

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

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| IN THE MATTER OF | : | |
| | : | |
| Gertrude Stein Democratic Political Acct. | : | DOCKET NO.: 2016 P-001 |
| Jessica Pierce, Treasurer | : | June 30, 2016 |
| 2501 Sayles Place, SE #10 | : | |
| Washington, DC 20020 | : | |

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, Jessica Pierce, treasurer for the Gertrude Stein Democratic Political Account political action committee failed to timely file, a Receipt and Expenditure Report (hereafter R&E) for January 31, 2016 on or before the extended filing date of February 17, 2016.

By Notice of Hearing, Statement of Violations and Order of Appearance dated March 11, 2016 and April 13, 2016 respectively, OCF ordered Jessica Pierce (hereinafter Respondent), to appear at a scheduled hearing on Tuesday March 29, 2016 and Wednesday April 27, 2016 respectively and show cause why she should not be found in violation of Title III of the Campaign Finance Act of 2011, and fined accordingly.

Summary of Evidence

The Respondent failed to appear for both scheduled hearings. Notices for both hearings were mailed via regular mail (first hearing notice) and certified mail (second hearing notice) to the address of record. Neither of the notices sent to the Respondent were returned to the OCF.

The committee and Respondent are out of compliance with the campaign finance law for the District of Columbia.

Findings of Fact

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

1. Respondent is the treasurer of record for the Gertrude Stein Democratic Political Account political action committee.

2. Respondent committee was required to file a January 31, 2016 R&E report on or before the extended filing date of February 17, 2016 in accordance with D.C. Official Code § 1-1163.09
3. Respondent treasurer has failed to file the report.
4. Respondent candidate is not a first time participant in the electoral process in the District of Columbia, and the committee has a lengthy prior filing history with OCF.
5. It is this official's presumption that all notices sent to Respondent via the United States Postal Service have been delivered, because none of them have been returned to the OCF marked "undeliverable."
6. Respondent committee is currently out of compliance with the DC Campaign Finance laws for the District of Columbia. The R&E Report is forty nine (49) business days past due.

Conclusions of Law

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

1. Respondent PAC violated DC Official Code §1-1163.09(b).
2. 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, 2016 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).
3. In accordance with DC Official Code 1-1163.35, the respondent PAC may be fined a maximum of \$2,450.00 for failing to timely file a January 31, 2016 R&E Report.
4. 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 in this matter in the amount Two Thousand Four Hundred Fifty Dollars (\$2,450.00) against the political action committee.

June 30, 2016
Date

Leonard Wickham
Hearing Officer

Concurrence

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

June 30, 2016
Date

William O. Sanford
William O. Sanford
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that the fine in this matter is Two Thousand Four Hundred Fifty Dollars (\$2,450.00) against the Gertrude Stein Democratic Political Account.

June 30, 2016
Date

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 Jessica Pierce 2501 Sayles Place, SE #10 Washington, DC 20020 by regular mail, on June 30, 2016.

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IN THE MATTER OF: Gertrude Stein Democratic Political Account
Docket No: 2016 P-001
Page 4

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 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.