

**BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS
1015 HALF STREET, S.E., SUITE 775
WASHINGTON, D.C. 20003**

IN THE MATTER OF

Capital Stonewall Democrats
Jatarious Frazier
901 6th Street, SW, #615A
Washington, DC 20024
Frazierjj1@gmail.com

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) Date: May 23, 2023
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) Docket No: 2022 P-015
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ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (“OCF”) Office of the General Counsel (“OGC”) following a determination by its Public Information and Records Management Division that the Capital Stonewall Democrats, Political Action Committee (“Committee”), failed to timely file the 8 Day Pre General Election Report of Receipts and Expenditures (“8 Day Pre General Election Report”) that was due by October 31, 2022, in violation of the Campaign Finance Act of 2011, District of Columbia Official Code § 1-1163.09(a) and(b) and the District of Columbia Municipal Regulations, 3 DCMR § 3017.2.

By Notice of Hearing, Statement of Violations and Order of Appearance dated December 28, 2022, OCF ordered Jatarious Frazier, the contact person for the Committee identified by OCF (“Respondent”) to show cause why Respondent should not be found in violation of the D.C. Official Code § 1-1163.09(a) and (b) and 3 DCMR § 3017.2 and fined accordingly.

Summary of Evidence

On or about October 17, 2022, the Public Information and Records Management Division (“PIRM”) emailed a Reminder Letter to the Capital Stonewall Democrats to file the 8 Day Pre General Election Report by October 31, 2022. Respondent failed to timely file the 8 Day Pre General Election Report. Based upon Respondent’s failure to timely file the required 8 Day Pre General Election Report, PIRM referred the violation to the OCF’s Office of the General Counsel (“OGC”) for enforcement.

On December 21, 2022, OGC issued a Notice of Hearing, Statement of Violations and Order of Appearance to Detrick Campbell, Treasurer, via electronic mail ordering the Committee to show cause why they should not be found in violation of the D.C. Official Code § 1-1163.09(a) and (b) and 3 DCMR § 3017.2 and fined accordingly. On December 27, 2022, Mr. Campbell sent an email to OCF with a copy of his March 14, 2022, letter of resignation, as Treasurer, addressed to the Committee’s Board, along with a copy of the Statement of Withdrawal of Position of Treasurer, dated December 27, 2022. On December 27, 2022, Detrick Campbell withdrew as Treasurer of the Committee; following that withdrawal, on the same day, OCF identified Jatarious Frazier, as a contact person for the Committee. On December 28, 2022, OGC issued a Notice of Hearing, Statement of Violations and Order of Appearance to Respondent, via electronic mail ordering Respondent to show cause why they should not be found in violation of the D.C. Official Code § 1-1163.09(a) and (b) and 3 DCMR § 3017.2 and fined accordingly. A hearing was scheduled for January 25, 2023. The scheduled hearing commenced and was terminated upon Respondent’s request.

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The show cause hearing on January 25, 2023, commenced at 11:30am. Laura McQueen was a witness for PRIM and Respondent Jatarious Frazier was present. The initial hearing held on January 25, 2023, was continued, to February 1, 2023, at 11:30am, upon a request by Respondent. During the January 25, 2023, hearing Respondent stated that he would like members of the Council Members Charles Allen and Brooke Pinto's staff to attend the hearing and was advised that since this was an informal hearing, and they would not be permitted to attend. During this hearing, Respondent stated that the Committee was in disarray and leadership was in turmoil and a new president would be appointed shortly. The January 25, 2023, hearing was terminated because Respondent stated that he was uncomfortable proceeding. The virtual hearing was rescheduled to February 1, 2023, and Respondent did not attend. On February 15, 2023, the Hearing Examiner sent an email to Respondent to reschedule the hearing and on February 24, Respondent replied by email with a request for a continued hearing on March 1, 2023. The virtual hearing was held on March 1, 2023, at 11:30am. Ms. Laura McQueen, Documents Examiner, represented the OCF PRIM. Ms. McQueen stated the allegations that form the basis for the violation; that the 8 Day Pre General Election Report was not filed by the October 31, 2022, deadline. The Respondent testified during the hearing and offered mitigating facts and indicated he would be filing the 8 Day Pre General Election Report forthwith, which was filed on March 15, 2023.

