

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

IN THE MATTER OF

Ward 7 Democrats  
Derek Ford, Treasurer  
4508 B Street, SE #8  
Washington, DC 20019

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DOCKET NO.: 2016 P-003  
April 29, 2016

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, that pursuant to The Campaign Finance Act of 2011 (The Act), codified in DC Official Code 1-1163.01, Derek Ford, treasurer for the Ward 7 Democrats 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 deadline of February 1, 2016.

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

Summary of Evidence

Respondent appeared for the scheduled hearing. He was not represented by legal counsel and decided that he would act pro se and represent himself.

Respondent admitted that he failed to timely file the R&E Report. Respondent filed the R&E Report on March 13, 2016. He stated that he is no longer the treasurer for the Ward 7 Democrats. Respondent stated that he has not been the treasurer since March 2015. He stated that since March 2015 he has held the position of 2<sup>nd</sup> Vice President of the PAC. Respondent stated that since March 2015 the "new" treasurer is Natalie Green. Natalie Green did not attend the hearing. At the hearing, Respondent was unable to present a Statement of Withdrawal From Position of Treasurer for himself and Statement of Acceptance for Natalie Green.

On the date Respondent filed the R&E Report for January 31, 2016 the report was thirty (30) business days past due.

**Findings of Fact**

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

1. Respondent is the treasurer of record for the Ward & Democrats political action committee.
2. Respondent committee was required to file a January 31<sup>st</sup> R&E Report on or before February 1, 2016 in accordance with D.C. Official Code § 1-1163.09
3. Respondent treasurer filed a January 31<sup>st</sup> R&E Report on March 13, 2016. On the date the report was filed it was thirty (30) business days past due.
4. Respondent treasurer has a long history with OCF. The PAC is required to file R&E Reports twice a year.
5. Respondent has been recognized as being the treasurer of the PAC for the past 5 or more years.
6. In the past Respondent has repeatedly failed to timely file R&E Reports when due.
7. In an effort to assist and accommodate Respondent OCF has given him extended time in which to comply with filing deadlines. In cases where violations were found OCF has recommended reduced fines and suspended fines for noncompliance, where feasible. Furthermore, OCF has allowed Respondent treasurer to file untimely Notifications of Non-Support and advised him of the importance of timely filing the PACs reports.

**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 \$1,500.00 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**

Respondent's explanation for failing to timely file is incredible. Respondent's inability to submit a Statement of Withdrawal from the position of treasurer and Natalie Green's inability to submit a Statement of Acceptance after a period of one year is incomprehensible. Respondent has a long history of failure to timely file their R&E Reports.

In view of the foregoing and information included in the record, I hereby recommend that the Director impose a minimum fine in this matter of One Thousand Dollars (\$1,000.00) against the Ward 7 Democrats political action committee.

April 27, 2016  
Date

William O. Sanford  
Hearing Officer

**Concurrence**

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

April 29, 2016  
Date

William O. Sanford  
William O. Sanford  
General Counsel

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ORDER OF THE DIRECTOR

IT IS ORDERED that the fine imposed in this matter is One Thousand Dollars (\$1,000.00) against the Ward 7 Democrats political action committee.

Apr. 29, 2016  
Date

Cecily E. Collier-Montgomery  
Cecily E. Collier-Montgomery  
Director

CERTIFICATE OF SERVICE

This is to certify that I have served a true copy of the foregoing Order on Derek Ford, Ward 7 Democrats 4508 B Street, SE #8 Washington, DC 20019 by regular mail, on May 2, 2016.

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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 16<sup>th</sup> 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.