

**BEFORE THE OFFICE OF CAMPAIGN FINANCE**  
**DISTRICT OF COLUMBIA BOARD OF ELECTIONS**  
1015 Half Street, SE Suite 775  
WASHINGTON, D.C. 20003  
Telephone: (202) 671-0547  
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IN THE MATTER OF

Professional Insurance Agents PAC	: DOCKET NO.: 2022 P-025
Kevin Kowar, Treasurer	:
9365 John Wickham Way	:
Ashland, Virginia 23005	:
Via Email: <a href="mailto:kevin@piavadc.com">kevin@piavadc.com</a>	:

**ORDER**

**Statement of the Case**

This matter came before the Office of Campaign Finance (hereafter OCF) Office of the General Counsel following a determination by its Public Information and Records Management Division (PIRM), that pursuant to DC Official Code 1-1163.09, Kevin Kowar, treasurer for the Professional Insurance Agents PAC (Committee) failed to timely file the 8 Day Pre-General Election, Report of Receipts and Expenditures (R&E Report) which was due on October 31, 2022. Reminder notices were initially emailed to the Committee on October 17, 2022, stating that the reports needed to be filed with the Office of Campaign Finance, to determine whether the committee implemented procedures and controls to ensure the financial reporting and record keeping was in compliance with D.C. Code Section 1-1163.09, 1-1163.17 (a), and 3 DCMR 3017.

By Notice of Hearing, Statement of Violations and Order of Appearance sent via electronic mail and dated Friday January 27, 2023, OCF ordered Kevin Kowar (hereafter Respondent), to appear at a scheduled hearing on February 15, 2023 and show cause why he should not be found in violation of Title III of the "Campaign Finance Act of 2011", and fined accordingly.

Respondent appeared for the scheduled hearing. Respondent declined to exercise his due process right to representation by legal counsel, and stated that he would represent himself as a pro se Respondent. Respondent admitted that he failed to timely file the R&E Report. Respondent also represented that he did not receive notice that the R&E Report needed to be filed. Respondent stated that since the year 2020 he has timely filed all R&E Reports in a timely manner. Respondent attributes "honest mistake" as the reason he failed to timely file the 8 Day Pre-General Election Report. Respondent believes that the closeness of the filing date between the 8 Day and the October 10<sup>th</sup> R&E Reports caused the mistake. Respondent requested the foregoing circumstances be given consideration by the OGC in resolving this matter. Respondent's representations are supported by an notarized affidavit.

Moreover, Respondent and the PAC filed the \* Day Pre-General Election R&E Report prior to the hearing.

**Findings of Fact**

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

1. On October 17, 2022, the PIRM sent out an Reminder Letter informing the PAC to file the 8 Day Pre-General Election Report. The R&E Report was due by October 31, 2022.
2. The Respondent admitted that the committee failed to timely file the 8 Day Pre-General Election, Report.
3. Respondent represented that the failure to file the 8 Day Pre-General Election R&E Report was due to simple negligence or mistake.
4. Since the year 2020 the PAC has consistently timely filed the R&E Reports when they were due.

**Conclusions of Law**

- The PAC is in violation of D.C. Official Code 1-1163.17 (a)) and 3 DCMR 3017.2 as a result of the failure to timely file the 8 Day Pre-General Election Report due October 31, 2022.
- Since the year 2020 the PAC has consistently and timely filed the R\*E Reports, when they are due.
- Review of the OCF records supports the aforementioned representation.
- The 8 Day Pre-General Election Report was filed prior to the hearing held on February 15, 2023. At that time the R&E Report was seventy (70) business days past due.
- The late filing was attributed to the treasurer's mistake and/or simple negligence.
- 3 DCMR 3711.4 (l) establishes a fifty-dollar (\$50) fine per business day for each day of non-compliance for failure to timely file Reports of Receipts and Expenditures..
- 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 Three Thousand Dollars (\$3,000). 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**

It is recommended that in view of the foregoing and the information included in the record, that the Director impose a fine of One Thousand Five Hundred Dollars (\$1,500) against the treasurer, Kevin Kowar, and the Professional Insurance Agents PAC with said fine suspended, in this matter. The PAC shall be closely monitored to determine the timeliness of all future filing of their R&E Reports, as required by D.C. Official Code 1-1163.09, 1-1163.17(a), and 3 DCMR 3017 (b).

April 3, 2023  
Date

/s/ Leonard G. Muhammad  
Leonard G. Muhammad  
Attorney-Advisor

**Concurrence**

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

April 3, 2023  
Date

/s/ William O. SanFord  
William O. SanFord  
General Counsel

**ORDER OF THE DIRECTOR**

**IT IS ORDERED** that, treasurer Kevin Kowar and the Professional Insurance Agents PAC is hereby fined One Thousand Five Hundred Dollars (\$1,500) with said fine suspended, in this matter.

**IT IS FURTHER ORDERED** that the PAC is admonished to file all future financial reports in a timely manner. The OCF will monitoring the PAC and its proficiency to timely file all future R&E Reports.

April 3, 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 electronically mailed to Kevin Kowar, treasurer at: [kevin@piavadc.com](mailto:kevin@piavadc.com) on this 6th day of April 2023.

Leonard Muhammad

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### 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 (16<sup>th</sup>) 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*.