

**BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000 14th STREET, NW SUITE 420
WASHINGTON, DC 20009
(202) 671-0550**

IN THE MATTER OF

**DC Legal PAC
Charles Parsons, Treasurer
128 C Street, NW
Washington, DC 20001**

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**Docket No: 012 R-006
Date: February 22, 2013**

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 Reports Analysis and Audit Division (RAAD), that pursuant to The Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform and Amendment Act (The Act), codified in DC Official Code 1-1163.03(a)(1)(A). Charles Parsons, treasurer for the political action committee DC Legal failed to respond to a request for additional information by the audit division, concerning the reporting of contributions stated in the June 10, 2012, August 10, 2012, and October 10, 2012 Receipts and Expenditures Reports (R&E Reports).

By Notice of Hearing, Statement of Violations and Order of Appearance dated November 1, 2012 OCF ordered Charles Parsons (hereafter Respondent), to appear at a scheduled hearing on November 13, 2012 and show cause why he should not be found in violation of Title III of the Campaign Finance Act of 2012, and fined accordingly.

Summary of Evidence

Respondent appeared on November 13, 2012 for the scheduled hearing. He was not represented by legal counsel and represented himself.

Ms. Renee Coleman, the Supervisory Auditor represented RAAD. Ms. Coleman stated that on the aforementioned R&E Reports Respondent appeared to repeatedly make the same mistakes. Specifically, the discrepancies were stated on "Schedule A" of the reports. She stated that: (1) Respondent failed to state the name of the employer and occupation of the contributors; (2) The R&E Reports failed to indicate whether the contributions were made towards the general election or the special election; and (3) the reports failed to state the type of method/means used in making the contributions. The question was asked "Were the contributions made by check, money order or cash?"

Respondent stated he was willing to make the necessary corrections and file Amended R&E Reports that corrected the discrepancies identified by Ms. Coleman.

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Respondent requested and was granted an extension of time to make the corrections and file the Amended R&E Reports. The parties agreed any decision regarding the assessment of fines and penalties would be held in abeyance and that Respondent would file the Amended reports on or before Monday December 2, 2012.

On December 7, 2012, Ms. Coleman notified the Office of General Counsel that Respondent did not comply with their agreement. Ms. Coleman stated that Respondent never followed through nor did he maintain contact with RAAD following the hearing. She requested that OCF impose a fine on the PAC.

Findings of Fact

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

1. Respondent is the treasurer for the DC Legal PAC.
2. Respondent was required to respond to a Request for Additional Information in accordance with D.C. Official Code § 1-1163.03(a) (1) (A) and 1-1163.04(8).
3. RAAD issued the initial notice informing Respondent treasurer of their RFAI in July 2012.
4. Respondent appeared for the scheduled hearing on November 13, 2012.
5. Respondent agreed to correct the discrepancies identified in the R&E Reports for June 10th, August 10th and October 10th, as pointed out to him by the supervisory auditor.
6. The Respondent and RAAD agreed to allow additional time to make the corrections and allow Respondent to file amended R&E Reports. The parties agreed that the amended reports would be filed on or before December 3, 2012, and to hold any decision regarding penalty and fines in abeyance.
7. Respondent has without explanation breached the agreement. He has neglected his obligation to file the amended R&E Reports, nor has he maintained contact with RAAD.
8. Absent evidence and information to the contrary Respondent has disregarded his obligation to file the amended reports and his actions are considered contemptible.

Conclusions of Law

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

1. Respondent has violated DC Official Code §1-1163.03(a) (1) (A).
2. The penalty established at DC Official Code §1-1163.09, §1-1163.35, 3 DCMR §§3709.2(k), 3711.2(u) and 3711.4 for failure to respond to RFAI is a fine of \$50.00 per day for each business day subsequent to the due date.
3. In accordance with DC Official Code 1-1163.35 the respondent may be fined a maximum of \$2000.00 for failing to respond to RFAI. In this case, Respondent breached their agreement with RAAD when he failed to correct the discrepancies identified by the supervisory auditor. Furthermore, more than forty (40) days has elapsed since the December 3, 2012 deadline, and Respondent has not contacted RAAD.
4. Moreover, Respondent has a history of failing to timely comply with the filing requirements as stated in DC Official Code 1-1163.09.
5. For good cause shown pursuant to 3 DCMR 3711.6, the Director of the Office of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director impose a fine of Two Thousand Dollars (\$2,000.00) in this matter.

Date

Hearing Officer

Concurrence

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

Date

William O. SanFord
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that the fine in this matter is hereby Two Thousand Dollars (\$2,000.00).

Date

Cecily E. Collier-Montgomery
Director

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order on Charles Parsons by regular mail, on _____.

This is to certify that I have served a copy of the foregoing Order on Joan Smith 1100 Connecticut Avenue, NW Suite 800 Washington, DC 20036 by regular mail on _____.

NOTICE

Any party adversely affected by and 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 16th 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, 2000 Fourteenth Street, N.W., Suite 433 Washington, DC 20009.