the Respondent should not be found in violation of the D.C. Official Code § 1-1163.09(b) (March 2019) and 3 DCMR § 3017.2 (July 2019) and fined accordingly.

Summary of Evidence

On April 5, 2023, Samuel Troper (“Respondent”) appeared pro se to answer to the alleged filing violation. Mrs. Laura McQueen, Legal Instrument Examiner appeared on behalf of the Office of Campaign Finance. Mrs. McQueen testified that the Respondent failed to file the January 31st Report of Receipts and Expenditures that was due by the extended filing date on February 17, 2023, in violation of the Campaign Finance Act of 2011, District of Columbia Official Code § 1-1163.09(b) (March 2019) and the District of Columbia Municipal Regulations, 3 DCMR § 3017.2 (July 2019).

On January 20, 2023, the Public Information and Records Management (“PIRM”) Division emailed a Reminder Letter to the Respondent that reminded the Respondent to file the January 31st Report of Receipts and Expenditures on January 31, 2023. However, the Respondent failed to comply. Therefore, on February 3, 2023, PIRM emailed a Notice of Non-Compliance Letter to the Respondent that informed the Respondent to file the Report by February 17, 2023. Again, the Respondent failed to comply.

The Respondent testified that he relied on the email notifications from OCF that reminded him in advance to file a Report of Receipts and Expenditures on or before the deadline date. In this case, the Respondent stated that he did receive the usual email reminders from OCF regarding the filing of the January 31st Report. Consequently, the Respondent was unaware that the report filing was due and unintentionally failed to file January 31st Report on time. However, upon notice of the filing violation from OGC, the Respondent took immediate action and filed the January 31st Report on March 22, 2023. On March 22, 2023, the Respondent also filed a Termination Report with the Office of Campaign Finance. The Respondent and committee are now compliant with the reporting and filing requirements under the Campaign Finance Act. Moreover, the committee does not have a history of other delinquent report filings.

Findings of Fact

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

1. The Respondent is the treasurer/chairperson of the Mayor Muriel Bowser Recall Committee.
2. The Respondent attended the Office of Campaign Finance mandatory training program on January 4, 2021, where in the Respondent learned and affirmed by signature and oath to adhere to the District's Campaign Finance Laws.
3. At all times pertinent, the Respondent was required to file the January 31st Report of Receipts and Expenditures by the extended filing date on February 17, 2023.
4. OCF notified the Respondent, twice by emails dated January 20, 2023 and February 3, 2022, to file the January 31st Report but the Respondent failed to comply.
5. By Notice of Hearing, Statement of Violations and Order of Appearance dated March 21, 2023, OCF ordered the Respondent to appear at a scheduled Zoom hearing on Wednesday, April 5, 2023 or file the January 31st Report and submit a Statement of Explanation and Affirmation Statement prior to the scheduled hearing.
6. On April 5, 2023, the Respondent appeared at the scheduled Zoom hearing and provided a reasonable explanation for the delinquent report filing. The Respondent explained that he failed to file the January 31st Report on time because he did not receive the email reminder commonly sent by OCF in advance of an upcoming filing date.
7. The Respondent filed the January 31st Report on March 22, 2023, immediately after receipt of the hearing notice issued by OGC on March 22, 2023.
8. The Respondent/committee is now compliant with the reporting and filing requirement under the Campaign Finance Act and does not have a history of other delinquent report filings.

Conclusions of Law

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

1. The Respondent violated D.C. Official Code § 1-1163.09)(b) (March 2019) and 3 DCMR § 3017.2 (July 2019).
2. 3 DCMR § 3711.2(f) established a fifty dollar (\$50) fine, per day, for failure to timely file a Report of Receipts and Expenditures.
3. 3 DCMR § 3711.1 maintains that a fine shall attach for each day of noncompliance; up to a maximum of **\$1,300.00** (in this matter), pursuant to D.C. Official Code § 1-1163.35(a)(3).
4. The Director may ministerially impose fines upon the candidate, treasurer, committee, or designated agent, pursuant to 3 DCMR § 3711.1.
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. At all times pertinent, the Respondent was required to file the January 31st Report of Receipts and Expenditures by the extended filing date on February 17, 2023 but failed to comply.
7. In January 2021, the Respondent attended the OCF Mandatory Training Program, wherein he learned and affirmed by oath and signature to adhere to the rules under the Campaign Finance Act.
8. On March 22, 2023, the Respondent filed the January 31st Report of Receipts and Expenditures, as well as a Termination Report.
9. On April 5, 2023, the Respondent appeared at the scheduled hearing and provided a reasonable explanation for the untimely filing of the January 31st Report.
10. The Respondent/committee is now compliant with reporting and filing requirements of the Campaign Finance Act and does not have a history of other delinquent report filings.

Recommendation

In view of the foregoing and information included in the record, I HEREBY RECOMMEND that the Director SUSPEND the imposition of a fine against Samuel Troper Treasurer/Chairperson and the Mayor Muriel Bowser Recall Committee in this matter.

June 30, 2023

Date

/s/ Kalvanetta K. Peete

Kalvanetta K. Peete
Hearing Officer

Concurrence

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

June 30, 2023

Date

/s/ William O. SanFord

William O. SanFord
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that the imposition of any fine shall be **SUSPENDED** against Samuel Troper Treasurer/Chairperson and the Mayor Muriel Bowser Recall Committee in this matter.

June 30, 2023

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 served on Samuel Troper, Treasurer, via electronic mail at: eliana@troper.report on this 30th day of June 2023.

/s/ Kalvanetta K. Peete

Kalvanetta K. Peete

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*.