

**BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000 14TH STREET, N.W., SUITE 433
WASHINGTON, D.C. 20009
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IN THE MATTER OF)	Date: March 25, 2016
)	
Derek J. Ford, Treasurer)	Docket No.: 16R-002
Yvette Alexander Constituent Service Fund)	
4508 B Street, SE #8)	
Washington, DC 20019)	

ORDER

Statement of Case

This matter came before the Office of Campaign Finance (“OCF”), Office of the General Counsel, based upon Respondent’s Motion for Reconsideration (“Motion”) of the Order of the Director issued to Derek J. Ford, Treasurer of the Yvette Alexander Constituent Service Fund on March 9, 2016. The Director entered an Order in this matter imposing a fine of \$1,450 against the Yvette Alexander Constituent Service Fund finding that the Committee was untimely in responding to a Statement of Findings in violation of D.C. Official Code § 1-1163.03 (a)(1)(A). On March 14, 2016, Respondent submitted a Motion for Reconsideration regarding the March 9, 2016 Order.

Summary of Evidence

The Yvette Alexander Constituent Service fund was required to file a response to a Statement of Findings dated December 30, 2015. The response was due on January 14, 2016. The Yvette Alexander Constituent Service fund failed to submit a response with OCF by January 14, 2016. Respondent was given the opportunity to prepare a notarized affidavit explaining why the Constituent Service fund had not responded to the Statement of Findings. Respondent chose not to file a notarized affidavit with OCF. Subsequently, an informal hearing was held on February 24, 2016, to allow Respondent to provide testimony regarding the lack of a response to the Statement of Findings. Respondent failed to appear at the informal hearing. Consequently, the Constituent Service fund was fined \$1,450 for failing to timely respond to the Statement of Findings.

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On March 14, 2016, Respondent submitted a Motion for Reconsideration regarding the March 9, 2016 Order. Respondent's Motion states that he met with Audit Manager, Renee Coleman-Rollins on January 14, 2016 to seek clarification on responding to the Statement of Findings. He further contends that after his meeting with Ms. Coleman-Rollins, he had additional questions regarding providing a response to the Statement of Findings and was unsuccessful in contacting the Audit Staff. Finally, Respondent alleges that he experienced difficulty using the online filing system which caused a delay in filing the required amendments included in the Statement of Findings.

Findings of Fact

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

1. Respondent is the Treasurer for the Yvette Alexander Constituent Service Fund.
2. Respondent was required to respond to the Statement of Findings by January 14, 2016.
3. Respondent failed to respond to the Statement of Findings by the given deadline.
4. Respondent was given the opportunity to prepare a notarized affidavit explaining why the Constituent Service fund had not responded to the Statement of Findings. Respondent chose not to file a notarized affidavit with OCF.
5. An informal hearing was held on February 24, 2016, to allow Respondent to provide testimony regarding the lack of a response to the Statement of Findings. Respondent failed to appear at the informal hearing.
6. On March 9, 2016, the Director entered an Order in this matter imposing a fine of \$1,450 against the Yvette Alexander Constituent Service Fund after finding that the Committee was untimely in responding to a Statement of Findings in violation of D.C. Official Code § 1-1163.03 (a)(1)(A).
7. On March 14, 2016, Respondent submitted a Motion for Reconsideration regarding the March 9, 2016 Order.
8. After a complete review of the record, it appears that Respondent has failed to present any credible explanation as to why he failed to submit a notarized affidavit or appear at the informal hearing held on February 24, 2016.
9. Further, Respondent has failed to provide a credible explanation as to why it took the Constituent Service Fund nearly 21 business days after the deadline to submit an Amended Report of Receipts and Expenditures and nearly 29 business days after the deadline to submit an explanation regarding the \$500 cash withdrawal.


Conclusions of Law

1. Respondent violated D.C. Official Code § 1-1163.03(a)(1)(A) and 3 DCMR § 3403.2.
2. The penalty established at 3 DCMR § 3711.2(q) for failure to file additional information requested by the OCF, as required by D.C. Official Code § 1-1163.03(a)(1)(A), is a fine of \$50.00 per day for each business day subsequent to the due date.
3. Under the given facts, the Respondent / Committee may be fined a maximum of \$1,450.00 for failing to timely file additional information requested by the OCF.
4. For good cause shown pursuant to 3 DCMR § 3711.7, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent failed to present sufficient evidence that would mitigate the Constituent Service Fund's failure to respond to the Statement of Findings within a timely manner.

Recommendation

In view of the foregoing and information included in the record, **I HEREBY RECOMMEND** that the Director enforce the prior Order dated March 9, 2016, and impose a fine in this matter in the amount of \$1,450.00.

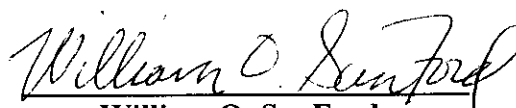
March 25, 2016
Date


Austin Franklin
Hearing Examiner

Concurrence

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

March 25, 2016
Date


William O. Sanford
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that the Order dated March 9, 2016 is enforced, and a fine in the amount of \$1,450.00 is hereby imposed in this matter.

March 25, 2016
Date

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

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that a true copy of the **ORDER** was served on Derek J. Ford, Treasurer for Re-Elect Yvette Alexander 2016, via regular mail at 4508 B Street, SE, Washington, DC, 20019 and by electronic mail at derek@ums-dc.com on this 23rd day of March 2016.

[Signature]

Notice

Any party adversely affected by 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, Frank D. Reeves Municipal Building, 2000 14th Street NW, Suite 433, Washington, DC 20009.*