Respondent's Testimony

1. On March 1, 2023, Respondent stated that the Committee failed to file the 8 Day Pre General Election Report by October 31, 2022, because the previous Treasurer, Detrick Campbell was requested to step down in 2021. Respondent also stated that in the past the previous Treasurer failed to file several reports on time. Respondent also stated that during this time the Committee was searching for a new treasurer but- several interested potential treasurers were deterred from accepting the position because there was a period where the Committee did not file reports timely and fines were issued resulting in orders being posted on the OCF website, for public view. Respondent stated that as of January 31, 2022, he was no longer a member of the Board.
2. Respondent further stated that he was told by Mr. Wesley Williams that he could act as treasurer and on October 26, 2022, he became acting treasurer, at which time multiple filings, consisting of the October 10, 2022, August 10, 2022, and June 10, 2022, were made, on October 29, 2022, October 26, 2022, and October 26, 2022, respectively, on behalf of the Committee.
3. Respondent admitted that he did not file the required 8 Day Pre General Election Report, as of the time of the March 1, 2023, hearing and indicated that he would file it forthwith.
4. On March 7, 2023, Respondent sent an email to the Hearing Examiner apologizing for the further delay in filing the 8 Day Pre General Election Report advising that he was experiencing difficulties accessing the Committee's online statements because the previous Treasurer removed him from the bank accounts. The extant report was filed on March 15, 2023.

Findings of Fact

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

1. On or about March 31, 2022, Detrick Campbell, who was the former Treasurer of the Committee, submitted a letter of resignation, as Treasurer, to the Board.
2. On December 27, 2022, Detrick Campbell, the former Treasurer of the Committee, filed a Statement of Withdrawal of Position of Treasurer with the Office of Campaign Finance.
3. December 27, 2022, OCF identified Jatarious Frazier, as a contact person for the Committee. Mr. Frazier never attended an entrance conference with the Office of Campaign Finance.
4. At all times pertinent, the Committee was required to file the 8 Day Pre General Election Report by the filing date, October 31, 2022.
5. On March 15, 2023, the Respondent filed the 8 Day Pre General Election Report.
6. There is a history of delinquent report filings by the Committee, resulting in the issuance of multiple Orders. As of April 26, 2023, since his identification as a contact person by the OCF on December 27, 2022, Respondent has brought the Committee into compliance with all its delinquent filings.

Conclusions of Law

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

1. The Committee violated D.C. Official Code § 1-1163.09)(a) and (b) and 3 DCMR § 3017.2.
2. 3 DCMR § 3711.2(f) established a Fifty (\$50.00) Dollar fine, per day, for failure to timely file a Report of Receipts and Expenditures.
3. 3 DCMR § 3711.1(b) maintains that a fine shall attach for each day of noncompliance; up to a maximum of **One Thousand and Eight Hundred (\$1,800.00) Dollars**, in this matter.
4. The Director of Campaign Finance (“Director”) may ministerially impose fines upon the candidate, treasurer, committee, or designated agent, pursuant to 3 DCMR § 3711.1.
5. For good cause shown pursuant to 3 DCMR § 3711.7, the Director may modify, rescind, dismiss, or suspend any fine.
6. At all times pertinent, the Committee was required to file the 8 Day Pre General Election Report by the filing date, October 31, 2022.
7. The Director may impose a civil penalty in the maximum amount of **One Thousand and Eight hundred (\$1,800.00) Dollars**, which is equal to 36 days of noncompliance, as of December 28, 2022.

Recommendation

In view of the foregoing information included in the record, and for good cause shown, coupled with the fact that, on December 27, 2022, Jatarious Frazier, was identified as the contact person, for the Capital Stonewall Democrats, Political Action Committee, by the Office of Campaign Finance, and as such he has been responsible for bringing them into compliance with reporting, I HEREBY RECOMMEND that the Director impose a fine in the amount of **One Thousand and Eight Hundred (\$1,800.00) Dollars** against the Capital Stonewall Democrats, Political Action Committee in this matter, and I further recommend that, for good cause shown the fine imposed be reduced to the amount of **One Thousand (\$1,000.00) Dollars**.

May 23, 2023

Date

/s/ Belinda Kittles Perry

Belinda kittles Perry

Hearing Officer

Concurrence

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

May 23, 2023

Date

/s/ William O. SanFord

William O. SanFord

General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that a fine in the amount of **One Thousand and Eight Hundred (\$1,800.00) Dollars** SHALL BE IMPOSED against the Capital Stonewall Democrats, Political Action Committee in this matter. And it is.

FURTHER ORDERED that for good cause shown, coupled with the fact that on December 27, 2022, Jatarious Frazier, was identified as the contact person for the Capital Stonewall Democrats, Political Action Committee, by the Office of Campaign Finance and, as such, he has been responsible for bringing them into compliance for reporting, the fine in this matter **shall be reduced to the amount of One Thousand (\$1,000.00) Dollars.**

May 23, 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 served on Jatarious Frazier, for the Capital Stonewall Democrats, via electronic mail to Frazierjj1@gmail.com on this 23rd day of May 2023.

/s/ Belinda Kittles perry

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 S.E., Suite 775, Washington, DC 20003*.