

**BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS
FRANK D. REEVES MUNICIPAL BUILDING
2000 14th STREET, N.W., SUITE 433
WASHINGTON, D.C. 20009
Telephone: (202) 671-0547
Fax: (202) 671-0658**

IN THE MATTER OF) Date: October 29, 2014
)
Committee to Elect Ronald Moten) Docket No: 14C-066
Treasurer Ronald Moten)
4359 C Street, SE)
Washington, D.C. 20019)

ORDER

Statement of Case

This matter came before the Office of Campaign Finance (“OCF”) Office of the General Counsel following a determination by its Public Information and Records Management Division (“PIRM”) that Treasurer, Ronald Moten of the Committee to Elect Ronald Moten principal campaign committee failed to timely file the **July 31st Report of Receipts and Expenditures** (“R&E report”), pursuant to the Campaign Finance Act of 2011, D.C. Official Code § 1-1163.09(b) (2012) and the District of Columbia Municipal Regulations, 3 DCMR § 3017.2 (August 2013), which was due by the OCF sanctioned extended deadline of August 18, 2014.

Summary of Evidence

By Notices of Hearing, Statement of Violations and Order of Appearance dated August 29, 2014, and October 1, 2014, OCF ordered Respondent to appear at scheduled hearings on September 17, 2014, and October 20, 2014 and show cause why he should not be found in violation of D.C. Official Code § 1-1163.09(b) (2012) and fined accordingly for failing to file the July 31st R&E report with OCF by August 18, 2014.

The Notice of Hearing dated August 29, 2014 was mailed to Respondent’s address of record via regular mail. The Second Notice of Hearing which was dated October 1, 2014 was mailed to Respondent’s address of record by both regular and certified mail.

Respondent has failed to file the July 31st R&E report and has failed to appear for both scheduled hearings. Respondent’s committee is not in compliance with the filing requirements set forth in D.C. Official Code section 1-1163.09(b).

Findings of Fact

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

1. Respondent is Treasurer for the Committee to Elect Ronald Moten Principal Campaign committee.
2. Respondent was required to file the July 31st R&E report by August 18, 2014.
3. By Notices of Hearing, Statement of Violations and Order of Appearance dated August 29, 2014, and October 1, 2014, OCF ordered Respondent to appear at scheduled hearings on September 17, 2014, and October 20, 2014 and show cause why he should not be found in violation of D.C. Official Code § 1-1163.09(b) (2012) and fined accordingly for failing to file the July 31st R&E report with OCF by August 18, 2014.
4. The Notice of Hearing dated August 29, 2014 was mailed to Respondent's address of record via regular mail. The Second Notice of Hearing which was dated October 1, 2014 was mailed to Respondent's address of record by both regular and certified mail.
5. Respondent failed to appear for both scheduled informal hearings.
6. Respondent has failed to file the July 31st R&E report with OCF.
7. Respondent's committee is not in compliance with the filing requirements set forth in D.C. Official Code section 1-1163.09(b).

Conclusion of Law

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

1. The Committee violated D.C. Official Code § 1-1163.09(b) and 3 DCMR § 3403.2.
2. The penalty established by 3 DCMR § 3711.2(f) for failure to file a Report of Receipts and Expenditures with OCF, as required by D.C. Official Code § 1-1163.09(b), is a fine of \$50.00 per day for each business day subsequent to the due date.
3. Under the given facts, the Committee may be fined a total of \$2,000.00
4. For good cause shown pursuant to 3 DCMR § 3711.7, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent has failed to provide an explanation constituting good cause for suspension of a 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 of \$2,000.00.

October 29, 2014

Date



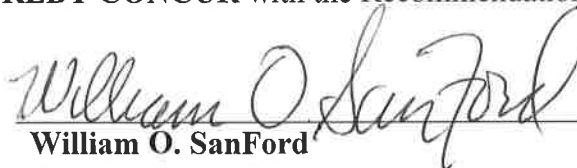
Austin Franklin
Hearing Examiner

Concurrence

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

October 29, 2014

Date



William O. SanFord
General Counsel

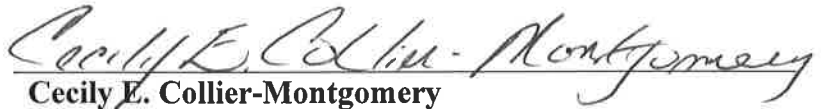
In the Matter of: Treasurer Ronald Moten – Committee to Elect Ronald Moten
Docket No.: 14C-066
Page 4

ORDER OF THE DIRECTOR

IT IS ORDERED that the fine in this matter is hereby imposed.

October 29, 2014

Date



Cecily E. Collier-Montgomery

Director

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that a true copy of the **ORDER** has been served on Treasurer Ronald Moten, via regular and certified mail at 4359 C Street, SE, Washington, D.C. 20019 on this 29th day of October, 2014.



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, Frank D. Reeves Municipal Building, 2000 14th Street NW, Suite 433, Washington, DC 20009.*