

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	:	
	:	
Trayon White for Ward 8 2016	:	DOCKET NO.: 2018 C-015
Nicole Spriggs, Treasurer	:	Date: April 30, 2018
1237 Raum Street, NE #4	:	
Washington, DC 20002	:	

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, Nicole Spriggs, treasurer for the campaign committee Trayon White for Ward 8 2016 failed to timely file, a Receipt and Expenditure Report (hereafter R&E) for January 31, 2018 on or before the extended deadline of February 16, 2018.

By Notice of Hearing, Statement of Violations and Order of Appearance dated March 7, 2018 and March 26, 2018 respectively OCF ordered Nicole Spriggs (hereinafter Respondent), to appear at a scheduled hearing on Tuesday March 20, 2018 and the rescheduled hearing date on Tuesday April 10, 2018 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

Respondent appeared for the hearing that was rescheduled for Tuesday April 10, 2018. Respondent appeared without legal counsel and stated that she would represent herself and proceed pro se.

On or about April 3, 2018 the supervisor for the Public Information and Records Management division informed this hearing officer that the Respondent committee filed the outstanding R&E Report on February 20, 2018. He stated that the report indicated that there was no activity for that period, and that Respondent wanted to terminate the committee.

Respondent further stated that the report was delayed in filing because they filed an 8 day pre-election report erroneously. The errors in that report threw off the figures and the figure had to be reconciled before preparing the January 31st R&E Report.

Respondent reiterated the representations that the committee had no activity and that it did not receive funds nor did they disperse any funds. Their bank statement indicated that the

committee had a zero balance. The committee was awaiting the results of a desk audit before formally terminating the committee.

Findings of Fact

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

1. Respondent is the treasurer of record for the Trayon White for Ward 8 2016 campaign committee.
2. Respondent committee was required to file a January 31st Report of Receipts and Expenditures on or before sanctioned extended date of February 16, 2018 in accordance with D.C. Official Code § 1-1163.09
3. Respondent treasurer filed a January 31st report on February 20, 2018.
4. Respondent's explanation for failing to timely file is credible in that Respondent had erroneously filed its 8 Day Pre-election report using erroneous information. Respondent had to reconcile the figures for that report before filing the January 31st report.
5. The January 31st report was filed 4 days past the extended sanctioned deadline.
6. Respondent committee is currently in compliance with the statute.

Conclusions of Law

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

1. Respondent PCC 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, 2018 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 PCC may be fined a maximum of \$200.00 for failing to timely file a January 31, 2018 R&E Report.

4. Respondent made a good faith effort to timely file the January 31st report. But for the committee having to reconcile the figures in its 8 Day Pre-election Report the January 31st report would have been timely filed.
5. 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 suspend the imposition of the fine in this matter.

April 30, 2018
Date

Leonard M. Muhammad
Hearing Officer

Concurrence

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

April 30, 2018
Date

William O. Sanford
William O. Sanford
General Counsel

ORDER OF THE DIRECTOR

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

April 30, 2018
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 Nicole Spriggs 1237 Raum Street, NE #4 Washington, DC 20002 by regular mail, on May 1, 2018

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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 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.