

**BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS
1015 HALF STREET SE, SUITE 775
WASHINGTON, D.C. 20003
Telephone: (202) 671-0550
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IN THE MATTER OF

Justin Green At-Large
Treasurer Justin Green
2308 Green Street SE #303
Washington, DC 20020

) Date: December 21, 2018
)
) Docket No: 18C-064
)
)
)

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 pursuant to the District of Columbia Campaign Finance Act of 2011, D.C. Official Code § 1-1163.09(b) (2015) and District of Columbia Municipal Regulations, 3 DCMR § 3017.2 (May 2015, as amended), Treasurer Justin Green of the **Justin Green At-Large principal campaign committee** failed to timely file the October 10th Report of Receipts and Expenditures ("R&E Report"), which was due by October 10, 2018, the OCF deadline.

By Notices of Hearing, Statements of Violations and Orders of Appearance dated October 24, 2018 and November 26, 2018, OCF ordered Justin Green ("Respondent"), to appear at scheduled hearings on November 14, 2018 and December 11, 2018, and show cause why he should not be found in violation of D.C. Official Code § 1-1163.09(b) and 3 DCMR § 3017.2 and fined accordingly.

Summary of Evidence

On October 24, 2018, OCF issued a First Notice of Hearing, Statement of Violations and Order of Appearance to Respondent, via regular and electronic mail, ordering Respondent to appear at a scheduled hearing on November 14, 2018. Respondent failed to appear at the scheduled hearing and failed to file the October 10th R&E Report.

On November 26, 2018, OCF issued a Second Notice of Hearing, Statement of Violations and Order of Appearance to the Respondent, via regular, electronic and certified mail, ordering Respondent to appear at a scheduled hearing on December 11, 2018. Again, Respondent failed to appear at the scheduled hearing and failed to file the October 10th R&E Report.

As of December 11, 2018, Respondent had not filed the October 10th R&E Report, making the Report forty-one (41) days delinquent. Also, Respondent has not contacted the Hearing Examiner or OCF in regards to this matter. Respondent completed mandatory training in an OCF entrance conference on April 19, 2017.

Respondent and the Committee have a history of delinquent filings and the Committee currently remains in non-compliance with the applicable regulations and laws.

Findings of Fact

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

1. Justin Green is the Treasurer for the Justin Green At-Large principal campaign committee.
2. The Committee was required to file the October 10th Report of Receipts and Expenditures, which was due on October 10, 2018, the OCF deadline.
3. The Committee failed to timely file the required R&E Report by the October 10, 2018 deadline.
4. By First Notice of Hearing, Statement of Violations and Order of Appearance dated October 24, 2018, OCF ordered Respondent to appear for a scheduled hearing on November 14, 2018.
5. By Second Notice of Hearing, Statement of Violations and Order of Appearance dated November 26, 2018, OCF ordered Respondent to appear for a scheduled hearing on December 11, 2018.
6. Respondent did not appear for either of the above scheduled hearings and has not contacted the Hearing Examiner or OCF about this matter.
7. As of December 11, 2018, Respondent had not filed the October 10th R&E Report, making the Report forty-one (41) business days delinquent.
8. Respondent successfully completed training in a mandatory OCF entrance conference on April, 19, 2017.
9. Respondent and the Committee remain in non-compliance with the applicable regulations and laws. Also, Respondent and the Committee have a history of prior delinquent filings.

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. In accordance with D.C. Official Code § 1-1163.35(a)(2)(B), the Committee may be fined \$50 for each day of delinquency up to a maximum of \$4,000.00 for failing to timely file an October 10th R&E Report.
4. Under the given facts, the Committee may be fined a total of \$2,050.00, as the October 10th R&E Report is forty-one (41) business days delinquent.
5. For good cause shown pursuant to 3 DCMR § 3711.7, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
6. 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 the amount of two thousand, fifty (\$2,050.00) dollars against Treasurer Justin Green.

December 21, 2018
Date

Shaunda Fennell Cobbs
Shaunda Fennell Cobbs
Hearing Examiner

Concurrence

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

December 21, 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 imposed.

December 21, 2018
Date

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 Treasurer Justin Green, via regular and certified mail, at 2308 Green Street SE #303, Washington, DC 20020 on this 21st day of December, 2018.

SFC

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 SE, Suite 775, Washington, DC 20003*.