

**BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS
1015 HALF STREET SE, SUITE 775
WASHINGTON, D.C. 20003
Telephone: (202) 671-0550
Fax: (202) 671-0658**

IN THE MATTER OF) Date: June 4, 2019
)
Professional Insurance Agents PAC VA&DC) Docket No: 19P-001
Treasurer Kevin Kowar)
9365 John Wickham Way)
Ashland, VA 23005)

ORDER

Statement of 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 (“PIRM”) that pursuant to the District of Columbia Campaign Finance Act of 2011, D.C. Official Code § 1-1163.09(b) (2015) and District of Columbia Municipal Regulations, 3 DCMR § 3017.2 (May 2015, as amended), Treasurer Kevin Kowar of the **Professional Insurance Agents VA&DC political action committee** failed to timely file the April 10th Report of Receipts and Expenditures (“R&E Report”), which was due by April 22, 2019, the OCF extended deadline.

By Notice of Hearing, Statement of Violations, and Order of Appearance dated April 25, 2019, OCF ordered Kevin Kowar (“Respondent”), to appear at a scheduled hearing on May 9, 2019 and show cause why he should not be found in violation of D.C. Official Code § 1-1163.09(b) and 3 DCMR § 3017.2 and fined accordingly.

Summary of Evidence

On April 25, 2019, OCF issued a First Notice of Hearing, Statement of Violations, and Order of Appearance to Respondent, via regular and electronic mail, ordering Respondent to appear at a scheduled hearing on May 9, 2019. Respondent responded via electronic mail the same day, saying that he received the Notice and immediately filed the April 10th R&E Report. Also, Respondent asserted that he would send a notarized affidavit within the next few days.

On April 29, 2019, Respondent sent a notarized affidavit explaining the reasons behind the failure to timely file. The affidavit stated that Respondent inadvertently failed to note the April 10th filing deadline on his calendar. He typically received the mailed reminder notices from OCF but did not rely solely on them since he recently moved. Further, Respondent has served as Treasurer since 2015 and has filed the R&E Reports in a timely manner during his tenure.

As mentioned above, Respondent filed the April 10th R&E Report on April 25, 2019. Respondent and the Committee are now in compliance with the applicable laws and regulations.

Findings of Fact

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

1. Respondent is the Treasurer for the Professional Insurance Agents VA&DC political action committee.
2. The Committee was required to file the April 10th Report of Receipts and Expenditures, which was due on April 22, 2019, the OCF deadline.
3. The Committee failed to timely file the required R&E Report by the April 22, 2019 deadline.
4. By First Notice of Hearing, Statement of Violations, and Order of Appearance dated April 25, 2019, OCF ordered Respondent to appear for a scheduled hearing on May 9, 2019.
5. On April 25, 2019, Respondent responded via electronic mail the same day, saying that he received the Notice and immediately filed the April 10th R&E Report upon receipt. Further, Respondent affirmed that he would send a notarized affidavit within the next few days.
6. On April 29, 2019, Respondent sent a notarized affidavit explaining the reasons behind the failure to timely file. The affidavit stated that Respondent inadvertently failed to note the April 10th filing deadline on his calendar. He typically received the mailed reminder notices from OCF but did not rely solely on them since he recently moved. Further, Respondent has been Treasurer since 2015 and has filed R&E Reports in a timely manner during his tenure.
7. Respondent filed the April 10th R&E Report on April 25, 2019.
8. Professional Insurance Agents VA&DC PAC is in compliance with the applicable laws and regulations.

Conclusion of Law

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

1. The Committee violated D.C. Official Code § 1-1163.09(b) and 3 DCMR § 3403.2.
2. The penalty established by 3 DCMR § 3711.2(f) for failure to file a Report of Receipts and Expenditures with OCF, as required by D.C. Official Code § 1-1163.09(b), is a fine of \$50.00 per day for each business day subsequent to the due date.
3. In accordance with D.C. Official Code § 1-1163.35(a)(2)(B), the Committee may be fined \$50 for each day of delinquency up to a maximum of \$4,000.00 for failing to timely file a April 10th R&E Report.
4. Under the given facts, the Committee may be fined a total of \$150.00, as the April 10th R&E Report is three (3) business days delinquent.
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. Respondent has provided a credible explanation for the Committee's failure to timely file the April 10th R&E Report in that Respondent inadvertently failed to note the April 10th filing deadline on his calendar.
7. Respondent's explanation for failure to timely file the April 10th R&E Report constitutes good cause for a suspension of a fine in this matter.

Recommendation

In view of the foregoing and information included in the record, I HEREBY RECOMMEND that the Director suspend a fine in this matter.

June 4, 2019

Date



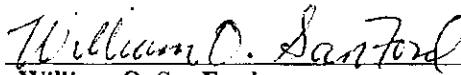
Shaunda Fennell Cobbs
Hearing Examiner

Concurrence

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

June 4, 2019

Date



William O. Sanford
General Counsel

ORDER OF THE DIRECTOR

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

June 4, 2019

Date



Cecily E. Collier-Montgomery
Director

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that a true copy of the ORDER has been served on Treasurer Kevin Kowar, via regular and certified mail, at 9365 John Wickham Way, Ashland, VA 23005 on this 4th day of June, 2019.

SFC

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 SE, Suite 775, Washington, DC 20003*.