

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

<b>IN THE MATTER OF</b>	:	
	:	
<b>DC Recovery Act for Living Descendants Of American Slaves John Cheeks, Treasurer 4433 P Street, NW Washington, DC 20007</b>	:	<b>DOCKET NO.: 2018 P-003  Date: July 23, 2018</b>

**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 (PIRM), that pursuant to The Campaign Finance Act of 2011 (The Act), codified in DC Official Code 1-1163.01, John Cheeks, treasurer for the political action committee DC Recovery Act for Living Descendants of American Slaves (Committee) failed to timely file, a Receipt and Expenditure Report (hereafter R&E) for January 31st on or before the extended sanctioned date of February 16, 2018.

By Notice of Hearing, Statement of Violations and Order of Appearance dated March 7, 2018 OCF ordered John Cheeks (hereinafter Respondent), to appear at a scheduled hearing on Thursday March 22, 2018 and show cause why he should not be found in violation of Title III of the Campaign Finance Act of 2011, and fined accordingly.

**Summary of Evidence**

On January 11, 2018 the Public Information and Records Management ("PIRM") Division mailed a letter to the Respondent that reminded the Respondent to file the January 31, 2018 Report of Receipts and Expenditures ("January 31<sup>st</sup> Report"). Respondent failed to comply. Thus, on February 7, 2018 PIRM mailed a non-compliance letter to the Respondent that informed the Respondent to file the January 31<sup>st</sup> Report by the extended filing date of February 16, 2018. Again, the Respondent failed to comply. Accordingly, the matter was referred to the Office of the General Counsel (OGC) for enforcement of the filing violation.

Respondent appeared for the scheduled hearing. He stated that he was not represented by legal counsel and that he would proceed pro se and represent himself.

Respondent in responding to the allegations requested a continuance and additional time to file the outstanding report. Respondent stated that since November 2017 he has been transitioning, and relocating his campaign office from his home to a new location. Respondent stated that the new address for the campaign office is 4433 P Street,

NW Washington, DC. He stated that his new office is undergoing renovations and that he is almost done with the repairs and the renovation. Respondent requested an additional 30 days extension to submit the Report. The issue for an extension was put to the PIRM Director for a decision. The Director granted an extension. But, he stated that the time for the extension would be until the close of business March 30, 2018. Respondent accepted the extension and agreed to have the Report filed on or before March 30, 2018.

Respondent failed to honor his agreement. On or about May 1, 2018 the PIRM Director informed the OGC that Respondent had not filed the January 31, 2018 Report of Receipts and Expenditures, and he has not provided an explanation for his failure to complete the task.

### **Findings of Fact**

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

1. Respondent was the treasurer of record for DC Recovery Act.
2. Respondent committee was required to file a January 31, 2018 Report of Receipts and Expenditures on or before February 16, 2018 in accordance with D.C. Official Code § 1-1163.09.
3. Respondent candidate is not a novice to the political process in the District of Columbia. He has had a prior filing history with OCF.
4. Respondent's agreed to file the outstanding Report on or before the agreed upon extension date of March 30, 2018.
5. Respondent failed to honor the agreement, and the January 31<sup>st</sup> Report of Receipts and Expenditures remains outstanding.
6. Respondent committee is currently not in compliance with the statute.

### **Conclusions of Law**

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

1. In 2017, the Committee was not recognized and/or sanctioned by the DC Board of Elections.
2. Prior to the Board not sanctioning the committee the DC Recovery Act was required to file financial reports because they received funds from various sources to promote their campaign.
3. Respondent PAC violated DC Official Code §1-1163.09(b).
4. 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 January 31, 2018 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).
5. In accordance with DC Official Code 1-1163.35, the Committee may be fined a maximum of \$1,500 for failing to timely file a January 31, 2018 R&E Report.
6. Respondent is in violation of the DC Campaign Finance laws by Default Judgment.

**Recommendation**

In view of the foregoing and information included in the record, I hereby recommend that the Director impose a fine in this matter in the amount of One Thousand Five Hundred Dollars (\$1,500.00) against the DC Recovery Act for Living Descendants of American Slaves.

Date

July 23, 2018

Hearing Officer

Leonard Muhammad

**Concurrence**

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

Date

July 23, 2018

William O. SanFord  
General Counsel

William O. SanFord

**ORDER OF THE DIRECTOR**

**IT IS ORDERED** that the fine in this matter is One Thousand Five Hundred Dollars (\$1,500.00) against the DC Recovery Act for Living Descendants of American Slaves.

Date

July 23, 2018

*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 John Cheeks, Treasurer, DC Recovery Act for Living Descendants of American Slaves 4433 P Street, NW Washington, DC 20007 by certified and regular mail, on July 23, 2018.

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**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 16<sup>th</sup> 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.