

**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	:	
	:	
Ward 5 Democrats	:	DOCKET NO.: 2015 P-039
Gayle Hall Carley, Treasurer	:	November 20, 2015
4031 South Dakota Avenue, NE	:	
Washington, DC 20018	:	

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, Adrian Thomas, treasurer for the Ward 5 Democrats political action committee failed to timely file, a Receipt and Expenditure Report (hereafter R&E) for July 31, 2015 on or before the extended sanctioned filing date of August 17, 2015.

By Notice of Hearing, Statement of Violations and Order of Appearance dated August 29, 2015 and a second notice sent on September 18, 2015, OCF ordered Adrian Thomas (hereinafter Respondent), to appear at a scheduled hearing on Wednesday September 16, 2015 and Thursday October 1, 2015 respectively 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

On September 14, 2015 the July 31, 2015 R&E Report was filed without an explanation or affidavit explaining the reason(s) for the delinquent report. That is the same date the new treasurer (Gayle Hall Carley) accepted the position as the new treasurer. In addition, neither the Respondent nor the newly named treasurer, Ms. Gayle Hall Carley appeared for the scheduled hearings.

The Notice of Hearings was mailed to Respondent Adrian Thomas by regular mail. OCF did not receive any indication from the US Postal Service that the letters were undeliverable. Moreover, both the first and second notices were sent via electronic mail to athomas.jordan@gmail.com. The computer program has not indicated that they were "undeliverable."

Therefore, it is presumed that all notices sent to the former treasurer of record, Adrian Thomas was delivered and received. The OCF finds the Ward 5 Democrats in violation of the DC Campaign Finance laws by default judgment.

Findings of Fact

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

1. Respondent treasurer, Adrian Thomas, was the treasure of record at the time the R&E Report for July 31, 2015 was due.
2. Respondent committee was required to file a July 31, 2015 R&E Report on or before the extended filing date of August 17, 2015 in accordance with D.C. Official Code § 1-1163.09.
3. Respondent treasurer, Ms. Gayle Hall Carly, filed the July 31, 2015 R&E Report on September 14, 2015 without a written statement or affidavit explaining the reason(s) for the late filing. That is also the date that she officially accepted the position of treasurer and filed a Notice of Acceptance of Treasurer with OCF.
4. It is the presumption of OCF that all Notices of Hearing sent to the former treasurer, Adrian Thomas via the US Postal Service and electronic mail was delivered.
5. On the date the July 31, 2015 R&E Report was filed at OCF it was twenty (20) days past due.

Conclusions of Law

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

1. Respondent PAC is found in violation of the DC Campaign Finance law (DC Official Code §1-1163.09(b) by default judgment.
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 July 31, 2015 R&E Report 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 PCC may be fined a maximum of \$1,000.00 for failing to timely file a July 31, 2015 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 find the Respondent committee in violation by default judgment and impose a fine of One Thousand Dollars (\$1,000.00) in this matter.

November 20, 2015
Date

Cosair Muhammad
Hearing Officer

Concurrence

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

November 20, 2015
Date

William O. Sanford
William O. Sanford
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that the fine in this matter is hereby One Thousand Dollars (\$1,000.00).

November 20, 2015
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 Ms. Gayle Hall Carley
4031 South Dakota Avenue, NE Washington, DC 20018 by regular mail, on

11/23/2015

#

IN THE MATTER OF: Ward 5 Democrats

Docket No: 2015 P-039

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.